

Policy 5131.62: Tobacco

Status: ADOPTED

Original Adopted Date: 03/01/2011 | **Last Revised Date:** 07/01/2016 | **Last Reviewed Date:** 07/01/2016

The Governing Board recognizes the serious health risks presented by tobacco use and desires to ensure that, through adoption of consistent policies, district students are made aware of those risks and, to the extent possible, protected from them. The Superintendent or designee shall establish a coordinated school health system which includes a comprehensive behavioral health education component that teaches students the knowledge, skills, and attitudes they need in order to lead healthy lives and avoid high-risk behaviors, such as tobacco use.

The Superintendent or designee shall provide prevention, intervention, and cessation education, information, activities, and/or referrals to district students and shall ensure consistent enforcement of district policies prohibiting student possession and use of tobacco products.

Prohibition Against Tobacco Use

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. (Education Code 48900, 48901)

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

1. A product containing, made, or derived from tobacco or nicotine that is intended for human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff
2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately

These prohibitions do not apply to a student's possession or use of his/her own prescription products. However, student possession or use of prescription products in school shall be subject to the district's policy and regulation for addressing the administration of medications on campus. (Education Code 48900)

Prevention Instruction

The district shall provide developmentally appropriate tobacco-use prevention instruction for

students at selected grade levels from K-12 pursuant to Education Code 51202. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

Intervention/Cessation Services

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. Such intervention services shall be provided as an alternative to suspension for tobacco possession.

Program Planning

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

The Superintendent or designee also shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

The Superintendent or designee shall select tobacco-use prevention programs based on the model program designs identified by the California Department of Education (CDE) and may adapt the model to meet district needs. (Health and Safety Code 104420)

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which is known to have received funding from the tobacco industry.

Program Evaluation

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board, and to the CDE if required, the data specified in Health and Safety Code 104450.

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State

17 CCR 6800-6874

Description

Child Health and Disability Prevention program; health assessments

Bus. Code 22950.5

[Stop Tobacco Access to Kids Enforcement Act - Definitions](#)

Ed. Code 48900.5

[Suspension, limitation on imposition; exception](#)

Ed. Code 48901

[Smoking or use of tobacco prohibited](#)

Ed. Code 51202

[Instruction in personal and public health and safety](#)

Ed. Code 60041

[Instructional materials](#)

Ed. Code 8900

[Suspension or expulsion \(grounds\)](#)

H&S Code 104350-104495

[Tobacco-use prevention education](#)

H&S Code 104559

[Tobacco use prohibition](#)

H&S Code 119405

Unlawful to sell or furnish electronic cigarettes to minors

Pen. Code 308

[Minimum age for tobacco possession](#)**Federal**

20 USC 7111-7122

Description

Student support and academic enrichment grants

21 CFR 1140.1-1140.34

[Unlawful sale of cigarettes and smokeless tobacco to minors](#)**Management Resources**

Attorney General Opinion

Description

88 Ops.Cal.Atty.Gen. 8 (2005)

California Department of Education
PublicationGetting Results: Part II California Action Guide to
Tobacco Use Prevention Education, 2000California Department of Education
PublicationHealth Framework for California Public Schools:
Kindergarten Through Grade Twelve, 2003California Department of Education
Publication

TUPE Acceptance of Funds Guidance

California Department of Education
Publication[Health Education Content Standards for California
Public Schools: Kindergarten Through Grade Twelve,
2008](#)

Website

[CSBA District and County Office of Education Legal
Services](#)

Website	Centers for Disease Control and Prevention, Smoking and Tobacco Use
Website	California Department of Education, Tobacco-Use Prevention Education
Website	California Department of Public Health, Tobacco Control
Website	California Healthy Kids Survey
Website	CSBA
Website	Office of the Surgeon General
Website	California Healthy Kids Resource Center
WestEd Publication	Guidebook for the California Healthy Kids Survey

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1325	Advertising And Promotion
3290	Gifts, Grants And Bequests
3513.3	Tobacco-Free Schools
3513.3	Tobacco-Free Schools
3513.4	Drug And Alcohol Free Schools
4159	Employee Assistance Programs
4259	Employee Assistance Programs
4359	Employee Assistance Programs
5022	Student And Family Privacy Rights
5022	Student And Family Privacy Rights
5030	Student Wellness

5131	<u>Conduct</u>
5131.1	<u>Bus Conduct</u>
5131.1	<u>Bus Conduct</u>
5131.6	<u>Alcohol And Other Drugs</u>
5131.6	<u>Alcohol And Other Drugs</u>
5131.63	<u>Steroids</u>
5131.63	<u>Steroids</u>
5141.21	<u>Administering Medication And Monitoring Health Conditions</u>
5141.21	<u>Administering Medication And Monitoring Health Conditions</u>
5141.23	<u>Asthma Management</u>
5141.23	<u>Asthma Management</u>
5141.6	<u>School Health Services</u>
5141.6	<u>School Health Services</u>
5144	<u>Discipline</u>
5144	<u>Discipline</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.2	<u>Suspension And Expulsion/Due Process (Students With Disabilities)</u>
5146	<u>Married/Pregnant/Parenting Students</u>
5148.2	<u>Before/After School Programs</u>
5148.2	<u>Before/After School Programs</u>
6142.8	<u>Comprehensive Health Education</u>
6142.8	<u>Comprehensive Health Education</u>