

STUDENTS**TOBACCO AND MARIJUANA USE**

Note: The following optional policy may be revised to reflect district practice. Education Code 48901 requires any district maintaining a high school to take all steps deemed practical to discourage high school students from smoking. Tobacco-use prevention resources generally encourage prevention efforts to begin as early as possible, including in the middle or elementary grades.

Note: The state's Tobacco-Use Prevention Education (TUPE) competitive grant program for grades 6-12 (Health and Safety Code 104350-104495) provides support for local tobacco-use prevention and intervention programs.

The ~~Governing Board~~ of Trustees 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.

(cf. 5141.23 - Asthma Management)

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. **and marijuana use and marijuana products.**

Prohibition Against Tobacco Use ~~and Marijuana Use~~

Note: Education Code 48900 and 48901 prohibit students from possessing, smoking, or using tobacco on school grounds, as provided in the following paragraph. Pursuant to Education Code 48900, students who violate this prohibition may be subject to discipline, including suspension or expulsion. However, pursuant to Education Code 48900.5, it is recommended that other means of correction that address the student's conduct be implemented instead of suspension or expulsion; see the section "Intervention/Cessation Services" below and AR 5144 - Discipline. In addition, Health and Safety Code 104420 and 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016), prohibit the use of tobacco products in district buildings, on district property, and in district vehicles by any person at any time; see BP 3513.3 - Tobacco-Free Schools.

Students shall not possess, smoke, or use tobacco **and marijuana** or any product containing tobacco **and marijuana use** or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. **Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco and marijuana use, snuff, chew packets, and betel.** (Education Code 48900, 48901)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

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(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Note: The following definitions of "smoking" and "tobacco products" are specified in Business and Professions Code 22950.5 and incorporated by reference into Education Code 48901, as amended by SBX2 5 (Ch. 7, Statutes of 2016).

Students' possession or use of electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco and marijuana use products is also prohibited.

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)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Prevention Instruction

Note: The following optional section may be revised to reflect district practice and the grade levels offered by the district. Education Code 51202 requires the district to offer a course of study at the appropriate elementary and secondary grade levels that includes the effects of tobacco upon the human body. Education Code 51202 also requires that the course of study in secondary grades include instruction on the effects of tobacco upon prenatal development. See AR 6143 - Courses of Study. The state's content standards for health education include a number of standards at selected grade levels from K-12 related to the health consequences of tobacco use.

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Note: The TUPE program provides resources for supplemental instruction in grades 6-12 that addresses specified topics; see the accompanying administrative regulation. CDE's Guidelines for Tobacco Prevention, contained in its Getting Results publication, recommend developmentally appropriate instruction in grades K-12, with instruction that is especially intensive in grades 6-9 (particularly the transition year from elementary to middle school/junior high) and is reinforced in high school.

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.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Intervention/Cessation Services

Note: The following optional section may be revised to reflect district practice. Pursuant to Health and Safety Code 104420 and 104460, districts receiving TUPE funds must provide students with access to intervention and cessation services and must provide pregnant and parenting minors with access to designated services. The district may fulfill these requirements either through the direct provision of services or through referrals to available services. See the accompanying administrative regulation. Pursuant to Education Code 48900.5, such intervention should be implemented to correct student behavior rather than suspension or other measures that may exclude a student from instruction.

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

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.2 - Guidance/Counseling Services)

Program Planning

Note: The following optional section may be revised to reflect district practice.

Note: Health and Safety Code 104420 requires the CDE to give priority for TUPE funding to programs that, in addition to targeting current tobacco users, target students most at risk for beginning to use tobacco. Student populations considered to be "most at risk" are to be identified by the district through a local needs assessment, as provided in the following paragraph.

The district's tobacco-use and marijuana use prevention and intervention program shall be based

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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.

Note: The following optional paragraph may be revised to reflect district practice. Health and Safety Code 104420 and 104435 require districts receiving TUPE funds, with assistance from the county office of education, to coordinate efforts with the "lead local agency" in the community, defined in Health and Safety Code 104400 as the county or city health department.

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 and marijuana use prevention and cessation.

(cf. 1220 - Citizen Advisory Councils)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

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

(cf. 5030 - Student Wellness)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.63 - Steroids)

Note: The following paragraph is for use by districts that receive TUPE funds and may be used by other districts at their discretion.

The Superintendent or designee shall select tobacco-use and ~~marijuana 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)

Note: Pursuant to TUPE Acceptance of Funds Guidance on the CDE's web site, TUPE grant funding will not be awarded to an applicant that receives any funding or educational materials from the tobacco industry, or from any agency which has received funding from the tobacco industry, for the purpose of implementing tobacco-use prevention or intervention programs.

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 and ~~marijuana-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.

(cf. 1325 - Advertising and Promotion)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Program Evaluation

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Note: The following optional section may be revised to reflect district practice. Districts that accept TUPE funds are required by the CDE to administer the core California Healthy Kids Survey in the first year of funding and at least every other year thereafter to assess the health-related behavior of a representative sample of students in grades 7, 9, and 11. In addition, districts that receive funding through TUPE are required to complete the TUPE Annual Report by June 30 of each year.

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 and marijuana use. He/she also shall annually report to the Board, and to the CDE if required, the data specified in Health and Safety Code 104450.

(cf. 0500 - Accountability)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6162.8 - Research)

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

Legal Reference:**EDUCATION CODE**

8900 Suspension or expulsion (grounds)

48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

104559 Tobacco use prohibition

119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

7111-7122 Student Support and Academic Enrichment Grants

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

ATTORNEY GENERAL OPINIONS

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

Management Resources:**CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS**

TUPE Acceptance of Funds Guidance

Health Education Content Standards for California Public Schools: Kindergarten Through Grade Twelve, 2008

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

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WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Tobacco-Use Prevention Education: <http://www.cde.ca.gov/ls/he/at/tupe.asp>

California Department of Public Health, Tobacco Control: <http://www.cdph.ca.gov/programs/tobacco>

California Healthy Kids Resource Center: <http://www.californiahealthykids.org>

California Healthy Kids Survey: <http://www.wested.org/hks>

Centers for Disease Control and Prevention, Smoking and Tobacco Use: <http://www.cdc.gov/tobacco>

U.S. Surgeon General: <http://www.surgeongeneral.gov>

POLICY ADOPTION:

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