

Students

BP 5131.62 (a)

TOBACCO

The Board of Education 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 may 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 at school-sponsored activities, or while under the supervision and control of district employees. (Education Code 48900, 48901)

(cf. 3513.3 – Tobacco-Free Schools)

(cf. 5131 – Conduct)

(cf. 5144 – Discipline)

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

(cf. 5144.2 – Suspension and Expulsion/Due Process [Students with Disabilities])

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

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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 – Administrating Medication and Monitoring Health Conditions)

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.

(cf. 6142.8 – Comprehensive Health Education) (cf. 6143 – Courses of Study)

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.

*(cf. 1020 – Youth Services)
(cf. 5141.6 – School Health Services)
(cf. 5146 – Married/Pregnant/Parenting Students) (cf. 6164.2 – Guidance/Counseling Services)*

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.

*(cf. 1220 – Citizen Advisory Councils)
(cf. 1400 – Relations Between Other Governmental Agencies and the Schools)*

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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.

(cf. 5030 - Student Wellness)
(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 5131.63 – Steroids)

The Superintendent or designee shall select *tobacco-use prevention* ~~anti-tobacco~~ programs based on the model program designs identified by the California Department of Education (CDE) and may *adapt* ~~modify~~ 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 ~~has~~ 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

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.

(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 References:*EDUCATION CODE

48900 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

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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
7111-7117 Safe and Drug-Free Schools and Communities Act
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)
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
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>
U. S. Surgeon General: <http://www.surgeongeneral.gov>
Centers for Disease Control and Prevention, Smoking and Tobacco Use: <http://www.cdc.gov/tobacco>

Policy amended: May 27, 2020

Policy amended: June 14, 2018
Policy amended: June 26, 2014
Policy amended: August 11, 2011
Policy amended: October 15, 2009
Policy amended: September 16, 2004
Policy adopted: June 7, 2001

TOBACCO

Tobacco-Use Prevention Education

The district's tobacco-use prevention program shall provide students in ~~Instruction for students in~~ grades 6 through 12 *instruction which addresses* ~~shall address~~ the following topics: (Health and Safety Code 104420)

1. Immediate and long-term undesirable physiologic, cosmetic and social consequences of tobacco use
2. Reasons that adolescents say they smoke or use tobacco
3. Peer norms and social influences that promote tobacco use
4. Refusal skills for resisting social influences that promote tobacco use

(cf. 5131.6 - Alcohol and Other Drugs)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

As appropriate, the district shall provide or refer students in grades 7-12 to tobacco-use intervention and cessation activities. (Health and Safety Code 104420)

(cf. 1020 - Youth Services)
(cf. 5141.6 - School Health Services)
(cf. 6164.2 - Guidance/Counseling Services)

These services shall be directed toward current users and shall be voluntary for students who desire assistance in ceasing the use of tobacco.

The district's program for grades 9 through 12 shall:

1. Target current smokers and students who are most at risk for beginning to use tobacco, including young women, *pregnant and parenting minors*, low-achieving students, students from families whose members include tobacco users, and students who associate with peers who use tobacco
2. Offer or refer students to pre-cessation readiness classes or cessation classes for current smokers
3. Utilize existing antismoking resources

(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

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Enforcement, Discipline and Assistance Services

1. Student possession or use of tobacco on school premises or at school-sponsored events is a violation of law and Board Policy 5131.62, and is not permitted. ~~Except for K-5 students who may be suspended for tobacco use, 6-12 students are not suspended for first offense nor are the offenses cumulative from year to year like alcohol and other drug offenses. Tobacco offenses accumulate from September to June; summer offenses are handled separately. Students violating this policy shall be subject to the following disciplinary procedures:~~
 2. First Offense
 - a. ~~Parent/guardian contact and referral to the District Intervention Program.~~
 - b. *Mandatory intervention/counseling*
 - c. *Possible suspension*
 3. Second Offense
 - a. ~~Referral to the Student Assistance Program and any other on-campus consequence the school requires.~~
 - a. *Parent/guardian contact*
 - b. *Mandatory intervention/counseling*
 - c. *Possible suspension*
 - d. *May result in an involuntary transfer to another school or a recommendation for expulsion*
 4. Third Offense
 - a. ~~Referral to the Student Assistance Program and any other on-campus consequence the school requires~~
 - a. *Parent/guardian contact*
 - b. *Suspension*
 - c. *Involuntary transfer to another school or a recommendation for expulsion*

Regulation amended: May 27, 2020

Regulation amended: October 15, 2009
 Regulation amended: March 5, 2009
 Regulation amended: September 16, 2004
 Regulation approved: June 7, 2001

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