

**TOBACCO**

The Governing Board recognizes that tobacco use presents serious health risks and desires to provide support and assistance in reducing the number of students who begin or continue to use tobacco. The Superintendent or designee shall establish a comprehensive program that includes consistent enforcement of laws prohibiting tobacco possession and use by students, tobacco-use prevention education including youth development activities, and intervention and cessation activities and/or referrals.

*(cf. 5141.23 - Asthma Management)*

Tobacco and nicotine products are defined as a lighted or unlighted cigarette, cigar, pipe or other smoking product or material, smokeless tobacco in any form, and electronic cigarettes.

"Electronic cigarettes" are defined as battery-operated or other electronic products designed to deliver nicotine, flavor, and other chemicals by turning the substance into a vapor that is inhaled by the user, including, but not limited to electronic vaping devices, personal vaporizers, digital vapor devices, electronic nicotine delivery systems, and hookah pens

**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. Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, 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)*

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

Students' possession or use of nicotine delivery devices, such as electronic cigarettes, is also prohibited.

These prohibitions do not apply to a student's possession or use of his/her own prescription products. (Education Code 48900, 48901)

**Prevention Instruction**

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12. 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.

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*(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. When appropriate, such intervention services may be provided as an alternative to suspension for tobacco possession.

*(cf. 1020 - Youth Services)*

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

*(cf. 5141.6 - School Health Services)*

*(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)*

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 anti-tobacco programs based on the model program designs identified by the California Department of Education (CDE) and may 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

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prevention or intervention funds or materials from the tobacco industry or from any entity which 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 Reference:*

#### *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*

#### *HEALTH AND SAFETY CODE*

*104350-104495 Tobacco-use prevention education*

*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)*

**TOBACCO (Continued)**

*Management Resources:*

*CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS*

*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>*

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

*Safe and Healthy Kids Annual Report: <http://hk.duerrevaluation.com>*

*U.S. Department of Education: <http://www.ed.gov>*

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

Policy

**VACAVILLE UNIFIED SCHOOL DISTRICT**

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Vacaville, California