



APPROVED

**Agenda Item Details**

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Meeting	Oct 21, 2013 - Regular Board Meeting - 6:00 p.m.
Category	P. Policy Review
Subject	2. Approve revised Board Policy 5131.62, Tobacco. (F/I: None.)
Access	Public
Type	Action (Consent)
Fiscal Impact	No

**Public Content**

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**Issue:**

Revised Board Policy.

**Superintendent's Recommendation:**

Approve revised Board Policy 5131.62, Tobacco.

**Analysis:**

It is the goal of the superintendent and staff to review the district's board policies and bring new or revised policies to the board of trustees for approval.

The policy has been updated to prohibit nicotine delivery devices and other vapor emitting electronic devices, such as electronic hookah, with or without nicotine content, that mimic the use of tobacco products. Current data indicates that e-cigarettes cannot be rated as safe and contain ingredients that can be harmful and can also cause adverse health effects to third parties exposed to the ultra fine liquid particles that can be inhaled. The California Department of Education recommends that governing boards consider revising policy to include these devices.

**Fiscal Impact:**

None.

[P-2 BP 5131.62 Tobacco - Unadopted Revised.pdf \(19 KB\)](#)

[P-2 BP 5131.62 Tobacco - Working Draft.pdf \(20 KB\)](#)

**Administrative Content**

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**Students**

BP 5131.62(a)

**TOBACCO**

The Board of Trustees recognizes that tobacco use presents serious health risks and desires to provide support and assistance in the prevention and intervention of tobacco use among youth.

*(cf. 5131.6 - Alcohol and Other Drugs)*

Students shall not smoke or use tobacco, or any product containing tobacco or nicotine, or vapor emitting electronic devices, with or without nicotine content, that mimic the use of tobacco products, while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. (Education Code 48901)

*(cf. 3513.3 - Tobacco-Free Schools)*

*(cf. 5144 - Discipline)*

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

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

The district's comprehensive prevention/intervention program shall be based on an ongoing assessment of objective data regarding tobacco use in the schools and community and on research identifying strategies that have proven effective in preventing or reducing tobacco use among youth. The program shall be designed to meet a set of measurable goals and objectives and shall be periodically evaluated to assess progress.

*(cf. 0500 - Accountability)*

The district shall provide developmentally appropriate tobacco use prevention instruction for students in grades 7 through 12.

*(cf. 6142.8 - Comprehensive Health Education)*

*(cf. 6143 - Courses of Study)*

The Superintendent or his/her designee also may provide students with counseling and other support services to assist in the prevention or reduction of tobacco use.

*(cf. 6164.2 - Guidance/Counseling Services)*

Because of the additional health risks of tobacco use for prenatal development, the district shall provide outreach, motivational and other support services to prevent or reduce tobacco use among pregnant and parenting minors.

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

Information about smoking cessation programs shall be made available and encouraged for students and staff. (Health and Safety Code 104420)

*(cf. 4159/4259/4359 - Employee Assistance Programs)*

## **TOBACCO (continued)**

The Superintendent or his/her designee shall coordinate prevention and cessation efforts with the local health department, other local agencies and community organizations and shall involve students, parents/guardians, families and the community in support of school-based programs.

*(cf. 1020 - Youth Services)*

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

### **Definition**

“Tobacco and products containing tobacco or nicotine” includes, but is not limited to cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff chewing tobacco, chew packets, betel and nicotine delivery devices, such as electronic cigarettes. Other vapor emitting electronic devices, such as electronic hookah, with or without nicotine content, that mimic the use of tobacco products, are also prohibited. However, this section does not prohibit the use or possession of prescription products, or other cessation aids such as nicotine patches or nicotine gum. Student use or possession of such products must conform to laws governing student use and possession of medications on school property.

### **Use and/or Possession**

All practical steps to discourage students from usage of tobacco and/or products containing tobacco or nicotine shall be taken.

Possession and/or use of tobacco or products containing tobacco or nicotine on school property (buildings and grounds), at school-sponsored activities, while in district vehicles, or while under the supervision of school district employees is a violation of district policy and is not permitted. Students violating this policy may be subject to the following disciplinary procedures:

1. First Offense:
  - a. Parents/guardians/caregivers notification.
  - b. Reprimand by principal or his/her designee. A reprimand is a written notification of unacceptable behavior.
  - c. Opportunity class (three days) or suspension (one day) and/or placement in a tobacco cessation program when applicable and available.
2. Second Offense:

**TOBACCO (continued)**

- a. Parents/guardians/caregivers conference.
  - b. Reprimand by principal or his/her designee.
  - c. Opportunity class (five days) or suspension (two-three days) and/or placement in a tobacco cessation program when applicable and available.
  - d. Disciplinary probation with behavioral contract.
    - (1) Disciplinary probation is a condition whereby a student must fulfill specific commitments or be denied certain privileges until his/her behavior improves.
    - (2) A behavioral contract is a written agreement between a student, his/her parents/guardians/caregivers, and an administrator.
    - (3) The contract states the conditions that must be met by the student for the period of disciplinary probation.
    - (4) Failure to comply with the agreed upon terms may result in further disciplinary action.
3. Subsequent Offenses:
- a. Parents/guardians/caregivers notification/written notification of suspension to be sent by mail.
  - b. Student to be suspended for three days.
  - c. Parents/guardians/caregivers conference.
  - d. Action per behavioral contract including possible assignment to an alternative program.

**Provisions Disseminated**

Provisions of this policy shall be disseminated to students and parents/guardians/caregivers through school newsletters, student handbooks, parents/guardians/caregivers and student meetings, newspapers, radio, television, and other means of communications.

**TOBACCO (continued)**

*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

HEALTH AND SAFETY CODE

104350-104495 Tobacco use prevention education

PENAL CODE

308 Minimum age for tobacco possession

UNITED STATES CODE, TITLE 20

7111-7117 Safe and Drug-Free Schools and Communities Act

*Management Resources:*

CDE PUBLICATIONS

*Getting Results: Developing Safe and Healthy Kids, 1998-99*

CENTERS FOR DISEASE CONTROL PUBLICATIONS

*Guidelines Related to School Health Programs to Prevent Tobacco Use and Addiction, 1994*

NATIONAL ASSOCIATION OF STATE BOARDS OF EDUCATION PUBLICATIONS

*Fit, Healthy, and Ready to Learn: A School Health Policy Guide, 2000*

WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Health Services: <http://www.dhs.ca.gov>

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

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

Centers for Disease Control and Prevention: <http://www.cdc.gov>

National Association of State Boards of Education: <http://www.nasbe.org>