

VENTURA COUNTY BOARD OF EDUCATION

BOARD POLICY NO. 5131.62

ADOPTED: 1/01/95

CLASSIFICATION: Students

REVISED: 8/24/09

SUBJECT: Tobacco

04/28/14

05/22/17

The Ventura County Superintendent and Board of Education recognize the serious health risks presented by tobacco use and desire to ensure that, through adoption of consistent policies, 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 Ventura County Office of Education, hereafter referred to as VCOE, students and shall ensure consistent enforcement of VCOE policies prohibiting student possession and use of tobacco products.

PROHIBITION AGAINST TOBACCO USE

Students shall not possess tobacco products, shall not 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 VCOE employees.

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 with or without nicotine, 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.

Tobacco products include:

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 VCOE's policy and regulation for addressing the administration of medications on campus.

PREVENTION INSTRUCTION

VCOE shall provide developmentally appropriate tobacco use prevention instruction for students in grades kindergarten through 12 and post-secondary 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 VCOE participates.

INTERVENTION/CESSATION SERVICES

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

PROGRAM PLANNING

VCOE's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in VCOE 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 VCOE services.

The Superintendent or designee shall coordinate with the local health department in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, VCOE 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 shall also coordinate VCOE's tobacco-use prevention and intervention program with other VCOE efforts to reduce students' use of illegal substances and to promote student wellness.

The Superintendent or designee shall select tobacco-use prevention education (TUPE) programs based on the model program designs identified by the California Department of Education (CDE) and may adapt a model to meet VCOE needs.

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 has received funding from the tobacco industry.

PROGRAM EVALUATION

To evaluate the effectiveness of VCOE'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, while receiving TUPE funds. In addition, he/she also shall complete the TUPE annual report to the Board and to the CDE.

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

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| 8900 | Suspension or expulsion (grounds) |
| 48900 (2)(h) | Grounds for suspension or expulsion; legislative intent |
| 48900.5 | Suspension, limitation on imposition; exception |
| 48901 | Smoking or use of tobacco; steps to discourage |
| 48901.5 | Electronic signaling device prohibited |
| 51202 | Instruction in personal and public health and safety |
| 60041 | Instructional materials, portrayal of effects of tobacco use |

HEALTH AND SAFETY CODE

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| 39002 | Control of air pollution from nonvehicular sources |
| 104350-104495 | Tobacco use prevention education |
| 104559 | Tobacco use prohibition |
| 119405 | Unlawful to sell or furnish electronic cigarettes to minors |

BUSINESS AND PROFESSIONS CODE

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| 22950.5 | Stop Tobacco Access to Kids Enforcement Act; definitions |
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CODE OF REGULATIONS, TITLE 17

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| 6800 | Definition, health assessment |
| 6844-6847 | Child Health and Disability Prevention program; health assessments |

UNITED STATES CODE, TITLE 20

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| 6083 | Nonsmoking policy for children's services |
| 7111-7122 | Student Support and Academic Enrichment Grants |

CODE OF FEDERAL REGULATIONS, TITLE 21

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| 1140.1-1140.34 | Unlawful sale of cigarettes and smokeless tobacco to minors |
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ATTORNEY GENERAL OPINIONS

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| 88 Ops.Cal.Atty.Gen. 8 (2005) | |
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PENAL CODE

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| 308 | Minimum age for tobacco possession |
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