

Tobacco

The Solano County Office of Education (SCOE) 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 by 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 and intervention and cessation agency referrals.

Prohibition Against Tobacco Use

Students shall not possess, smoke, or use tobacco, or any product containing tobacco or nicotine, while on campus, while attending SCOE-sponsored activities, or while under the supervision and control of SCOE employees.

Prohibited products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, and betel. 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 sections 48900, 48901)

Intervention/Cessation Services

SCOE may provide, or refer students to, counseling, intensive education, and other intervention support services to assist in the prevention, reduction, or cessation of tobacco use. When appropriate, such intervention services may be provided as an alternative to suspension for tobacco possession.

Due to the additional health risks of tobacco use for prenatal development, SCOE shall provide or refer its enrolled pregnant and parenting minors to outreach, motivational, and other support services to prevent or reduce tobacco use among this particular student population. Such services may be integrated with existing programs for pregnant and parenting minors and shall include: (Health and Safety Code section 104460)

1. Referral to perinatal and related support services
2. Outreach services and assessment of smoking status
3. Individualized counseling and advocacy services
4. Motivational messages
5. Cessation services, if appropriate
6. Incentives to maintain a healthy lifestyle
7. Follow-up assessment
8. Maintenance and relapse prevention services

Information about tobacco-use intervention and cessation programs shall be made available and encouraged for students and staff. These services shall be directed toward current users and shall be voluntary for students who desire assistance in ceasing the use of tobacco. (Health and Safety Code section 104420)

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Policy 5131.62 (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
- 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)

Policy Cross-Reference:

- 0500 Accountability
- 1020 Youth Services
- 1220 Citizen Advisory Councils
- 1325 Advertising and Promotion
- 1400 Relations Between Other Governmental Agencies and the Schools
- 3290 Gifts, Grants and Bequests
- 3513.3 Tobacco-Free Schools
- 4159 Employee Assistance Programs
- 5022 Student and Family Privacy Rights
- 5030 Student and Staff Wellness
- 5131 Conduct
- 5131.6 Alcohol and Other Drugs
- 5141.23 Asthma Management
- 5144 Discipline
- 5144.1 Suspension and Expulsion/Due Process
- 5144.2 Suspension and Expulsion/Due Process (Students with Disabilities)
- 5146 Married/Pregnant/Parenting Students
- 6142.8 Comprehensive Health Education
- 6143 Courses of Study
- 6161.1 Selection and Evaluation of Instructional Materials
- 6164.2 Guidance/Counseling Services