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FRESNO COUNTY SUPERINTENDENT OF SCHOOLS  
FRESNO COUNTY BOARD OF EDUCATION

**Students**  
**TOBACCO**

The Fresno County Board of Education ("County Board") and Fresno County Superintendent of Schools ("County Superintendent") recognize the serious health risks presented by tobacco use and desire to ensure that, through adoption of consistent policies, County Board and County Superintendent students are made aware of those risks and, to the extent possible, protected from them. The County Superintendent or designee shall establish a coordinated school health system for County Board and County Superintendent students that 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 County Superintendent or designee shall provide prevention, intervention, and cessation education, information, activities, and/or referrals to students and shall ensure consistent enforcement of 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 school-sponsored activities, or while under the supervision and control of County Superintendent employees. (Education Code 48900, 48901.)

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. Any 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 the school policy and regulation for addressing the administration of medications on

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campus. (Education Code 48900)

Prevention Instruction

The County Superintendent, or designee, shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels at County Board and County Superintendent schools 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 any applicable state and/or federal grant programs.

Intervention/Cessation Services

The County Superintendent or designee may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use.

Program Planning

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

The County Superintendent or designee shall select tobacco-use prevention programs based on the model program designs identified by the California Department of Education (CDE) and may adapt the model to meet the needs of County Board or County Superintendent schools. (Health and Safety Code 104420.)

The County Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. The County Superintendent or designee also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity that is known to have received funding from the tobacco industry.

Program Evaluation

To evaluate the effectiveness of the program described herein and ensure accountability, the County 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. The County Superintendent also shall annually report to the CDE the data specified in Health and Safety Code 104450.

The results of program evaluations shall be used to refine program goals and objectives and

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make changes as needed to strengthen program implementation.

Adopted: 05/17/2018

**Legal References**

Education Code

8900 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  
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

7111-7122 Student Support and Academic Enrichment Grants

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)

**Management Resources**

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

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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>

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