VISION STATEMENT

• We Value - An organization culture based upon both individual strengths and relationships in which learners flourish in an environment of collaboration, freedom of expression, high expectation and relationships
• We Commit to - Continually refining our efforts to provide educational equity and high expectations for all students as we prepare them for success in college, career and beyond
• We Believe - In developing and nurturing all of our students and staff through continuously creating conditions that promote rigor, relevance and relationships through our organization

1. Call To Order

2. Public Comment on Closed Session Agenda Items

3. Recess - To Closed Session

Motion: ___________________; Second: _______________; ______ p.m.
Closed Session Agenda:

a) Closed Session Pursuant to Government Code §54956.9(d)(1) – Conference with Legal Counsel – Existing Litigation

• Hale and Picon v. MUSD (Los Angeles Superior Court Case No. BC702948)
• Contreras Smith and Pell v. MUSD (Los Angeles Superior Court Case No. BC6666775)
• Jane Doe v. MUSD (Los Angeles Superior Court Case No. BC720298)
• Cosio v. MUSD (Los Angeles Superior Court Case No. BC669398)
• Ortiz v. MUSD (Los Angeles Superior Court Case No. BC680374)
• Sosa v. MUSD (Los Angeles Superior Court Case No. 18STCV02724)
• Compromise and Release Agreement: ID 146845 v. MUSD (OAH Case No. 2019030026)
• Compromise and Release Agreement: ID 160887 v. MUSD (OAH Case No. 2019010823)
• Compromise and Release Agreement: ID 160886 v. MUSD (OAH Case No. 2019010821)
• Compromise and Release Agreement: ID 163788 v. MUSD (OAH Case No. 2019040191)

b) Closed Session Pursuant to Government Code §54956.9(d)(2), (e)(2) – Conference with Legal Counsel – Anticipated Litigation: Significant exposure to litigation: Three (3) matters

c) Closed Session Pursuant to Government Code §54957(b)(1) - Public Employee Discipline/Dismissal/Release: - Three (3) matters

d) Closed Session under Government Code §54957.6 - Conference with Labor Negotiators

   Agency Designated Representative: Ricardo Mendez
   Employee Organization: Montebello Teachers Association

   Agency Designated Representative: Francisco Arregui
   Employee Organization: California School Employees Association

   Agency Designated Representative: Marlene M. Pitchford
   Employee Organization: MUSD Police Officers Association

   Agency Designated Representative: Anthony J. Martinez, Ph.D.
   Employee Organization: All Unrepresented Employees
   (Salary Schedules C, D, H, M, and S)

e) Closed Session Pursuant to Government Code §54957 - Public Employment

   • Chief Business Officer

6:00 P.M.

4. Call To Order/Flag Salute
5. Report Out - Closed Session
6. Approval of Minutes
   1-a Minutes, Regular Meeting, April 4, 2019 (Dist. April 29, 2019)
   1-b Minutes, Special Meeting, April 12, 2019 (Dist. April 29, 2019)
7. Adoption of Agenda: Regular Meeting – May 2, 2019

8. Student Board Members - Reports or individual member items for discussion, research or future agendas
   Jazmine Teran, Montebello Community Day School
   Miguel Sanchez-Tortoledo, Bell Gardens High School
   Sharlize Pettite, Montebello High School
   Johnathan Martinez, Schurr High School
   Karla Vazquez, Vail High School
   Steven Lizarraga, Applied Technology Center High School

9. School Service Organizations: Discussion
   DAC – Daftne Molina, Chair
   DELAC – Martha Cabral, Chair
   HSPC - Veronica Serrano, President
   CAC - Lorena De La Torre, Chair
   MCPTA - Hector Hernandez, President

10. Employee Organizations: Discussion
    CSEA - Marisol Rivera, President
    MUSD POA - Tony Nevarez, Representative
    AMSA – Horacio Perez, President
    MTA - Doug Patzkowski, President

11. Los Angeles County Office of Education (LACOE): Comments

12. Public Comment

*Public Comment
The Board President will recognize individuals in the audience who wish to speak to the Board of Education. The Laws and Policies Governing Board of Education meetings will be observed with respect to all such presentations.

Prior to the beginning of the Board Meeting, those persons wishing to speak on items within the subject matter jurisdiction of this Board of Education are requested to register with the Board Secretary (Superintendent) by filling out the “Speaker Request Card” located at the rear of the Board Room. There is a three-minute time limit and the rules when addressing the Board of Education are outlined on the Speaker Request Card.

13. DISCUSSION AND ACTION ITEMS
   A. Approval of Resolution No. 18(2018-2019) – California Day of the Teacher
   B. Approval of Resolution No. 19(2018-2019) – Classified School Employee Week

CONSENT AGENDA
Items under the Consent Agenda are considered to be routine and may be enacted by one motion. However, Board members or the Superintendent may withdraw items for further discussion and/or separate action. Should any Board member desire to consider any item separately, the Board member should so indicate to the President of the Board of Education under “Consent Agenda.”
CONSENT AGENDA

14. REPORTS
   Martinez
   3-a Purchase Order Report Summary No. 15(2018-2019 Fiscal Year) – motion to approve and ratify
   “ “ 3-b Record of Collections No. 8(2018-2019 Fiscal Year) – action to ratify
   “ “ 3-c Warrant Report No. 9(2018-2019 Fiscal Year) - motion to ratify

15. NEW BUSINESS
   Allison S. Garland, Ed. D., Assistant Superintendent, Student Services
   Student Services
   6-a Ratification of Agreements – Students with Disabilities in Nonpublic Schools/Residential
   6-b Ratification of Agreements – Students with Disabilities in Nonpublic Schools/Residential
   6-c Ratification of Employment of Consultants
   6-d Attendance at Meetings/Workshops/Conferences
   6-e California Department of Education 2018-2019 Workability I Program

   Kaivan Yuen, Ed.D., Assistant Superintendent, Educational Services
   Educational Services
   7-a Ratification of Attendance at Meetings/Workshops/Conferences
   7-b Attendance at Meetings/Workshops/Conferences
   7-c Ratification of Employment of Consultants
   7-d Approval of Employment of Consultants
   7-e Approval of participation to attend La Habra High School’s 2nd Annual Public Services Competition Field Trip – Applied Technology Center High School
   7-f Approval of Overnight/Out-of-State Special Study Trip – Applied Technology Center High School
   7-g Approval of Overnight/Out-of-State Special Study Trip – Montebello Intermediate School
   7-h Approval of Overnight/Out-of-State Special Study Trip – Applied Technology Center High School
   7-i Approval of Overnight/Out-of-State Special Study Trip – Rosewood Park School
   7-j Approval of Overnight/Out-of-State Special Study Trip – Suva Intermediate School
   7-k Approval of Overnight/Out-of-State Special Study Trip – La Merced Intermediate School
   7-l Approval of Overnight/Out-of-State Special Study Trip – Applied Technology Center High School
   7-m Approval of Adult Education Summer Program - 2019
   7-n 2018-2019 SPANISH – Elementary School Teacher Created Materials Bookroom
   7-o Adoption and Purchase for Intermediate and High School Core Mathematics Instructional Materials
   7-p Supplemental Materials for Enrichment in Mathematics
   7-q Approval of Riverside Insights COGAT 7 Online Assessment
   7-r Approval of AVID Excel Implementation Launch
   7-s 2018-2019 Intermediate School Minimum Science Inventory Supplemental Acquisition (Orig. Bd: 3-7-19, adding Rosewood Park School)
   7-t Approval of Agreement with Newsela
15. **NEW BUSINESS** (continued)

**Kaivan Yuen, Ed.D., Assistant Superintendent, Educational Services**

**Educational Services**

7-u Ratification of Approval of Agreement – After-School All Stars – Bell Gardens Intermediate School

7-v Ratification of Approval of Agreement – After-School All Stars – Cesar Chavez Elementary School

7-w Ratification of Approval of Agreement – ICES Education LLC – Bell Gardens Elementary School

7-x Ratification of Approval of Agreement – ICES Education LLC – Bella Vista Elementary School

7-y Ratification of Approval of Agreement – ICES Education LLC – Fremont Elementary School

7-z Ratification of Approval of Agreement – ICES Education LLC – Garfield Elementary School

7-aa Ratification of Approval of Agreement – ICES Education LLC – Greenwood Elementary School

7-bb Ratification of Approval of Agreement – ICES Education LLC – La Merced Elementary School

7-cc Ratification of Approval of Agreement – ICES Education LLC – Montebello Park Elementary School

7-dd Ratification of Approval of Agreement – ICES Education LLC – Winter Gardens Elementary School

7-ee Ratification of Approval of Agreement – Music Star – Creative Brain Learning, LLC – Joseph Gascon Elementary School

7-ff Ratification of Approval of Agreement – Music Star – Creative Brain Learning, LLC – Washington Elementary School

7-gg Ratification of Approval of Agreement – Student Success Institute, Inc. – Wilcox Elementary School

7-hh Subscription – ChildPlus

7-ii Subscription – Learning Genie

7-jj Head Start Notice of Award – Supplemental

**Business Services**

8-a Ratification of LACOE Contract Number 127439, Fiscal Services – Ms. Dawn Riccoboni (DR BUSINESS SERVICES CONSULTING, INC.)

8-b Ratification of LACOE Contract Number 127432, Procurement – Eric Hall & Associates

8-c Ratification of LACOE Contract Number 127438, Facilities – School Business Advisors, Mr. Michael L. Christensen

8-d Proposed Revisions of Board Policy 3515.3 and Administrative Regulation 3515.3 – District Police Department - Firearms

8-e Amendment to the Ratification of the First Annual Renewal Agreement with Sandy Pringle Associates, Inc. for Inspector of Records Services for Various District Projects *(Original Bd: August 17, 2017 – increase not to exceed agreement amount from $2,280.00 to $15,534.60)*

8-f Approval to Enter into Agreement with John Terrones Inspections, L.L.C. for Inspector of Record Services Related to Bid No. 16 (2017-2018) District-Wide Network Cable Upgrade / Project #170526GS
15. **NEW BUSINESS** (continued)

**Business Services**

8-g Approval of Addendum to the ITS Initiative-Network Cabling Project, Environmental Services Agreement with Titan Environmental Solutions, Inc. for Complete Asbestos and Lead-Based Inspection Services for the Development of the Asbestos Hazard Emergency Response Act (AHERA) for the Entire Ford Park Adult and Garfield Elementary School Sites / First Agreement Work Order (AWO No. 1) / Project #170526GS

8-h Approval to Enter into Agreement with Alliance Environmental Group, Inc. for the Abatement and Demolition of the Walk-In Freezer at Rosewood Park School / Project #190403MEE

8-i Use of PCC 20118 Bid Award – Information Technology Goods & Services (ConvergeOne, Inc.) (Original Board date 2/7/19 – *Increase in Expenditure Amount from $250,000.00 to $400,000.00*)

8-j Agreement with the The Howard E. Nyhart Company, Inc. (“NYHART”) for Actuarial Study for Retiree Benefits

**Certificated Human Resources**

9a-1 Ratification of Certificated Employment

9a-2 Approval of Certificated Employment

9a-3 Approval of Resignation/Release/Retirement of Certificated Employees

9a-4 Ratification of Certificated Leaves of Absence

9a-5 Approval of Certificated Leaves of Absence

9a-6 Amendment to the Retirement Declaration Incentive for Eligible Certificated Bargaining Unit Members – Memorandum of Understanding

9a-7 Approval of Practicum/Fieldwork Agreement with Alliant International University, Inc.

9a-8 Approval of Memorandum of Understanding – Pepperdine University

9a-9 Amendment to the Retirement Declaration Incentive for Eligible Certificated and Classified Management, Supervisory, and Confidential Employees

**Classified Human Resources**

9b-1 Ratification of Classified Personnel Employment

9b-2 Approval of Classified Personnel Employment

9b-3 Ratification of Non-Classified Personnel Employment

9b-4 Approval of Non-Classified Personnel Employment

9b-5 Approval of Classified Personnel Summer Employment

9b-6 Resignation/Release/Retirement of Classified Personnel

9b-7 Classified Personnel Leaves of Absence

9b-8 Revised Classified Salary Schedule “T” – For Hourly Non-Bargaining Unit Positions, Effective January 1, 2019

9b-9 Ratification of Attendance at Meetings/Workshops/Conferences

9b-10 CSEA Employee Workday Calendars - 2019-2020 School Year

9b-11 Approval of Retirement Incentive Agreement for Classified Bargaining Unit Members – Memorandum of Understanding

9b-12 Approval of Agreement for Sale of Animal and Waiver of Liability

9b-13 Approval of Legal Services – Atkinson, Andelson, Loya, Ruud & Romo
16. Proposed Revisions of Board Policy 5145.11 and Administrative Regulation 5145.11 – Questioning And Apprehension - (First Reading)

17. Proposed Revision of Board Policy, Administrative Regulation, and Exhibit 3513.3 Business and Noninstructional Operations - TOBACCO - FREE SCHOOLS (First Reading)

18. Proposed Revision of Board Policy and Administrative Regulation 5131.62 - TOBACCO - Students (First Reading)

19. Superintendent’s Reports

20. Board of Education Members – Reports or individual member items for discussion, research or future agendas

**ADJOURNMENT** - To next special meeting scheduled Thursday, May 16, 2019, at 6:00 p.m. (open session)

Motion: ________________; Second: ________________; _____ p.m.
MEMORANDUM
April 17, 2019

TO: Anthony J. Martinez, Ph.D., Superintendent of Schools

FROM: Daniel Garcia, Administrator on Special Assignment

SUBJECT: Proposed Revisions of Board Policy 5145.11 and Administrative Regulation 5145.11 – Questioning And Apprehension (First Reading)

Upon review of current Board policy, it is recommended to update and change Board Policy 5145.11 and Administrative Regulation 5145.11 Questioning And Apprehension to Questioning And Apprehension By Law Enforcement. The policy applies only to questioning of students by law enforcement and does not apply to questioning by school resource officers or district personnel in connection with school discipline issues. In addition, this policy does not apply to the interviewing of suspected child abuse victims by a child protective agency representative not accompanied by law enforcement.

I recommend adoption of the following motion:

That the Board of Education adopts the attached revisions to Board Policy 5145.11 and Administrative Regulations 5145.11 – “Questioning And Apprehension.”

Approved for presentation to the Board of Education: May 16, 2019

Anthony J. Martinez, Ph.D.
Superintendent of Schools
Secretary to the Board of Education

Daniel Garcia
Administrator on Special Assignment
QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT

Law enforcement officers have the right to interview and question students on school premises. When such an interview is requested, the principal or designee shall ascertain the officer's identity, official capacity, and the authority under which he/she acts. If the officer needs to interview or question the student immediately, the principal or designee shall accommodate the process in a way that causes the least possible disruption to the school, gives the student appropriate privacy, and models exemplary cooperation with community law enforcement authorities.

The Governing Board believes that the safety of district students and staff is essential to achieving the goal of student learning. In accordance with standards specified in law, law enforcement officers may interview and question students on school premises and may remove them when appropriate.

(cf. 0450 - Comprehensive Safety Plan)
(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)
(cf. 3515.3 - District Police/Security Department)
(cf. 4158/4258/4358 - Employee Security)
(cf. 5141.4 - Child Abuse Prevention and Reporting)
(cf. 5145.12 - Search and Seizure)

The Superintendent of Schools or designee shall collaborate with local law enforcement agencies to establish procedures which enable law enforcement officers to carry out their duties on school campus, including, when necessary, the questioning and/or apprehension of students.

When any law enforcement officer requests an interview with a student, the principal or designee shall request the officer's identity, his/her official capacity, and the legal authority under which the interview is to be conducted. The principal or designee shall maintain a record of all documentation relative to law enforcement interviews of students.

The principal or designee shall accommodate the interview in a way that causes the least possible disruption for the student and school and provides the student appropriate privacy.

At the law enforcement officer's discretion and with the student's approval, the principal or designee may be present during the interview between a student and law enforcement officer.

Except in cases of child abuse or neglect, the principal or designee shall attempt to notify the student's parent/guardian as soon as practicable after the when a law enforcement officer has interviewed the student requests an interview on school premises.

If the law officer finds it necessary to remove the student from school, a minor student is removed from school into the custody of law enforcement, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906) first ascertain the reason for such action. Upon releasing the student, the principal or designee shall immediately attempt to inform the student's parent/guardian.

Personnel responsible for releasing a student from school custody shall exercise extreme diligence to prevent such release to any unauthorized or unidentified person.
QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT (continued) BP 5145.11(b)

(9cf. 5142 - Safety)

Subpoenas

Although subpoenas may legally be served at school on students age 12 or older, the Board believes that serving officials should be strongly urged to serve subpoenas at the home of the student whenever possible. When served at school, the principal or designee shall take reasonable steps to protect the student’s privacy rights and to minimize loss of class time for the student. In these situations, steps should be taken to ensure a minimum of embarrassment or loss of class time for the student.

Legal Reference:
EDUCATION CODE
44807 Duty concerning conduct of pupils
48264 Arrest of truants
48265 Delivery of truant
48902 Notice to law enforcement authorities
48906 Release of minor pupil to peace officers; notice to parent, guardian or relative
48909 Narcotics and other hallucinogenic drugs (re arrest)

CODE OF CIVIL PROCEDURE
416.60 Service of summons or complaint to a minor

PENAL CODE
830-832.81 Peace officers
833-851.85 re arrests
1328 Service of subpoena

WELFARE AND INSTITUTIONS CODE
627 Custody of minor

CODE OF REGULATIONS, TITLE 5
303 Duty to remain at school

COURT DECISIONS
People v. Burton (1971) 6 Cal. 3d 375
In re Donaldson (1969) 269 Cal. App. 2d 509
Baines v. Brady (1953) 122 Cal. App. 2d 957, 960
In the matter of Paul P., 85 Daily Journal D.A.R. 2594
Camreta v. Greene, (2011) 131 S.Ct. 2020
People v. Lessie, (2010) 47 Cal. 4th 1152

ATTORNEY GENERAL OPINIONS

Management Resources.
WEB SITES
California Department of Justice, Office of the Attorney General: http://oag.ca.gov

(10/96 3/10) 7/11

Policy adopted: July 20, 2000
Policy revised: May 16, 2019

MONTEBELLO UNIFIED SCHOOL DISTRICT
Montebello, California
QUESTIONING AND APPREHENSION BY LAW ENFORCEMENT

The school shall keep a record of any interviews of students by law officers on school premises. Such records shall include the date and time, name and identifying number of the officer, the agency employing the officer and his/her official capacity, the time when he/she arrived and left, the fact that the principal or designee was or was not present during the interview, the reason for the questioning and/or release, and any other pertinent information.

Apprehension

Police officers, officers of the juvenile court, and other authorized law enforcement officials have an absolute right to enter a school to take a student into custody or to make an arrest of a student.

If a minor student is removed from school into the custody of a peace officer, the principal or designee shall immediately notify the parent/guardian or responsible relative regarding the student's release and the place to which he/she is reportedly being taken, except when the minor has been taken into custody as a victim of suspected child abuse. (Education Code 48906)

The principal or designee shall record the time(s) of contact or attempted contact with the parent/guardian.

If the student is suspected of being a victim of child abuse, the Superintendent of Schools or designee shall give the telephone number and address of the student's parent/guardian to the law enforcement officer, and the officer then has the responsibility of immediately notifying the parent/guardian. (Education Code 48906)

(cf. 5141.4 - Child Abuse Reporting Procedures)

The Superintendent of Schools or designee shall immediately be notified of the student's removal. This initial verbal notice will be followed by a written report by the principal or designee and shall include the date and time of arrest, the identity, badge number and official capacity of the officer and the reason for release.

Policy revised: May 16, 2019

MONTEBELLO UNIFIED SCHOOL DISTRICT
Montebello, California
MEMORANDUM
April 24, 2019

TO: Anthony J. Martinez, Ph.D., Superintendent of Schools

FROM: Allison Garland, Ed.D., Assistant Superintendent, Student Services

SUBJECT: Proposed Revision of Board Policy, Administrative Regulation, and Exhibit 3513.3 Business and Noninstructional Operations – TOBACCO-FREE SCHOOLS (First Reading)

The California Health and Safety Code, Section 104559, includes compliance with the Tobacco-Free Schools requirement. The Los Angeles County Office of Education recommends an update to Board Policy and Administrative Regulation 3513.3 Business and Noninstructional Operations–Tobacco-Free Schools will be updated to reflect these changes. Exhibit 3513.3 Business and Noninstructional Operations will be deleted.

I recommend adoption of the following motion:

That the Board of Education adopts the attached revisions to Board Policy and Administrative Regulation, 3513.3 Business and Noninstructional Operations Tobacco-Free Schools and deletion of Exhibit 3513.3.

Approved for presentation to the Board of Education: May 16, 2019

Anthony J. Martinez, Ph.D
Superintendent of Schools

Allison Garland, Ed.D
Assistant Superintendent
Student Services
Health and Safety Code 104420 mandates districts receiving Tobacco-Use Prevention Education (TUPE) funds to adopt a tobacco-free schools policy that prohibits the use of tobacco and nicotine products anytime, anywhere in district-owned or leased buildings, on school or district property, and in district vehicles. The same prohibition is applicable to districts that do not receive TUPE funds pursuant to Health and Safety Code 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016).

Districts receiving TUPE funds must certify compliance with this requirement by submitting a California Department of Education (CDE) certification form and supporting documentation to the county office of education's TUPE coordinator by July 1 in order to apply for TUPE funding for that fiscal year. The certification process also requires submission of the district's written policy and enforcement procedures; see the accompanying administrative regulation for enforcement procedures.

The Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and personnel.

(cf. 3514 - Environmental Safety)
(cf. 4159/4259/4359 - Employee Assistance Programs)
(cf. 5030 - Student Wellness)
(cf. 5131.62 - Tobacco)
(cf. 5141.23 - Asthma Management)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

The Board of Education recognizes the health hazards associated with tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff. Employees are encouraged to serve as models for good health practices that are consistent with the district's instructional programs.

The Board prohibits smoking and/or the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420, 104559)

These prohibitions apply to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

(cf. 1330 - Use of School Facilities)
(cf. 1330.1 - Joint Use Agreements)
In accordance with state and federal law smoking is prohibited in all district facilities and vehicles. (20 U.S.C. 6083, Labor Code 6494.5)

(cf. 3131.62 — Tobacco)
(cf. 6142.8 — Comprehensive Health Education) (cf. 6143 — Courses of Study)

The Board further prohibits the use of tobacco product at all times on district grounds and in district vehicles. This prohibition applies to all employees, students and visitors at any activity or athletic event on property owned, leased or rented by or from the district.

Health and Safety Code 104420 and 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016), define products containing tobacco and nicotine as including smokeless tobacco, snuff, chew, clove cigarettes, and electronic cigarettes that can deliver nicotine and non-nicotine vaporized solutions. Education Code 48901, which prohibits smoking or tobacco use by students on campus, applies the definition of smoking and tobacco products specified in Business and Professions Code 22950.5, as amended by SBX2 5 (Ch. 7, Statutes of 2016). The following paragraphs reflect the more comprehensive definitions in Business and Professions Code 22950.5.

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

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)
Legal Reference:

EDUCATION CODE
48900 Grounds for suspension/expulsion
48901 Prohibition against tobacco use by students
BUSINESS AND PROFESSIONS CODE
22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions
HEALTH AND SAFETY CODE
39002 Control of air pollution from nonvehicular sources
104350-104495 Tobacco use prevention, especially:
104495 Prohibition of smoking and tobacco waste on playgrounds
104559 Tobacco use prohibition
119405 Unlawful to sell or furnish electronic cigarettes to minors
LABOR CODE
3300 Employer, definition
6304 Safe and healthful workplace
6404.5 Occupational safety and health; use of tobacco products
UNITED STATES CODE, TITLE 20
6083 Nonsmoking policy for children's services
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
PUBLIC EMPLOYMENT AND RELATIONS BOARD RULINGS
Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)
CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Management Resources:

WEB SITES
California Department of Education, Alcohol, Tobacco and Other Drug Prevention: http://www.cde.ca.gov/ls/he/at
California Department of Public Health, Tobacco Control: http://www.cdph.ca.gov/programs/tobacco
Occupational Safety and Health Standards Board: http://www.dir.ca.gov/OSHSB/oshsb.html
U.S. Environmental Protection Agency: http://www.epa.gov

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes. Other vapor emitting electronic devices with or without nicotine content, that mimic the use of tobacco products, are also prohibited. Exceptions may be made for the use or possession of prescription nicotine products.
The Superintendent or designee shall inform students, parents/guardians, employees and the public about this policy and related procedures.

(cf. 4118—Suspension/Disciplinary Action)
(cf. 4218—Dismissal/Suspension/Disciplinary Action) (cf. 5114.1—Suspension and Expulsion/Due Process)

Signs prohibiting the use of tobacco shall be prominently displayed at all entrances to school property.

The Superintendent or designee shall maintain a list of clinics and other resources which may assist individuals who wish to stop using tobacco products.

Legal Reference:
EDUCATION CODE
48501 Smoking or use of tobacco—steps to discourage
HEALTH AND SAFETY CODE
39602 Control of air pollution from nonvehicular sources
104420 Implementation of tobacco use prevention program
LABOR CODE
6404.5 Occupational safety and health: use of tobacco products
UNITED STATES CODE, TITLE 20
6053 Nonsmoking policy for children's services
PERB RULINGS
CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989)
PERB Order #759 (13 PERC 20147)
Eureka Teachers Assn v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

(cf. 4150/4250/4350—Employee Assistance Programs)

Legal Reference: (see next page)
Policy Explanation

The California State Assembly enacted two pieces of legislation, AB 99 and AB 816, which prohibits the use of all tobacco products on district and school premises. These laws were enacted in order to ensure that students are provided with an educational environment which is tobacco-free as well as to protect persons from exposure to secondhand smoke. Failure to comply with these legal mandates would result in non-compliance for a school district with the ultimate penalty being the withholding of all state and federal funds received by the district.

In accord with these statutes, as of July 1, 1995, the use of tobacco products is prohibited on all district-owned property (buildings, grounds and vehicles) at all times. This includes smoking in private vehicles on school district premises. This also includes all extra-curricular and community-sponsored events which occur on district property as well as district-sponsored activities which occur away from district premises.

Policy Notification

All classified and certificated employees will be notified in writing and verbally by their supervisors regarding the revised policy. Additionally, the Tobacco-Free Workplace policy will be posted in the lounge and in other areas frequented by the staff. It shall also be posted in all offices in order to provide visibility for the entire school community. The policy shall also be announced at all extra-curricular events which are held on school district property.

Enforcement Procedures

Any classified or certificated bargaining unit member not adhering to the revised policy will be subject to disciplinary action in accord with the MTA/CSEA contract in force at the time of the infraction. Any person(s) reporting an infraction may do so without fear of retribution.

Any administrative, supervisory, or confidential employee not adhering to the revised policy will be subject to appropriate disciplinary action. Any person(s) reporting an infraction may do so without fear of retribution.
Cessation Programs

Anyone in need of information and assistance in order to curtail the use of tobacco products may contact the following agencies:

• (800) 7-NO-BUTT
• (800) 45-NO-FUME
• American Lung Association (213) 935-5864
• American Cancer Society (800) 227-2345
Districts receiving Tobacco-Use Prevention Education (TUPE) funds are required by Health and Safety Code 104420 to communicate information about the district's tobacco-free schools policy.

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)
(cf. 5145.6 - Parental Notifications)

Notifications

The Superintendent of Schools or designees may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

(cf. 1113 - District and School Web Sites)

The Board of Education shall assign the site administrator and all supervisory personnel to inform individuals and staff about the "Tobacco Free Work Place" policy. Notice to all persons shall be posted on the employee bulletin board and/or appropriate places.

Each site administrator may designate appropriate outside locations available for employees who smoke.

Health and Safety Code 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016), requires all districts to display signs prohibiting tobacco use.

The Superintendent of Schools or designee shall ensure that signs stating "Tobacco use is prohibited" are prominently displayed at all entrances to school property. (Health and Safety Code 104420, 104559)

Enforcement/Discipline

Pursuant to Labor Code 6404.5, no employer shall knowingly or intentionally permit the smoking of tobacco products in an enclosed space at a place of employment. The effects of the district's tobacco policy, including any disciplinary action taken against employees resulting from the enforcement of the policy, may be subjects of negotiation between the Governing Board and employee organizations. Pursuant to Education Code 48900(h), a student may be subject to disciplinary action when it is determined that he/she possessed or used tobacco or nicotine products; see AR 5144.1 - Suspension and Expulsion/Due Process.
Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

(cf. 4118 - Dismissal/Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Labor Code 6404.5 requires the district to take "reasonable steps" to prevent smoking by nonemployees. These reasonable steps include posting clear and prominent signs as specified in the "Notifications" section above and requesting that the nonemployee refrain from smoking on school premises.

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent of Schools or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

(cf. 1250 - Visitors/Outsiders)
(cf. 3515.2 - Disruptions)

The Superintendent of Schools or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

For non-compliance of this policy, the site administrator or site supervisor may refer to the following: for certificated bargaining members, Montebello Teachers Association Contract, Article XXII, Employee Discipline; for classified bargaining members refer to Personnel Commission, Laws and Rules Governing Classified Employees, Article XIX, Suspensions, Demotions, Dismissals, and Trials, Rule 191, Number 22; for non-bargaining members refer to the Montebello Unified School District, Board Policy and Administrative Regulations, Management Section, Administrative Regulation 2236, Problem Resolution.

Employee Notifications

The Superintendent or designee shall notify employees of the district's tobacco-free schools policy. The notification shall also inform them of:
1. Their need to abide by district policy as a condition of employment.
2. The dangers of tobacco use in the workplace, including its threat to the health and safety of employees, students and the public.
3. Available resources which may help employees stop using tobacco.
4. Possible disciplinary actions in accordance with Board policy, state law and applicable collective bargaining agreements.

**Enforcement Procedures for Visitors**

A visitor who uses any type of tobacco product on district property shall be informed of the district's tobacco-free schools policy and will be asked to refrain from using tobacco. Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, cloves, cigarettes, betel, and nicotine delivery devices such as electronic cigarettes. Other vapor emitting electronic devices with or without nicotine content, that mimic the use of tobacco products, are also prohibited. Exceptions may be made for the use or possession of prescription nicotine products.

If the person fails to comply with this request, the following actions may ensue:

1. The matter may be referred to the Superintendent or designee responsible for the area or the event.
2. The Superintendent or designee may direct the person to leave school property.
3. If necessary, the Superintendent or designee may request local law enforcement assistance in removing the person from school premises.
4. If the person repeatedly violates the tobacco-free schools policy, the Superintendent or designee may prohibit him/her from entering district property for a specified period of time.

(cf. 3515.2 — Disturbances)
MEMORANDUM
April 24, 2019

TO: Anthony J. Martinez, Ph.D., Superintendent of Schools

FROM: Allison Garland, Ed.D., Assistant Superintendent, Student Services

SUBJECT: Proposed Revision of Board Policy and Administrative Regulation 5131.62 – TOBACCO – Students (First Reading)

The California Health and Safety Code, Section 104559, includes compliance with the Tobacco-Free Schools requirement. The Los Angeles County Office of Education recommends an update to Board Policy and Administrative Regulation 5131.62 - TOBACCO - Students will be updated to reflect these changes.

I recommend adoption of the following motion:

That the Board of Education adopts the attached revisions to Board Policy and Administrative Regulation 5131.62 TOBACCO-Students

Approved for presentation to the Board of Education: May 16, 2019

Signature

Anthony J. Martinez, Ph.D
Superintendent of Schools
Secretary to the Board of Education

Allison Garland, Ed.D
Assistant Superintendent
Student Services
Tobacco-Use Prevention Education Program (TUPE)

The TUPE program provides competitive grant funding for local programs targeting students in grades 6-12.

The district's tobacco-use prevention program shall provide developmentally appropriate tobacco use prevention instruction in grades K-5 and provide students in grades 6-12 instruction which addresses the following topics: (Health and Safety Code 104420)

1. Immediate and long-term undesirable physiologic, cosmetic, and social consequences of tobacco use
2. Reasons that adolescents say they smoke or use tobacco
3. Peer norms and social influences that promote tobacco use
4. Refusal skills for resisting social influences that promote tobacco use

(cf. 5131.6 - Alcohol and Other Drugs)  
(cf. 6142.8 - Comprehensive Health Education)  
(cf. 6143 - Courses of Study)

Health and Safety Code 104420 requires local TUPE programs to provide access to intervention and cessation services to high-risk groups in grades 7-12. The California Department of Education (CDE) has determined that these services should be directed toward current users and should be voluntary for students. The CDE's TUPE program application clarifies that districts are not required to directly provide the services, but may instead refer students to community services to satisfy this requirement.

As appropriate, the district shall provide or refer students in grades 7-12 to tobacco-use intervention and cessation activities. (Health and Safety Code 104420)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)  
(cf. 5141.6 - School Health Services)  
(cf. 6164.2 - Guidance/Counseling Services)

These services shall be directed toward current users and shall be voluntary for students who desire assistance in ceasing the use of tobacco.

In addition to targeting current tobacco users, Health and Safety Code 104420 requires the CDE to give funding priority to programs that target students most at risk for beginning to use tobacco. Student populations considered to be "most at risk" are to be identified by the district through a local needs assessment; see the accompanying
Board policy. On the TUPE application, the district must provide a description of the student population and the district's rationale for designating that population as "high risk." Examples of "high-risk" populations may include students whose parents/guardians smoke, students transitioning from one educational setting to another (e.g., intermediate school to high school), or students in continuation education or other nontraditional education settings.

In addition to targeting students who currently use tobacco, the district's program shall target students most at risk for beginning to use tobacco as identified through a local needs assessment.

Health and Safety Code 104460 requires districts receiving TUPE funds to provide access to tobacco-use prevention and intervention services to pregnant and parenting students, as provided below. The TUPE application clarifies that districts are not required to directly provide the following services, but may instead refer students to community services.

The district shall provide or refer every pregnant and parenting minor enrolled in the district to tobacco-use prevention services. Such services may be integrated with existing programs for pregnant and parenting minors and shall include: (Health and Safety Code 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

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

Students who possess or use tobacco on school premises or at school-sponsored events shall have tobacco confiscated and shall be subject to the following disciplinary procedures:

1. First Offense:
   a. Student conference.
   b. Parent/guardian contact.

2. Second Offense:
   a. Parent/guardian contact.
   1. One to two-day suspension or detention alternative to suspension.
   2. Referred to tobacco cessation programs including but not limited to TAP/TEG

3. Third and Subsequent Offenses:
   a. One to five-day suspension.
   b. Transfer.
   e. Disciplinary probation with behavioral contract.

A behavioral contract is a written agreement between a student, parent/guardian and administrator, setting forth conditions that the student must meet during the probation period. Students under disciplinary probation shall either fulfill these conditions or be denied specified privileges until their behavior improves. Failure to comply with the agreement also may result in further disciplinary action.

Tobacco Use Prevention Instruction

All students in grades four through eight shall receive instruction that addresses the following topics: (Health and Safety Code 104420)

1. Immediate and long-term undesirable physiological, cosmetic and social consequences of tobacco use.
2. Reasons that adolescents say they smoke or use tobacco.
3. Peer norms and social influences that promote tobacco use.
4. Refusal skills for resisting social influences that promote tobacco use.
Students participating in awarded TUPE 9-12 grants shall comply with requirements and approved strategies to address:

1. Students currently using tobacco products (cessation programs).
2. Students most at risk of initiating tobacco use (as outlined with in grant provision).
3. Students in general population (9-12)
Education Code 48901 requires any district maintaining a high school to take all steps deemed practical to discourage high school students from smoking. Tobacco-use prevention resources generally encourage prevention efforts to begin as early as possible, including in the intermediate or elementary grades.

The state's Tobacco-Use Prevention Education (TUPE) competitive grant program for grades 6-12 (Health and Safety Code 104350-104495) provides support for local tobacco-use prevention and intervention programs.

The Governing Board recognizes the serious health risks presented by tobacco use and desires to ensure that, through adoption of consistent policies, district 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 Board of Education recognizes that tobacco use presents health hazards and desires to discourage students' use of tobacco products.

(cf. 3513.3—Tobacco-Free Schools)

(cf. 5141.23 - Asthma Management)

The Superintendent of Schools or designee shall provide prevention, intervention, and cessation education, information, activities, and/or referrals to district students and shall ensure consistent enforcement of district policies prohibiting student possession and use of tobacco products.

Prohibition Against Tobacco Use

Education Code 48900 and 48901 prohibit students from possessing, smoking, or using tobacco on school grounds. Pursuant to Education Code 48900, students who violate this prohibition may be subject to discipline, including suspension or expulsion. However, pursuant to Education Code 48900.5, it is recommended that other means of correction that address the student's conduct be implemented instead of suspension or expulsion; see the section "Intervention/Cessation Services" below and AR 5144 - Discipline. In addition, Health and Safety Code 104420 and 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016), prohibit the use of tobacco products in district buildings, on district property, and in district vehicles by any person at any time; see BP 3513.3 - Tobacco-Free Schools.

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. (Education Code 48900, 48901)
Students shall not smoke, chew or possess tobacco or nicotine products on school property or at school-sponsored events, or while under the supervision of district employees. Students who violate this prohibition shall be subject to disciplinary procedures which may result in suspension from school.

The following definitions of "smoking" and "tobacco products" are specified in Business and Professions Code 22950.5 and incorporated by reference into Education Code 48901, as amended by SBX 2 (Ch. 7, Statutes of 2016).

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)

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and nicotine delivery devices such as electronic cigarettes. Other vapor emitting electronic devices with or without nicotine content that mimic the use of tobacco products are also prohibited. Exceptions may be made for the use or possession of prescription nicotine products. (cf. 5144.1 - Suspension and Expulsion/Due Process)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

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.
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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 district's policy and regulation for addressing the administration of medications on campus. (Education Code 48900)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Prevention Instruction

Education Code 51202 requires the district to offer a course of study at the appropriate elementary and secondary grade levels that includes the effects of tobacco upon the human body. Education Code 51202 also requires that the course of study in secondary grades include instruction on the effects of tobacco upon prenatal development. See AR 6143 - Courses of Study. The state's content standards for health education include a number of standards at selected grade levels from K-12 related to the health consequences of tobacco use.

The TUPE program provides resources for supplemental instruction in grades 6-12 that addresses specified topics; see the accompanying administrative regulation. CDE’s Guidelines for Tobacco Prevention, contained in its Getting Results publication, recommend developmentally appropriate instruction in grades K-12, with instruction that is especially intensive in grades 6-9 (particularly the transition year from elementary to intermediate school) and is reinforced in high school.

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

(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

All students shall receive instruction on the effects of smoking on the human body.
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Course of Study)

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
104420 Implementation of tobacco use prevention program
Intervention/Cessation Services

Pursuant to Health and Safety Code 104420 and 104460, districts receiving TUPE funds must provide students with access to intervention and cessation services and must provide pregnant and parenting minors with access to designated services. The district may fulfill these requirements either through the direct provision of services or through referrals to available services. See the accompanying administrative regulation. Pursuant to Education Code 48900.5, such intervention should be implemented to correct student behavior rather than suspension or other measures that may exclude a student from instruction.

The district 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.

(cf. 5141.6 - School Health Services)
(cf. 5146 - Married/Pregnant/Parenting Students)
(cf. 6164.2 - Guidance/Counseling Services)

Program Planning

Health and Safety Code 104420 requires the CDE to give priority for TUPE funding to programs that, in addition to targeting current tobacco users, target students most at risk for beginning to use tobacco. Student populations considered to be "most at risk" are to be identified by the district through a local needs assessment.

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.

Health and Safety Code 104420 and 104435 require districts receiving TUPE funds, with assistance from the county office of education, to coordinate efforts with the "lead local agency" in the community, defined in Health and Safety Code 104400 as the county or city health department.

The Superintendent of Schools 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 personnel, 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)
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The Superintendent of Schools 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 of Schools 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 district needs. (Health and Safety Code 104420)

Pursuant to TUPE Acceptance of Funds Guidance on the CDE's web site, TUPE grant funding will not be awarded to an applicant that receives any funding or educational materials from the tobacco industry, or from any agency which has received funding from the tobacco industry, for the purpose of implementing tobacco-use prevention or intervention programs.

The Superintendent of Schools 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 is known to have 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

Districts that accept TUPE funds are required by the CDE to administer the core California Healthy Kids Survey in the first year of funding and at least every other year thereafter to assess the health-related behavior of a representative sample of students in grades 7, 9, and 11. In addition, districts that receive funding through TUPE are required to complete the TUPE Annual Report by June 30 of each year.

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent of Schools 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
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
2111-7122 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

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
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