

BOARD AGENDA ITEM
July 16, 2019

SUBJECT:

Changes to Policy ADC Tobacco-Free School District, Final Reading

BACKGROUND:

On April 26, 2019, the governor signed Act 25 of 2019/H. 3420 into law. This is an update to the Youth Access to Tobacco Prevention Act of 2006 and inserts a new section into Title 59, Chapter 1 that requires the following:

Section 59-1-380. (A) By August 1, 2019, every local school district in the State shall adopt, implement, and enforce a written policy prohibiting at all times the use of any tobacco product or alternative nicotine product by any person in school buildings, in school facilities, on school campuses, and in or on any other school property owned or operated by the local school administrative unit. The policy also must prohibit the use of any tobacco product or alternative nicotine product by persons attending a school-sponsored event at a location not listed in this subsection when in the presence of students or school personnel or in an area where smoking or other tobacco use is otherwise prohibited by law.

ADMINISTRATIVE CONSIDERATION:

While Aiken County Public School District has included the provisions of The Youth Access to Tobacco Prevention Act of 2006 in policy ADC, in its current form it does not meet all of the requirements of Act 25 of 2019. The proposed revision replaces the existing language with that recommended by the South Carolina School Boards Association to address the provisions of the Act.

Since the first reading of this policy, the SCSBA has amended its recommendation. In the paragraph dealing with tobacco advertising on clothing, gear, and other paraphernalia, the SCSBA acknowledges that enforcement with some of the listed subgroups could prove problematic. Since these subgroups are not mandated by law, administration recommends that they be omitted from the policy.

RECOMMENDATION:

Adopt proposed changes to Policy ADC Tobacco-Free School District on final reading

ATTACHMENT:

Policy ADC Tobacco-Free School District

PREPARED BY:

King Laurence

TOBACCO FREE SCHOOL DISTRICT

Code **ADC** Issued **7/19**

The board affirms that tobacco use and exposure to secondhand smoke (environmental tobacco smoke) are hazardous to the health of human beings, especially children. Therefore, the board believes that it is essential to maintain a 100 percent tobacco-free environment in order to ensure students and staff have access to the healthiest, most productive learning environment possible.

For purposes of this policy:

Tobacco product means a product that contains tobacco and is intended for human consumption, including but not limited to, cigarettes, cigars, chewing tobacco, and snuff.

Alternative nicotine product means any vaping product, whether or not it contains nicotine, including but not limited to, electronic smoking devices, that can be ingested into the body by chewing, smoking, absorbing, dissolving, inhaling, or by any other means.

The board commits to the following:

- maintaining a 100 percent tobacco-free, smoke-free environment for all students, staff, parents/legal guardians, contract and other workers, volunteers, visitors, and other members of the public within all district facilities, vehicles, and grounds. This includes any building, facility, and vehicle owned, operated, leased, rented, or chartered by the district and applies to all school-sponsored or school-related events on or off school grounds.
- prohibiting the use of any tobacco product or alternative nicotine product by persons attending a school-sponsored event when in the presence of students or staff or in an area where smoking or other tobacco use is otherwise prohibited by law
- prohibiting the possession of all tobacco products, alternative nicotine products, or associated paraphernalia
- utilizing a proven and effective science-based tobacco use prevention curriculum
- providing access to cessation counseling or referral services for all students and staff

Notice

This policy will be communicated through a variety of efforts to educate students, staff, parents/legal guardians, contract and other workers, volunteers, visitors, and other members of the public. The policy will be posted on the school website and included in staff and student handbooks on an annual basis.

Tobacco-free signs prohibiting the use of tobacco products and alternative nicotine products on district property will be posted in highly visible areas at facilities entrances and throughout school and district grounds, including athletic facilities.

Enforcement

Students, staff, parents/legal guardians, contract and other workers, volunteers, visitors, and other members of the public are required to comply with this tobacco-free policy. The district will enforce this policy through appropriate disciplinary actions for violators, including but not limited to, the following:

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Students

- parent/legal guardian/administrator conferences
- mandatory enrollment in a tobacco prevention education or cessation programs
- community service
- in-school suspension
- suspension from extracurricular activities
- out-of-school suspension

Staff

- verbal reprimands
- written notification placed in personnel file
- suspension
- mandatory enrollment in a tobacco prevention education program
- voluntary enrollment in a cessation program

Contract or other workers

- verbal reprimand
- notification to contract employer
- removal from district property

Visitors, volunteers, or members of the public

- verbal requests to leave school property
- termination from volunteer positions
- forfeiture of any fee charged for admission
- prosecution for disorderly conduct after repeated offenses

All staff members are expected to enforce the policy under the direction of the principal or district administrator. Any violation of this policy should be reported to the school or district administration.

Education and Assistance

The district will utilize a proven and effective tobacco use prevention curricula to educate all students and will provide assistance and/or make appropriate cessation referrals. The district will collaborate with the Department of Health and Environmental Control, the Department of Alcohol and Other Drug Abuse Services, and the South Carolina Department of Education, as appropriate, to implement this policy.

Tobacco Industry Marketing or Sponsorship

The district will not accept any contributions or gifts, money, or materials from the tobacco industry. The district will not participate in any type of services that are funded by the tobacco industry. In addition, any gear, paraphernalia, clothing, etc., that advertises tobacco or alternative tobacco products, or tobacco or alternative tobacco product use, will not be allowed on district grounds or in the possession of students, staff, ~~parents/legal guardians~~, contract and other workers, ~~and~~ volunteers, visitors, and other members of the public on district property or at district-sponsored events.

Cf. GBED, JICG

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Adopted 11/13/84; Revised 6/25/91, 8/26/91, 12/18/98, 5/22/01, 12/8/15

Legal References:

- A. United States Code of Laws, as amended:
 - 1. Pro-Children Act of 2001, 20 U.S.C.A. Section 7972, *et seq.*
- B. S.C. Code of Laws, 1976, as amended:
 - 1. Section 16-17-490 - Prohibits contributing to the delinquency of a minor.
 - 2. Section 16-17-500, *et seq.* - Youth Access to Tobacco Prevention Act of 2006.
 - 3. Section 44-95-10, *et seq.* - Clean Indoor Air Act of 1990.
 - 4. Section 59-1-380 - Requires a written district policy prohibiting the use of tobacco products and alternative nicotine products on school property or at school-sponsored events.
 - 5. Section 59-67-150 - Prohibits use of tobacco products on school buses.