

# DEPARTMENT OF EDUCATION

## OFFICE OF THE SECRETARY

Statutory Authority: 14 Delaware Code, Section 122(b) (14 Del.C. §122(b))  
14 DE Admin. Code 877

### PROPOSED

#### Educational Impact Analysis Pursuant To 14 Del.C. Section 122(d)

#### 877 Tobacco Policy

##### A. Type of Regulatory Action Requested

Amendment to Existing Regulation

##### B. Synopsis of Subject Matter of Regulation

The Secretary of Education intends to amend 14 DE Admin. Code 877 Tobacco Policy by adding a provision that an electronic copy of the current regulation is on file at the Department of Education.

Persons wishing to present their views regarding this matter may do so in writing by the close of business on or before April 4, 2007 to Susan Haberstroh, Education Associate, Regulation Review, Department of Education, at 401 FEDERAL STREET, SUITE 2, DOVER, DELAWARE 19901. A copy of this regulation is available from the above address or may be viewed at the Department of Education business office.

##### C. Impact Criteria

1. Will the amended regulation help improve student achievement as measured against state achievement standards? This regulation is related to a requirement that districts and charter schools have a policy on the prohibition of the use or distribution of tobacco products and not directly related to improving student achievement.

2. Will the amended regulation help ensure that all students receive an equitable education? This regulation is related to a requirement that districts and charter schools have a policy on the prohibition of the use or distribution of tobacco products and not directly related to students receiving an equitable education.

3. Will the amended regulation help to ensure that all students' health and safety are adequately protected? This regulation is related to a requirement that districts and charter schools have a policy on the prohibition of the use or distribution of tobacco products and continues to ensure that all students' health and safety are adequately protected.

4. Will the amended regulation help to ensure that all students' legal rights are respected? This regulation is related to a requirement that districts and charter schools have a policy on the prohibition of the use or distribution of tobacco products and continues to ensure that all students' legal rights are respected.

5. Will the amended regulation preserve the necessary authority and flexibility of decision making at the local board and school level? This regulation is related to a requirement that districts and charter schools have a policy on the prohibition of the use or distribution of tobacco products and continues to ensure the necessary authority and flexibility at the local board and school level.

6. Will the amended regulation place unnecessary reporting or administrative requirements or mandates upon decision makers at the local board and school levels? This regulation is related to a requirement that districts and charter schools have a policy on the prohibition of the use or distribution of tobacco products and does not place unnecessary reporting or administrative requirements on local districts or schools.

7. Will the decision making authority and accountability for addressing the subject to be regulated be placed in the same entity? This regulation is related to a requirement that districts and charter schools have a policy on the prohibition of the use or distribution of tobacco products and continues to ensure the decision making is at the local district and school level.

8. Will the amended regulation be consistent with and not an impediment to the implementation of other state educational policies, in particular to state educational policies addressing achievement in the core academic subjects of mathematics, science, language arts and social studies? This regulation is related to a requirement that districts and charter schools have a policy on the prohibition of the use or distribution of tobacco

products and does not affect other state educational policies.

9. Is there a less burdensome method for addressing the purpose of the regulation? This regulation is related to a requirement that districts and charter schools have a policy on the prohibition of the use or distribution of tobacco products and there is not a less burdensome method of addressing the purpose of this regulation.

10. What is the cost to the State and to the local school boards of compliance with the regulation? There is no additional cost for compliance with this amended regulation.

## **877 Tobacco Policy**

### **1.0 Required Policy**

In order to improve the health of students and school personnel, each school district and charter school in Delaware shall have a policy which at a minimum:

1.1 Prohibits the use of or distribution of tobacco products in school buildings, on school grounds, in school leased or owned vehicles, even when they are not used for student purposes, and at all school affiliated functions.

1.2 Includes procedures for communicating the policy to students, school staff, parents, guardians or Relative Caregivers, families, visitors and the community at large.

1.3 Makes provisions for or refers individuals to voluntary cessation education and support programs that address the physical and social issues associated with nicotine addiction.

### **2.0 The Tobacco Policy Shall Apply to**

2.1 Any building, property or vehicle leased, owned or operated by a school district, charter school or assigned contractor.

2.1.1 School bus operators under contract shall be considered staff for the purpose of this policy.

2.2 Any private building or other property including automobiles or other vehicles used for school activities when students and staff are present.

2.3 Any non educational groups utilizing school buildings or other educational assets.

2.4 Any individual or a volunteer who supervises students off school grounds.

### **3.0 No School or School District Property May Be Used for the Advertising of any Tobacco Product**

### **4.0 Reporting Requirements and Timelines**

4.1 Each public school district and charter school shall have an electronic copy of its current tobacco policy on file with the Department of Education.

4.2 Each public school district and charter school shall provide an electronic copy of any tobacco policy within ninety (90) days of such revision(s) regardless of whether said revisions were made as a result of changes to Federal, state or local law, regulations, guidance or policies.

**1 DE Reg. 1807 (05/01/98)**

**6 DE Reg. 1504 (05/01/03)**

**11 DE Reg. 1100 (03/01/08) (Prop.)**