

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

FINAL

REGULATORY IMPLEMENTING ORDER

877 Tobacco Policy

I. Summary of the Evidence and Information Submitted

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.

Notice of the proposed regulation was published in the News Journal and the Delaware State News on Wednesday, March 5, 2008 in the form hereto attached as *Exhibit "A"*. Comments were received from the Governor's Advisory Council for Exceptional Children and the State Council for Persons with Disabilities endorsing the amended regulation.

II. Findings of Facts

Secretary finds that it is appropriate to amend 14 **DE Admin. Code** 877 Tobacco Policy in order to add a provision that an electronic copy of the most current regulation is on file with the Department of Education.

III. Decision to Amend the Regulation

For the foregoing reasons, the Secretary concludes that it is appropriate to amend 14 **DE Admin. Code** 877 Tobacco Policy. Therefore, pursuant to 14 **Del.C.** §122, 14 **DE Admin. Code** 877 Tobacco Policy attached hereto as *Exhibit "B"* is hereby amended. Pursuant to the provision of 14 **Del.C.** §122(e), 14 **DE Admin. Code** 877 Tobacco Policy hereby amended shall be in effect for a period of five years from the effective date of this order as set forth in Section V. below.

IV. Text and Citation

The text of 14 **DE Admin. Code** 877 Tobacco Policy amended hereby shall be in the form attached hereto as *Exhibit "B"*, and said regulation shall be cited as 14 **DE Admin. Code** 877 Tobacco Policy in the *Administrative Code of Regulations* for the Department of Education.

V. Effective Date of Order

The actions hereinabove referred to were taken by the Secretary pursuant to 14 **Del.C.** §122 on April 15, 2008. The effective date of this Order shall be ten (10) days from the date this Order is published in the *Delaware Register of Regulations*.

IT IS SO ORDERED the 15th day of April 2008.

DEPARTMENT OF EDUCATION

Valerie A. Woodruff, Secretary of Education

Approved this 15 day of April 2008

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. 1463 (05/01/08) (Final)