

Enid Weisman, Chief Human Capital Officer
Office of Human Capital Management

SUBJECT: **PROPOSED AMENDMENT TO SCHOOL BOARD POLICIES:
FINAL READING 1215, 3215, 4215, AND 7434, TOBACCO USE**

COMMITTEE: **SCHOOL SUPPORT ACCOUNTABILITY**

**LINK TO STRATEGIC
FRAMEWORK:** **SCHOOL/DISTRICT LEADERSHIP**

At the School Board meeting of December 11, 2013, the Board approved Agenda Item H-10 proffered by Ms. Raquel A. Regalado, Board Member and co-sponsored by Ms. Perla Tabares Hantman, Chair, and Dr. Lawrence S. Feldman, Vice-Chair, directing the School Board Attorney and the Superintendent to revise current policies to prohibit the use of nicotine dispensing devices, such as e-cigarettes, on all School Board properties and/or sites where educational instruction is offered.

The School Board of Miami-Dade County, Florida, announced on April 9, 2014, its intention to amend Board Policies 1215, 3215, 4215, and 7434, Tobacco Use, to prohibit the use of tobacco, nicotine-dispensing devices and any device designed to imitate any of these products regardless whether it contains tobacco or nicotine and also to rename the policies, at its meeting of June 18, 2014.

The Notice of Intended Action was published in the Miami Daily Business Review on May 12, 2014, posted in various places for public information and mailed to various organizations representing persons affected by the amended policies and to individuals requesting notification.

The time to request a hearing or protest the adoption of these policies has elapsed.

In accordance with the provisions of the Administrative Procedure Act, these amended policies are presented to The School Board of Miami-Dade County, Florida for adoption and authorization to file the policies in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the policies proposed for amendment. Changes from the current policies are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt amended School Board Policies 1215, 3215, 4215, and 7434, Tobacco Use, and authorize the Superintendent to file the policies with The School Board of Miami-Dade County, Florida, to be effective June 18, 2014.

NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on May 7, 2014, its intention to amend School Board Policies 1215, 3215, 4215, and 7434, *Tobacco Use*, at its meeting of June 18, 2014.

PURPOSE AND EFFECT: To amend School Board Policies 1215, 3215, 4215, and 7434, *Tobacco Use*, to prohibit the use of nicotine dispensing devices, including e-cigarettes, as well as any product or device designed to imitate any of these products regardless of whether it contains tobacco or nicotine, on all School Board properties and/or sites where educational instruction is offered. The policies are also proposed to be renamed "Use of Tobacco Products and Smoking Devices."

SUMMARY: The proposed amendments define prohibited "use of tobacco and smoking devices" to include all uses of tobacco, including nicotine dispensing devices and/or electronic cigarettes or smoking devices, as well as any product or device designed or manufactured to imitate any of these products regardless of whether it contains tobacco or nicotine. The policies are also proposed to be renamed "Use of Tobacco Products and Smoking Devices."

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 1001.41(1), (2); 1001.43, (10), (11), 1012.23(1), F.S.

LAW IMPLEMENTED INTERPRETED, OR MADE SPECIFIC:
381.84, 386.202, 386.204, 386.206, 386.212, F.S.; 20 U.S.C. 6081 et seq., 20 U.S.C. 7182 F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING of June 18, 2014, which begins at 11:00 a.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by June 3, 2014, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is based (Section 286.0105, Florida Statutes).

A COPY OF THE PROPOSED AMENDED Policies are available at cost to the public for inspection and copying in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Raquel Regalado, Board Member
Co-Sponsors: Ms. Perla Tabares Hantman, Chair, and Dr. Lawrence S. Feldman, Vice-Chair
Date: April 23, 2014

1 TOBACCO USE

2 USE OF TOBACCO PRODUCTS AND SMOKING DEVICES

3 The School Board shall provide a tobacco-free environment for students, staff, and
4 visitors. "Use of tobacco" and smoking devices" shall mean all uses of tobacco,
5 including cigars, cigarettes, pipe tobacco, chewing tobacco, snuff, nicotine
6 dispensing devices, and/or electronic cigarettes or smoking devices, or any other
7 matter or substances that containing tobacco, any product designed or
8 manufactured to imitate any of these products regardless of whether it contains
tobacco or nicotine, and the possession of papers used to roll cigarettes.

9 The use of tobacco and smoking devices is prohibited:

- 10 A. within any indoor facility owned, leased, or contracted for by the
11 Board;
- 12 B. anywhere on the campus of any facility owned or leased or
13 contracted for by the Board, including, but not limited to, practice
14 fields, playgrounds, football fields, baseball fields, softball fields,
15 pool areas, soccer fields, tennis courts, and all open areas;
- 16 C. in all vehicles owned or operated by the Board, including, but not
17 limited to, school buses, vans, trucks, station wagons, and cars.

18 F.S. 386.202, 386.204, 386.212
19 20 U.S.C. 6081 et seq., 20 U.S.C. 7182

