

**TOBACCO-FREE SCHOOLS**

The Board of Education and Superintendent recognize that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with Office of Education goals to provide a healthy environment for students and staff.

The use of tobacco products is prohibited at any time in Office of Education owned or leased buildings, property, and/or in Office of Education vehicles.

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

The products prohibited include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products.

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.

*Legal Reference:*EDUCATION CODE*48900 Grounds for suspension/expulsion**48901 Prohibition against tobacco use by students*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**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

7100-7117 Safe and Drug Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

PERB 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)*