

Regulation 3513.3: Tobacco-Free Schools

Status: ADOPTED

Original Adopted Date: 07/01/2002 | **Last Revised Date:** 07/01/2016 | **Last Reviewed Date:** 07/01/2016

Notifications

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

The Superintendent or designee may disseminate this information through annual written notifications, district and school websites, student and parent handbooks, and/or other appropriate methods of communication.

The Superintendent or designee shall ensure that signs stating "Tobacco use is prohibited" are prominently displayed at all entrances to school property. (Health and Safety Code 104420, 104559)

Enforcement/Discipline

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property
2. Request local law enforcement assistance in removing the person from school premises
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time

The Superintendent or designee shall not be required to physically eject a nonemployee who is smoking or to request that the nonemployee refrain from smoking under circumstances involving a risk of physical harm to the district or any employee. (Labor Code 6404.5)

State	Description
Bus. Code 22950.5	<u>Stop Tobacco Access to Kids Enforcement Act - Definitions</u>
Ed. Code 48900	<u>Grounds for suspension or expulsion</u>
Ed. Code 48901	<u>Smoking or use of tobacco prohibited</u>
H&S Code 104350-104495	<u>Tobacco-use prevention education</u>
H&S Code 104495	<u>Prohibition of smoking and tobacco waste on playgrounds</u>
H&S Code 104559	<u>Tobacco use prohibition</u>
H&S Code 119405	Unlawful to sell or furnish electronic cigarettes to minors
H&S Code 39002	<u>Control of air pollution from nonvehicular sources</u>

Lab. Code 3300
Lab. Code 6304
Lab. Code 6404.5

Federal

20 USC 6083
20 USC 7111-7122
21 CFR 1140.1-1140.34

Management Resources

PERB Ruling

PERB Ruling

Website

Website

Website

Website

Website

Website

Code

0450
0450
1113
1113
1113-E(1)
1250
1250
1330
1330
1330.1
3513.4
3515.2
3515.2
3516
3516
4112.9
4112.9-E(1)
4118
4118
4119.21
4119.21-E(1)
4159
4212.9
4212.9-E(1)
4218
4218
4219.21
4219.21-E(1)
4259
4312.9
4312.9-E(1)
4319.21
4319.21-E(1)
4359
5030
5131.62
5131.62
5141.23

Definition of employer
Safe and healthful workplace
Occupational safety and health; use of tobacco products

Description

Nonsmoking policy for children's services
Student support and academic enrichment grants
Unlawful sale of cigarettes and smokeless tobacco to minors

Description

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

CSBA District and County Office of Education Legal Services
California Department of Education, Tobacco-Free School District Certification

Occupational Safety and Health Standards Board

California Department of Public Health, Tobacco Control

California Department of Education, Alcohol, Tobacco and Other Drug Prevention

U.S. Environmental Protection Agency

Description

Comprehensive Safety Plan
Comprehensive Safety Plan
District And School Websites
District And School Websites
District And School Websites
Visitors/Outsiders
Visitors/Outsiders
Use Of School Facilities
Use Of School Facilities
Joint Use Agreements
Drug And Alcohol Free Schools
Disruptions
Disruptions
Emergencies And Disaster Preparedness Plan
Emergencies And Disaster Preparedness Plan
Employee Notifications
Employee Notifications
Dismissal/Suspension/Disciplinary Action
Dismissal/Suspension/Disciplinary Action
Professional Standards
Professional Standards
Employee Assistance Programs
Employee Notifications
Employee Notifications
Dismissal/Suspension/Disciplinary Action
Dismissal/Suspension/Disciplinary Action
Professional Standards
Professional Standards
Employee Assistance Programs
Employee Notifications
Employee Notifications
Professional Standards
Professional Standards
Employee Assistance Programs
Student Wellness
Tobacco
Tobacco
Asthma Management

5141.23	<u>Asthma Management</u>
5144	<u>Discipline</u>
5144	<u>Discipline</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E(1)	<u>Parent/Guardian Notifications</u>
6142.8	<u>Comprehensive Health Education</u>
6142.8	<u>Comprehensive Health Education</u>
6143	<u>Courses Of Study</u>
6143	<u>Courses Of Study</u>