

TOBACCO USE / SMOKING ON SCHOOL PREMISES

The Board of Education recognizes that the use of tobacco products is a health, safety and environmental hazard for students, employees, visitors and school facilities. The Board believes that the use of tobacco products on school grounds, in school buildings, on school property or at school-sponsored events is detrimental to the health and safety of students, staff and visitors.

The Board acknowledges that adult employees and visitors serve as role models for students. The Board recognizes it has an obligation to promote positive role models in schools and to promote a healthy learning and working environment, free from unwanted smoke and tobacco use, for students, employees, and visitors on the school campus.

(cf. 3514 - Environmental Safety)
(cf. 4159/4259/4359 - Employee Assistance Programs)
(cf. 5030 - Student Wellness)
(cf. 5131.62 - Tobacco)
(cf. 5141.23 - Asthma Management)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

The use, possession and distribution of tobacco products, e-cigarettes and nicotine liquid containers, mood-altering substances and illicit drugs are prohibited in all district property and premises owned, leased, or contracted by the district property, including:

- School grounds, including athletic fields and other outdoor property
- School buildings
- School parking lots
- School buses and other district vehicles
- Off-campus school sponsored-events.
- Administrative offices and other district owned, non-school sites

These activities are prohibited at any time, including non-school hours (24/7). Tobacco advertising is prohibited anywhere on school grounds.

(cf. 1330 - Use of School Facilities)
(cf. 1330.1 - Joint Use Agreements)

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, snus (moist powdered tobacco), betel, electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products.

Student assistance is available for smoking/vaping cessation through the Counseling and Guidance Department or the Nursing and Wellness Department. Employee assistance is available for smoking/vaping cessation through the California Schools Voluntary Employee Benefit Association (VEBA) at <http://www.vebaonline.com/wellness-benefits> or 888-276-0250.

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.

Any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

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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)

Management Resources:

WEB SITES

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

<http://www.cde.ca.gov/ls/he/at>

California Department of Education, Tobacco-Free School District Certification:

<http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp>

California Department of Public Health, Tobacco Control:

<http://www.cdph.ca.gov/programs/tobacco>

Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

U.S. Environmental Protection Agency: <http://www.epa.gov>

Policy

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SAN DIEGO UNIFIED SCHOOL DISTRICT

San Diego, California