

Series 3000 – Business

AR 3513.3

TITLE: Tobacco-Free Schools	
Approved by: <u>Francisco Reveles</u> <i>Francisco Reveles, Ed.D., Superintendent of Schools</i>	Series: Business Version: 2 Effective Date: 3/27/2023 Previous Policy Date: 1/02/2008 Revised By: Committee Policy Number: AR 3513.3

Notifications

Information about YCOE'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, YCOE and school web sites, 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 YCOE'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 YCOE's policy on Tobacco-Free Schools shall be informed of the YCOE'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 YCOE 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 YCOE employee or any employee. (Labor Code 6404.5)

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for YCOE to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Federal

20 USC 6083

20 USC 7111-7122

21 CFR 1140.1-1140.34

Management Resources

Website

Website

Website

Website

Website

State

Bus. Code 22950.5

Ed. Code 48900

Ed. Code 48901

H&S Code 104350-104495

H&S Code 104495

H&S Code 104559

H&S Code 119405

H&S Code 39002

Lab. Code 3300

Lab. Code 6304

Lab. Code 6404.5

PERB Ruling

PERB Ruling

Description

Nonsmoking policy for children's services

Student Support and Academic Enrichment Grants

Unlawful sale of cigarettes and smokeless tobacco to minors

Description[U.S. Environmental Protection Agency](#)[Occupational Safety and Health Standards Board](#)[California Department of Public Health, Tobacco Control](#)[California Department of Education, Tobacco-Free School](#)[District Certification](#)[California Department of Education, Alcohol, Tobacco and](#)[Other Drug Prevention](#)**Description**[Stop Tobacco Access to Kids Enforcement Act - Definitions](#)

Grounds for suspension and expulsion

Smoking or use of tobacco prohibited

Tobacco-use prevention education

Prohibition of smoking and tobacco waste on playgrounds

Tobacco use prohibition

Unlawful to sell or furnish electronic cigarettes to minors

Control of air pollution from nonvehicular sources

Definitions

Safe and healthful workplace

Occupational safety and health; use of tobacco products

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)