

****Proposed revisions in red****

Linden USD

Board Policy

Tobacco-Free Schools

BP 3513.3

Business and Noninstructional Operations

The Governing Board recognizes that the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, are inconsistent with its goal to provide a healthy environment for students and staff.

(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 Board prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

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

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

In the best interests of students, employees and the general public, the Governing Board therefore prohibits the use of tobacco products at all times on district property in district-owned or leased buildings and in district vehicles. This prohibition applies to all employees, students, visitors and other persons at any instructional program, activity or event.

Smoking or the use of any tobacco-related products and disposal of any tobacco-related waste are prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground.

Prohibited products include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, and **electronic** nicotine delivery devices such as electronic cigarettes, **electronic hookahs, and other vapor emitting devices, with or without nicotine content, that mimic the use of tobacco products.** Exceptions may be made for the use or possession of prescription nicotine products.

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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LINDEN UNIFIED SCHOOL DISTRICT
Linden, California