

## **Business and Noninstructional Operations**

### **TOBACCO-FREE SCHOOLS**

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)

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 nicotine delivery devices such as electronic cigarettes. Exceptions may be made for the use or possession of prescription nicotine products.

Smoking or 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. (Health and Safety Code 104495)

#### **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:

**BP 3513.3**

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>

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**FRUITVALE SCHOOL DISTRICT**, Bakersfield, CA