

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Series 3000 – BUSINESS AND NONINSTRUCTIONAL OPERATIONS

Policy 3513.3

Tobacco-Free Schools/Workplace

The Solano County Office of Education (SCOE) recognizes the health hazards associated with smoking and the use of tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff.

The County Superintendent prohibits the use of tobacco products at any time in SCOE-owned or leased buildings, on SCOE grounds, in SCOE-owned vehicles, and in personal vehicles on SCOE grounds. This prohibition applies to all employees, students, and visitors at any SCOE-sponsored instructional program, activity, or athletic event held on or off SCOE property. (Health and Safety [H&S] Code section 104420; Labor Code section 6404.5; 20 USC 6083)

Any written joint use agreement governing community use of SCOE facilities or grounds shall include notice of SCOE's tobacco-free schools policy and the consequences for violations of the policy.

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. (H&S Code §104495)

Implementation and Cessation Program

Current employees will be advised by their supervisor of the implementation of this policy. New employees will be advised of the policy during employee orientation.

SCOE shall provide a list of clinics and community resources that assist employees who wish to stop using tobacco products.

Notifications

Information about SCOE's tobacco-free schools/workplace policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (H&S Code §104420)

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

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to SCOE property. Signs will be posted on all SCOE facilities, grounds, and vehicles, indicating that the use of tobacco products by any person is prohibited.

Enforcement and Discipline

Any employee or student who violates SCOE's tobacco-free schools/workplace policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate. Employees who do not comply with the policy will be counseled regarding cessation programs and support groups. Supervisors may need to further counsel employees about the policy and the consequences of continual noncompliance.

Policy 3513.3 (Continued)

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

1. Direct the person to leave school/SCOE property.
2. Request local law enforcement assistance in removing the person from school/SCOE premises.
3. If the person repeatedly violates the tobacco-free schools/workplace policy, prohibit him/her from entering SCOE 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 SCOE or any employee. (Labor Code 6404.5)

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
- 7111-7117 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

Public Employment Relations Board (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)

Policy Cross-Reference:

- 1113 District and School Web Sites
- 1250 Visitors/Outsiders
- 1330 Use of Facilities
 - 1330.1 Joint Use Agreements, Use of Meeting Rooms
- 3514 Environmental Safety
 - 3515.2 Disruptions
- 4020 Drug- and Alcohol-Free Workplace
 - 4020.1 Controlled Substances - Drivers

Policy 3513.3 (Continued)

Policy Cross-Reference: *(Continued)*

4112.9 Employee Notifications
4118 Suspension/Disciplinary Action
4119.21 Professional Standards
4119.22 Employee Standards
4159 Employee Assistance Programs
4218 Dismissal/Suspension/Disciplinary Action
5030 Student and Staff Wellness
5131.62 Tobacco
5141.23 Asthma Management
5144 Discipline
5144.1 Suspension and Expulsion/Due Process
6142.8 Comprehensive Health Education
6143 Courses of Study
7110.1 Tobacco-Free Environment
7400 Use of Facilities