

# Mt. Diablo USD

## Board Policy

### Tobacco-Free Schools

BP 3513.3

#### Business and Noninstructional Operations

~~The Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff. the health hazards associated with tobacco products, including the breathing of second-hand smoke, and desires to provide a healthy environment for students and staff. Employees are encouraged to serve as models for good health practices that are consistent with the district's instructional programs.~~

~~In accordance with state and federal law, smoking is prohibited in all district facilities and vehicles. (20 USC 6083; Labor Code 6404.5)~~

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

~~The Board further 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) all times on district grounds. This prohibition applies to all employees, students and visitors at any activity or athletic event on property owned, leased or rented by or from the district.~~

~~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)~~

The Superintendent or designee shall inform students, parents/guardians, employees and the public about this policy and related procedures.

~~(cf. 4118 - Suspension/Disciplinary Action)  
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)  
(cf. 5144.1 - Suspension and Expulsion/Due Process)~~

Signs prohibiting the use of tobacco shall be prominently displayed at all entrances to school property.

~~The Superintendent or designee shall maintain a list of clinics and other resources which may assist individuals who wish to stop using tobacco products.~~

(cf. 4159/4259/4359 - Employee Assistance Programs)

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

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.

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (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:~~

~~104495— Prohibition of smoking and tobacco waste on playgrounds~~

##### ~~LABOR CODE~~

~~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~~

##### ~~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~~

~~CDE: <http://www.ede.ca.gov>~~

~~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>~~

~~Environmental Protection Agency:—<http://www.epa.gov>~~

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:

Approved:

MT. DIABLO UNIFIED SCHOOL DISTRICT

Concord, California