



Mark W. McLaughlin, Ed.D.
Superintendent

MEMORANDUM

TO: ALL EMPLOYEES

FROM: Mark McLaughlin, Assistant Superintendent, Human Resources

DATE: November 13, 2017

SUBJECT: **TOBACCO FREE SCHOOLS**

Board Policy 3513.3 prohibits the use of tobacco of any product containing tobacco or nicotine at any time in district owned or leased buildings, on district property and in district vehicles. This applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off district property. Prohibitive products include, but are not limited to, cigarettes, cigars, miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew packets, betel and/or nicotine delivery devices (ENDS) such as e-cigarettes and cartridge, hookah pens, cigarillos, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products on all district property and in district vehicles at all times. ENDS are often made to look like cigarettes, cigars, and pipes, but can also be made to look like everyday items such as pens, asthma inhalers, and beverage containers. The use of these devices is not limited to vaporizing nicotine; they can also be used to vaporize other drugs such as marijuana, cocaine, and heroin.

Smoking and 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.

The District is aware that a small percentage of CVUSD employees currently use tobacco products and/or electronic nicotine delivery systems (ENDS). A list of resources and/or programs is available to assist individuals in quitting smoking and/or in the use of ENDS. Contact and/or speak with any of the following resources or organizations to gain the most current information about tobacco and/or ENDS.

VENTURA COUNTY PUBLIC HEALTH DEPARTMENT: CALL IT QUILTS

10 week (1 hour per week) program at several locations in the county. Free Nicotine Replacement Therapy is provided during the program. Website <http://www.callitquits@ventura.org> Phone (805) 201-STOP (7867)

CALIFORNIA SMOKER'S HOTLINE: This state-funded service provides a list of resources/programs in your area of need to stop smoking. They also offer free materials and provide sponsors to work with you in your stop-smoking program. 1-800-NO-BUTTS (1-800-662-8887) or 1-800-844-CHEW.

SIMI VALLEY FREE CLINIC: Counseling and Pharmaceutical Aids, (805) 522-3733, after 5:00 p.m. at 2060 T, Simi Valley, CA, 93063. Website <http://www.freeclinicsv.com>

NICOTINE ANONYMOUS: Free weekly support groups in Thousand Oaks open to students and parents. Where: Thousand Oaks, CA – Call Regina (818) 497-8191 When: Thursday, 6-7 p.m.

SMOKENDERS: - Audiotapes, workbook and counseling available. www.smokenders.com or support@SmokendersOnline.com or (205) 223-1982

CVUSD TUPE Program: (805) 497-9511, EXT.313

CVUSD

Board Policy

BP 3513.3

Business and Noninstructional Operations

Tobacco, Drug and Alcohol-Free Schools

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 Governing Board also recognizes the importance of maintaining a drug and alcohol-free environment.

(cf. 3514 - Environmental Safety)
(cf. 5030 - Student Wellness)
(cf. 5131.62 - Tobacco)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

The Board prohibits smoking and/or 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, 104559)

It is the policy of the Governing Board to maintain a drug- and alcohol-free workplace by prohibiting the unlawful manufacture, distribution, dispensing, possession, sale or use, or be under the influence of any alcoholic beverage, drug or controlled substance, defined in the Controlled Substances Act, the California Education Code, California Business and Professions Code, and Code of Federal Regulations.

These prohibitions apply 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, drug and alcohol-free schools policy and consequences for violations of the policy.

(cf. 1330 - Use of School Facilities)

Smoking means inhaling, exhaling, burning, or carrying of any lighted or heated cigar, cigarette, pipe, tobacco, or plant product intended for inhalation, whether natural or synthetic, in any manner or form, and includes the use of an electronic smoking device that creates aerosol or vapor or of any oral smoking device for the purpose of circumventing the prohibition of smoking. (Business and Professions Code 22950.5; Education Code 48901)

Tobacco products include: (Business and Professions Code 22950.5; Education Code 48901)

1. Any product containing, made, or derived from tobacco or nicotine that is intended for

human consumption, whether smoked, heated, chewed, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, including, but not limited to, cigarettes, cigars, little cigars, chewing tobacco, pipe tobacco, or snuff

2. An electronic device that delivers nicotine or other vaporized liquids to the person inhaling from the device, including, but not limited to, an electronic cigarette, cigar, pipe, or hookah
3. Any component, part, or accessory of a tobacco product, whether or not sold separately

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 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. 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

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

25608 Public schoolhouses or grounds

CALIFORNIA GOVERNMENT CODE

8350 - 8357 Drug-Free Workplace

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

104559 Tobacco use prohibition

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

7111-7122 Student Support and Academic Enrichment Grants

CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

PUBLIC EMPLOYMENT AND RELATIONS BOARD 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>

CSBA (7/02 7/03 3/11 4/14) 7/16

CVUSD (7/03 8/08 9/11 3/15) 10/16 1/17

CVUSD

Administrative Regulation

AR 3513.3

Tobacco, Drug and Alcohol-Free Schools

Business and Noninstructional Operations

Notifications

Information about the district's tobacco, drug and alcohol-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community.

(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

(cf. 5145.6 - Parental Notifications)

The Superintendent or designee may disseminate this information through annual written notifications, district and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

(cf. 1113 - District and School Web Sites)

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 district's tobacco, drug and alcohol-free schools policy shall be subject to disciplinary action as appropriate.

(cf. 4118 - Suspension/Disciplinary Action)

(cf. 4218 - Dismissal/Suspension/Disciplinary Action)

(cf. 5144 - Discipline)

(cf. 5144.1 - Suspension and Expulsion/Due Process)

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district'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 district property for a specified period of time

(cf. 1250 - Visitors/Outsiders)
(cf. 3515.2 - Disruptions)

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 district or any employee. (Labor Code 6404.5)

Any other person who violates the district's policy on drug and alcohol-free schools may be subject exclusion from the district property. The District may also refer such matters to law enforcement.

CSBA (10/94 7/02 3/11) 7/16

CVUSD 9/11 10/16 1/17