Regulation 3513.3: Tobacco-Free Schools

Original Adopted Date: 3/13/2024

Notifications

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

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.

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-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

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

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)

Policy Reference Disclaimer:
These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State	Description
Bus. Code 22950.5	Stop Tobacco Access to Kids Enforcement Act - Definitions
Ed. Code 48900	Grounds for suspension or expulsion
Ed. Code 48901	Smoking or use of tobacco prohibited
H&S Code 104350-104495	Tobacco-use prevention education

H&S Code 104495	Prohibition of smoking and tobacco waste on playgrounds
H&S Code 104559	Tobacco use prohibition
H&S Code 119405	Unlawful to sell or furnish electronic cigarettes to minors
H&S Code 39002	Control of air pollution from nonvehicular sources
Lab. Code 3300	Definition of employer
Lab. Code 6304	Safe and healthful workplace
Lab. Code 6404.5	Occupational safety and health; use of tobacco products

Federal	**Description**
20 USC 6083	Nonsmoking policy for children's services
20 USC 7111-7122	Student support and academic enrichment grants
21 CFR 1140.1-1140.34	Unlawful sale of cigarettes and smokeless tobacco to minors

Management Resources	**Description**
PERB Ruling	CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)
PERB Ruling	Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)
Website	CSBA District and County Office of Education Legal Services
Website	California Department of Education, Tobacco-Free School District Certification
Website	Occupational Safety and Health Standards Board
Website	California Department of Public Health, Tobacco Control
Website	California Department of Education, Alcohol, Tobacco and Other Drug Prevention
Website	U.S. Environmental Protection Agency

Cross References

Code	**Description**
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1250	Visitors/Outsiders
1250	Visitors/Outsiders
1330	Use Of School Facilities

1330	Use Of School Facilities
1330.1	Joint Use Agreements
3513.4	Drug And Alcohol Free Schools
3515.2	Disruptions
3515.2	Disruptions
3516	Emergencies And Disaster Preparedness Plan
3516	Emergencies And Disaster Preparedness Plan
4112.9	Employee Notifications
4112.9-E(1)	Employee Notifications
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4159	Employee Assistance Programs
4212.9	Employee Notifications
4212.9-E(1)	Employee Notifications
4218	Dismissal/Suspension/Disciplinary Action
4218	Dismissal/Suspension/Disciplinary Action
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4259	Employee Assistance Programs
4312.9	Employee Notifications
4312.9-E(1)	Employee Notifications
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4359	Employee Assistance Programs
5030	Student Wellness
5131.62	Tobacco
5131.62	Tobacco
5141.23	Asthma Management
5141.23	Asthma Management
5144	Discipline
5144	Discipline

5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.6	Parent/Guardian Notifications
5145.6-E(1)	Parent/Guardian Notifications
6142.8	Comprehensive Health Education
6142.8	Comprehensive Health Education
6143	Courses Of Study
6143	Courses Of Study