

## 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)

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### 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

Bus. Code 22950.5

Ed. Code 48900

Ed. Code 48901

H&S Code 104350-104495

#### Description

[Stop Tobacco Access to Kids Enforcement Act - Definitions](#)

[Grounds for suspension or expulsion](#)

[Smoking or use of tobacco prohibited](#)

[Tobacco-use prevention education](#)

H&S Code 104495	<a href="#">Prohibition of smoking and tobacco waste on playgrounds</a>
H&S Code 104559	<a href="#">Tobacco use prohibition</a>
H&S Code 119405	Unlawful to sell or furnish electronic cigarettes to minors
H&S Code 39002	<a href="#">Control of air pollution from nonvehicular sources</a>
Lab. Code 3300	<a href="#">Definition of employer</a>
Lab. Code 6304	<a href="#">Safe and healthful workplace</a>
Lab. Code 6404.5	<a href="#">Occupational safety and health; use of tobacco products</a>
<b>Federal</b>	<b>Description</b>
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
<b>Management Resources</b>	<b>Description</b>
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	<a href="#">CSBA District and County Office of Education Legal Services</a>
Website	<a href="#">California Department of Education, Tobacco-Free School District Certification</a>
Website	<a href="#">Occupational Safety and Health Standards Board</a>
Website	<a href="#">California Department of Public Health, Tobacco Control</a>
Website	<a href="#">California Department of Education, Alcohol, Tobacco and Other Drug Prevention</a>
Website	<a href="#">U.S. Environmental Protection Agency</a>

## Cross References

Code	Description
0450	<a href="#">Comprehensive Safety Plan</a>
0450	<a href="#">Comprehensive Safety Plan</a>
1113	<a href="#">District And School Websites</a>
1113	<a href="#">District And School Websites</a>
1113-E(1)	<a href="#">District And School Websites</a>
1250	<a href="#">Visitors/Outsiders</a>
1250	<a href="#">Visitors/Outsiders</a>
1330	<a href="#">Use Of School Facilities</a>

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

5144.1	<a href="#"><u>Suspension And Expulsion/Due Process</u></a>
5144.1	<a href="#"><u>Suspension And Expulsion/Due Process</u></a>
5145.6	<a href="#"><u>Parent/Guardian Notifications</u></a>
5145.6-E(1)	<a href="#"><u>Parent/Guardian Notifications</u></a>
6142.8	<a href="#"><u>Comprehensive Health Education</u></a>
6142.8	<a href="#"><u>Comprehensive Health Education</u></a>
6143	<a href="#"><u>Courses Of Study</u></a>
6143	<a href="#"><u>Courses Of Study</u></a>