



SCOTIA UNION SCHOOL DISTRICT

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Amy Gossien, Superintendent/Principal

Stanwood A. Murphy Elementary School,
Scotia Union School District,
Is A
TOBACCO FREE CAMPUS

For more information on cessation opportunities,
visit Kick It California:

<https://kickitca.org/>

TOBACCO-FREE SCHOOLS

The Board of Trustees recognizes 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)

The Board further prohibits the use of tobacco products at 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.

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)

Legal Reference: (see next page)

TOBACCO-FREE SCHOOLS (continued)

Legal Reference:

EDUCATION CODE

48901 *Smoking or use of tobacco; steps to discourage*

HEALTH AND SAFETY CODE

39002 *Control of air pollution from nonvehicular sources*

104420 *Implementation of tobacco use prevention program*

LABOR CODE

6404.5 *Occupational safety and health: use of tobacco products*

UNITED STATES CODE, TITLE 20

6083 *Nonsmoking policy for children's services*

COURT DECISIONS

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
adopted: 1/19/2017

SCOTIA UNION ELEMENTARY SCHOOL DISTRICT
Scotia, California

TOBACCO-FREE SCHOOLS

Employee Notifications

The Superintendent or designee shall notify employees of the District's tobacco-free schools policy. The notification shall also inform them of:

1. Their need to abide by District policy as a condition of employment.
2. The dangers of tobacco use in the workplace, including its threat to the health and safety of employees, students and the public.
3. Available resources which may help employees stop using tobacco.
4. Possible disciplinary actions in accordance with Board policy, state law and applicable collective bargaining agreements.

Enforcement of Policy

While it is not the intent of the Board of Trustees to administer discipline to employees, persistent violation of the District's policy will result in the application of the following disciplinary action.

Classified Employees

- 1st Offense: Counseling interview(s)
- 2nd Offense: Verbal warning
- 3rd Offense: Written reprimand
- 4th Offense: Suspension (without pay)

Certificated Employees

- 1st Offense: Informal discussion
- 2nd Offense: Verbal warning
- 3rd Offense: Written reprimand
- 4th Offense: Suspension without pay

NOTE: Information on cessation clinic will be made available at each level in the discipline process.

TOBACCO-FREE SCHOOLS (continued)

Visitors

Citizens in violation of the school District policy will experience the following:

- 1st Offense: Citizens who are observed smoking or using tobacco products on school District property shall be asked to refrain from smoking on school property
- 2nd Offense: If the individual fails to comply with the request, his/her violation of policy may be referred to the Superintendent/principal or other school District supervisory personnel responsible for the area or program during which the violation occurred.
- 3rd Offense: The Superintendent shall make a decision on further action which may include a directive to leave school property. Repeated violations may result in a recommendation to the Superintendent or designee to prohibit the individual from entering school District property for a specified period of time.
- 4th Offense: If deemed necessary by school administration, the local law enforcement agency may be called upon to assist with enforcement of this policy.

Students

Students will be subject to the District's behavior policy 5131 and the Education Code 48901 governing the use of tobacco products on school campuses.

- 1st Offense: Possible one-day suspension and parent conference.
- 2nd Offense: Two-day suspension and required parent conference.
- 3rd Offense: Five day suspension and required parent conference.

(cf. 5131 – Conduct)
(cf. 5131.62 – Tobacco)

Regulation
approved:

1/19/2017

SCOTIA UNION ELEMENTARY SCHOOL DISTRICT
Scotia, California

TOBACCO

The Governing Board recognizes the serious health risks presented by tobacco use and desires to ensure that, through adoption of consistent policies, district students are made aware of those risks and, to the extent possible, protected from them. The Superintendent or designee shall establish a coordinated school health system which includes a comprehensive behavioral health education component that teaches students the knowledge, skills, and attitudes they need in order to lead healthy lives and avoid high-risk behaviors, such as tobacco use.

(cf. 5141.23 - Asthma Management)

The Superintendent or designee shall provide prevention, intervention, and cessation education, information, activities, and/or referrals to district students and shall ensure consistent enforcement of district policies prohibiting student possession and use of tobacco products.

Prohibition Against Tobacco Use

Students shall not possess, smoke, or use tobacco or any product containing tobacco or nicotine while on campus, while attending school-sponsored activities, or while under the supervision and control of district employees. (Education Code 48900, 48901)

(cf. 3513.3 - Tobacco-Free Schools)

(cf. 5131 - Conduct)

(cf. 5144 - Discipline)

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

(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

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. A 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

These prohibitions do not apply to a student's possession or use of his/her own prescription products. However, student possession or use of prescription products in school shall be subject to the district's policy and regulation for addressing the administration of medications on campus. (Education Code 48900)

(cf. 5141.21 - Administering Medication and Monitoring Health Conditions)

Prevention Instruction

The district shall provide developmentally appropriate tobacco-use prevention instruction for students at selected grade levels from K-12 pursuant to Education Code 51202. Such instruction shall be aligned with state content standards and the state curriculum framework for health education and with any requirements of state and/or federal grant programs in which the district participates.

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

Intervention/Cessation Services

The district may provide or refer students to counseling, intensive education, and other intervention services to assist in the cessation of tobacco use. Such intervention services shall be provided as an alternative to suspension for tobacco possession.

(cf. 1020 - Youth Services)

(cf. 5141.6 - School Health Services)

(cf. 5146 - Married/Pregnant/Parenting Students)

(cf. 6164.2 - Guidance/Counseling Services)

Program Planning

The district's tobacco-use prevention and intervention program shall be based on an assessment of tobacco-use problems in district schools and the community, an examination of existing services and activities in the community, and a determination of high-risk student populations that are most in need of district services.

The Superintendent or designee shall coordinate with the local health department and county office of education in program planning and implementation. He/she may establish an advisory council including students, parents/guardians, district staff, representatives of the local health department and community organizations, law enforcement professionals, and/or others with demonstrated expertise in tobacco prevention and cessation.

(cf. 1220 - Citizen Advisory Councils)

(cf. 1400 - Relations Between Other Governmental Agencies and the Schools)

The Superintendent or designee also shall coordinate the district's tobacco-use prevention and intervention program with other district efforts to reduce students' use of illegal substances and to promote student wellness.

(cf. 5030 - Student Wellness)

(cf. 5131.6 - Alcohol and Other Drugs)

(cf. 5131.63 - Steroids)

The Superintendent or designee shall select tobacco-use prevention programs based on the model program designs identified by the California Department of Education (CDE) and may adapt the model to meet district needs. (Health and Safety Code 104420)

The Superintendent or designee shall not accept for distribution any materials or advertisements that promote the use or sale of tobacco products. He/she also shall not accept tobacco-use prevention or intervention funds or materials from the tobacco industry or from any entity which is known to have received funding from the tobacco industry.

(cf. 1325 - Advertising and Promotion)

(cf. 3290 - Gifts, Grants and Bequests)

(cf. 6161.1 - Selection and Evaluation of Instructional Materials)

Program Evaluation

To evaluate the effectiveness of the district's program and ensure accountability, the Superintendent or designee shall biennially administer the California Healthy Kids Survey or other appropriate student survey at selected grade levels in order to assess student attitudes toward tobacco and student use of tobacco. He/she also shall annually report to the Board, and to the CDE if required, the data specified in Health and Safety Code 104450.

(cf. 0500 - Accountability)

(cf. 5022 - Student and Family Privacy Rights)

(cf. 6162.8 - Research)

The results of program evaluations shall be used to refine program goals and objectives and make changes as needed to strengthen program implementation.

Legal Reference:

EDUCATION CODE

8900 Suspension or expulsion (grounds) 48900.5 Suspension, limitation on imposition; exception

48901 Smoking or use of tobacco prohibited

51202 Instruction in personal and public health and safety

60041 Instructional materials, portrayal of effects of tobacco use

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

HEALTH AND SAFETY CODE

104350-104495 Tobacco-use prevention education

104559 Tobacco use prohibition

119405 Unlawful to sell or furnish electronic cigarettes to minors

PENAL CODE

308 Minimum age for tobacco possession

CODE OF REGULATIONS, TITLE 17

6800 Definition, health assessment

6844-6847 Child Health and Disability Prevention program; health assessments

UNITED STATES CODE, TITLE 20

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

ATTORNEY GENERAL OPINIONS

88 Ops.Cal.Atty.Gen. 8 (2005)

Management Resources:

CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS TUPE Acceptance of Funds
Guidance Health Education Content Standards for California Public Schools: Kindergarten Through
Grade Twelve, 2008

Health Framework for California Public Schools: Kindergarten Through Grade Twelve, 2003

Getting Results: Part II California Action Guide to Tobacco Use Prevention Education, 2000

WEST ED PUBLICATIONS

Guidebook for the California Healthy Kids Survey

WEB SITES

CSBA: <http://www.csba.org>

California Department of Education, Tobacco-Use Prevention Education:
<http://www.cde.ca.gov/ls/he/at/tupe.asp>

California Department of Public Health, Tobacco Control:
<http://www.cdph.ca.gov/programs/tobacco>

California Healthy Kids Resource Center:
<http://www.californiahealthykids.org> California Healthy Kids Survey:
<http://www.wested.org/hks>

Centers for Disease Control and Prevention, Smoking and Tobacco Use:
<http://www.cdc.gov/tobacco> U.S. Surgeon General: <http://www.surgeongeneral.gov>

Policy Adopted: 10/94

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Policy Revised: 5/2019