

TOBACCO-FREE SCHOOLS

It is the policy of the Capistrano Unified School District to maintain an environment which is free from tobacco and to ensure that all persons enjoying the use of District property and programs be provided a safe and healthful environment. In order to effect this commitment, the use of tobacco is prohibited by all persons while on or in District property, including facilities and vehicles, either leased or owned. In addition, all District-sponsored events and activities outside the District's property shall be tobacco free.

PURPOSE

The purpose of the Tobacco-Free Schools Policy as it relates to school District programs and activities on or off school District property are to:

1. Provide a healthful and safe environment in which to learn and work.
2. Discourage and prevent tobacco use among school-age youth.
3. Further enhance health education curricula for students.
4. Promote student discipline and respect for school authority by the equal application and enforcement of policy among students, staff, and the public.
5. Comply with laws directed at providing students and the public with a safe and healthful environment.

GENERAL PROVISIONS

All persons attending activities on District property, or at District-sponsored events off District property, will not be allowed to use tobacco products. Affected persons include students, staff (including volunteers), parents, visiting athletic teams and coaches, contractors, vendors, etc. Applications for use of District facilities will be approved subject to compliance with the policy.

Appropriate posting will be placed at all entrances to District property. Policy statements will be made prior to the start of any meeting or function attended on District property, including both indoor and outdoor activities. Also, a statement of the policy will be announced prior to any District-sponsored event held off District property. All District vehicles, either owned or leased, will be clearly posted for nontobacco use. Tobacco use prevention training will be provided to appropriate staff and parents. Employees will be given information and encouraged to participate in tobacco cessation programs. Any tobacco-free nicotine-based products used in conjunction with a cessation program will be exempt from the ban. Tobacco use restrictions will include all forms of smokeless tobacco.

TOBACCO-FREE SCHOOLS (continued)

The District's health education curriculum will include instruction in the composition, effects, and use of drugs, including alcohol and tobacco. Also, anti-tobacco use education will be implemented as part of the health education program. Special services as mandated by Health and Safety Code Section 24168.8 will be made available to every pregnant minor and minor parent enrolled in the District.

District employees and students who use tobacco products and who desire to stop the use of these products will be provided, upon request, with referral information to smoking cessation support programs.

ENFORCEMENT

Both student and employees will be subject to those measures related to disciplinary action currently in force. Compliance with this policy shall be a condition of employment, and it is the responsibility of every employee to adhere thereto. Any individual not under the jurisdiction of the District and found to be in violation of the policy will be asked to comply with the policy. If the person persists in the violation, the individual will be requested to leave the District property/activity. Persons found to be in violation of the Health and Safety Code may be subject to a fine.

APPEALS

All appeals with the policy will be directed to the Superintendent or designee. Any person may appeal directly to the Department of Health and Safety

EFFECTIVE DATE

This policy shall become effective December 26, 1994, and will be reviewed annually.

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

24167 *Implementation of tobacco use prevention program*

39002 *Control of air pollution from nonvehicular sources*

LABOR CODE

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

UNITED STATES CODE, TITLE 20

6083 *Nonsmoking policy for children's services*

PERB RULINGS

CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989)

PERB Order #750 (13 PERC 20147)

Eureka Teachers Assn v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)