

TOBACCO, SMOKING, VAPING

The Board of Trustees recognizes that the use, possession, furnishing, or selling of tobacco, vapes, and nicotine products constitute a serious public health hazard and are inconsistent with District goals to provide a healthy environment for students and staff. Students shall not be allowed to smoke, chew, vape, ingest, use, possess, furnish, or sell tobacco, nicotine, or “e-liquid” products on school property or during school hours, at school-sponsored events, or under the supervision and control of District employees. (Education Code § 48901)

Students who violate this policy may be subject to discipline, including suspension or expulsion. (Education Code § 48900) It is recommended, however, that other means of correction that address the student’s conduct be implemented instead of suspension or expulsion. (Education Code § 48900.5)

Each school shall provide instruction regarding the effects of smoking on the human body and take steps to discourage students from smoking. Student/school participation in local, state, and/or national anti-smoking campaigns is encouraged. (Education Code § 48901, 51202)

The Board prohibits smoking, vaping, ingesting, and/or the use of tobacco, nicotine, or “e-liquid” products at any time in District-owned or leased buildings, on District property, and in District vehicles. (Health and Safety Code 104420, 104559, 11357)

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-free schools policy and consequences for violations of the policy.

Students, staff, and visitors are prohibited from using, displaying, activating, promoting, or selling tobacco products or imitation tobacco products at any time and at any location on District property, at any off-campus, school- or District-sponsored event or meeting and in District vehicles. Students are prohibited from possessing tobacco or imitation tobacco products at any time and at any location on District property or at any off-campus, school- or District-sponsored event or meeting and in District vehicles.

No one may on behalf of the District, solicit or accept any contributions, gifts, or money for schools from tobacco, e-cigarettes, or vaping industry including, but not limited to, donations, monies for sponsorships/scholarships, advertising, loans or support for equipment, uniforms, and sports and/or training 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

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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, snuff, nicotine solutions, and “e-liquid” which is the solution that is heated up and converted to an aerosol in e-cigarettes and vaping devices;
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; and
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)

Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is 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)

The District shall provide developmentally appropriate tobacco-use prevention instruction for students at selected K-12 grade levels 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.

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

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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.

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.

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 the District's 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, e-cigarettes, or vaping industry or from any entity, which is known to have received funding from the tobacco industry.

*Legal Reference:*EDUCATION CODE

48900 Grounds for suspension/expulsion

48900.5 Suspension; restrictions on imposition; exception; other means of correction

48901 Prohibition against tobacco use by students

BUSINESS AND PROFESSIONS CODE

22950.5 Stop Tobacco Access to Kids Enforcement Act; definitions

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

LABOR CODE

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

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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)

Policy
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CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California