

**County Office Regulation 3513.3: Tobacco-Free Schools**

**Status:** ADOPTED

**Original Adopted Date:** 08/27/2021 | **Last Reviewed Date:** 08/27/2021

**Notifications**

Information about the County Office of Education's (COE'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 County Superintendent of Schools or designee may disseminate this information through annual written notifications, COE and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

The County Superintendent of Schools 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 COE'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 COE's policy on tobacco-free schools shall be informed of the COE's policy and asked to refrain from smoking. If the person fails to comply with this request, the County Superintendent of Schools 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 COE property for a specified period of time

The County Superintendent of Schools 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 COE or any employee. (Labor Code 6404.5)

**Federal References**

20 USC 6083

**Description**

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 References**

**Description**

Website

U.S. Environmental Protection Agency -  
<https://simbli.eboardsolutions.com/SU/xtGqeFQECIplus0Wk8xfkTVsw==>

Website

Occupational Safety and Health Standards Board -  
<https://simbli.eboardsolutions.com/SU/qUQNK1WUZfko4UZsMamBJg==>

Website

California Department of Public Health, Tobacco Control -  
<https://simbli.eboardsolutions.com/SU/0bHnLcAAmiJiDEQTbyLeTQ==>

Website

California Department of Education, Tobacco-Free School District Certification -  
<https://simbli.eboardsolutions.com/SU/AeT43yWmHBbnHrmDefuq3A==>

Website

California Department of Education, Alcohol, Tobacco and Other Drug Prevention -  
<https://simbli.eboardsolutions.com/SU/qZcwZAE0ouA8xAp5Mzc3Lw==>

**State References**

Bus. Code 22950.5

Ed. Code 48900

Ed. Code 48901

H&S Code 104350-104495

H&S Code 104495

H&S Code 104559

H&S Code 119405

H&S Code 39002

Lab. Code 3300

Lab. Code 6304

Lab. Code 6404.5

PERB Ruling

PERB Ruling

**Description**

Stop Tobacco Access to Kids Enforcement Act - Definitions -  
<https://simbli.eboardsolutions.com/SU/o9D5LIFXAxm0isdgjQ2uslshw==>

Grounds for suspension and expulsion

Smoking or use of tobacco prohibited

Tobacco-use prevention education

Prohibition of smoking and tobacco waste on playgrounds

Tobacco use prohibition

Unlawful to sell or furnish electronic cigarettes to minors

Control of air pollution from nonvehicular sources

Definitions

Safe and healthful workplace

Occupational safety and health; use of tobacco products

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)