



# SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 10.11

**Meeting Date:** May 5, 2016

**Subject:** Revision to Board Policy No. 3513.3: Tobacco Free Schools

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: May 19, 2016)
- Conference/Action
- Action
- Public Hearing

**Division:** Legal Services, Youth Services, Student Health

**Recommendation:** Approve revisions to Policy 3513.3

**Background/Rationale:** The current BP 3513.3, Tobacco Free Schools, does not specifically prohibit the use of nicotine delivery devices such as e-cigarettes or other vapor-emitting devices intended to mimic cigarettes, whether such contain nicotine or not. This revised BP includes a prohibition on these types of materials. The revision to this policy should help to settle any ambiguities regarding this matter.

**Financial Considerations:** NA

**LCAP Goal(s):** Safe, Clean and Healthy Schools

**Documents Attached:**

1. Executive Summary
2. Revised Board Policy 3513.3, Tobacco Free Schools, red-lined version
3. Revised Board Policy 3513.3, Tobacco Free Schools, clean version

**Estimated Time of Presentation:** N/A

**Submitted by:** Raoul Bozio, Manager II, Legal Services

**Approved by:** José L. Banda, Superintendent

# Board of Education Executive Summary

## Legal Services Office

Revised Board Policy 3513.3, Tobacco Free Schools  
May 5, 2015



### I. OVERVIEW / HISTORY:

The current BP 3513.3, Tobacco Free Schools, does not specifically prohibit the use of nicotine delivery devices such as e-cigarettes or other vapor-emitting devices intended to mimic cigarettes, whether such contain nicotine or not. This revised BP includes a prohibition on these types of materials. The revision to this policy should help to settle any ambiguities regarding this matter, and a few instances of such have arisen regarding the use of such products by employees on District campuses.

### II. DRIVING GOVERNANCE:

Health and Safety Code 104420 mandates districts such as SCUSD receiving Tobacco-Use Prevention Education (TUPE) funds to adopt a tobacco-free schools policy that prohibits the use of tobacco anytime, anywhere in district-owned or leased buildings, on district property, and in district vehicles. Such districts must certify compliance with this requirement by submitting a California Department of Education (CDE) certification form and supporting documentation to the county office of education's TUPE coordinator by July 1 in order to apply for TUPE funding for that fiscal year. The certification process also requires submission of the district's written policy and enforcement procedures.

State law does not define "tobacco products" for purposes of the district's tobacco-free schools policy. The CDE recommends that a district's policy define "tobacco products" to include products containing tobacco or nicotine, including nicotine delivery devices such as electronic cigarettes, electronic hookah, and other vapor-emitting devices.

### III. BUDGET:

The fiscal impact of this measure is minimal given that traditional tobacco products are already prohibited.

### IV. GOALS, OBJECTIVES, AND MEASURES:

As noted above, this policy revision is designed to clarify an existing ambiguity in District Policy. The inclusion of nicotine delivery devices such as e-cigarettes or other vapor-emitting devices should help provide for a healthy environment and a good example for District students.

## Board of Education Executive Summary

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#### **V. MAJOR INITIATIVES:**

Consistent with LCAP goals, this policy is designed to provide a safe and effective learning environment for all students and employees and to provide a healthy example for students.

#### **VI. RESULTS:**

The intent is to create a safe school environment for all students and employees.

#### **VII. LESSONS LEARNED/NEXT STEPS:**

Monitor the implementation of this new policy and provide trainings for school administration.

# Sacramento City USD

## Board Policy

### Tobacco-Free Schools

BP 3513.3

#### Business and Noninstructional Operations

The Governing Board recognizes that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with district goals to provide a healthy environment for students and staff.

(cf. 3514 - Environmental Safety)

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 5030 - Student Wellness)

(cf. 5131.62 - Tobacco)

(cf. 5141.23 - Asthma Management)

(cf. 6142.8 - Comprehensive Health Education)

(cf. 6143 - Courses of Study)

~~The Governing Board 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 prohibits the use of tobacco products at any time in district-owned or leased buildings, on district property, and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies 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.

(cf. 1330 - Use of School Facilities)

(cf. 1330.1 - Joint Use Agreements)

The products prohibited include any product containing tobacco or nicotine, including, but not

limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products.

This policy does not prohibit the use or possession of prescription products and other cessation aids that have been approved by the U.S. Department of Health and Human Services, Food and Drug Administration, such as nicotine patch or gum.

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 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:

EDUCATION CODE

48900 Grounds for suspension/expulsion

48901 Prohibition against tobacco use by students

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

LABOR CODE

6404.5 Occupational safety and health: use of tobacco products

UNITED STATES CODE, TITLE 20

6083 Nonsmoking policy for children's services  
7111-7117 Safe and Drug Free Schools and Communities Act

PERB 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)

Management Resources:

WEB SITES

CDE: <http://www.cde.ca.gov>

California Department of Public Health, Tobacco Control:

<http://www.cdph.ca.gov/programs/tobacco>

Occupational Safety and Health Standards Board: <http://www.dir.ca.gov/OSHSB/oshsb.html>

Environmental Protection Agency: <http://www.epa.gov>

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: November 16, 1998 Sacramento, California

reviewed: November 5, 2001

Revised: November , 2015

# Sacramento City USD

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BP 3513.3

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(cf. 3514 - Environmental Safety)

(cf. 4159/4259/4359 - Employee Assistance Programs)

(cf. 5030 - Student Wellness)

(cf. 5131.62 - Tobacco)

(cf. 5141.23 - Asthma Management)

(cf. 6142.8 - Comprehensive Health Education)

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(cf. 1330 - Use of School Facilities)

(cf. 1330.1 - Joint Use Agreements)

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