

**LEARNING WORKS CHARTER SCHOOL  
TOBACCO-FREE POLICY**

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 Board prohibits smoking and/or 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, 104559)*

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.

*(cf. 1330 - Use of School Facilities)*  
*(cf. 1330.1 - Joint Use Agreements)*

Note: *Health and Safety Code 104420 and 104559*, as added by ABX2 9 (Ch. 5, Statutes of 2016), define products containing tobacco and nicotine as including smokeless tobacco, snuff, chew, clove cigarettes, and electronic cigarettes that can deliver nicotine and non-nicotine vaporized solutions. *Education Code 48901*, which prohibits smoking or tobacco use by students on campus, applies the definition of smoking and tobacco products specified in *Business and Professions Code 22950.5*, as amended by SBX2 5 (Ch. 7, Statutes of 2016). The following paragraphs reflect the more comprehensive definitions in *Business and Professions Code 22950.5*.

***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) 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, 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**
- 4) **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*)

### **ENFORCEMENT PROCEDURES**

Signs stating "Tobacco use is prohibited" shall be prominently displayed at all entrances to school property. (*Health and Safety Code 104420*)

Any employee or student who violates the district's tobacco-free schools policy shall be asked to refrain from smoking and shall be subject to disciplinary action as appropriate.

- (cf. 4118 - Suspension/Disciplinary Action)
- (cf. 4218 - Dismissal/Suspension/Disciplinary Action)
- (cf. 5144 - Discipline)
- (cf. 5144.1 - Suspension and Expulsion/Due Process)

Any other person who violates the district's policy on tobacco-free schools shall be informed of the district's policy and asked to refrain from smoking. If the person fails to comply with this request, the Superintendent or designee may:

1. Direct the person to leave school property or any property associated with a school event.
2. Request local law enforcement assistance in removing the person from school premises or any premises at which a school event is being held.
3. If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property or any property at which a school event is being held for a specified period of time.

(cf. 1250 - Visitors/Outsiders)  
(cf. 3515.2 - Disruptions)

*Legal Reference:*

*EDUCATION CODE*

48900 Grounds for suspension/expulsion  
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  
119405 Unlawful to sell or furnish electronic cigarettes to minors

*LABOR CODE*

3300 Employer, definition  
6304 Safe and healthful workplace  
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

*CODE OF FEDERAL REGULATIONS, TITLE 21*

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors

**PUBLIC EMPLOYMENT AND RELATIONS BOARD (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)