

VENTURA COUNTY BOARD OF EDUCATION

BOARD POLICY NO. 3513.3

ADOPTED: 04/28/14

REVISED: 05/22/17

CLASSIFICATION: Business and Non-Instructional Operations

SUBJECT: Tobacco-Free Facilities

The Ventura County Superintendent and Board of Education recognize that smoking and other uses of tobacco and nicotine products constitute a serious public health hazard and are inconsistent with Ventura County Office of Education, hereafter referred to as VCOE, goals to provide a healthy environment for students and staff.

The Board prohibits smoking and the use of tobacco products at any time in VCOE-owned or leased buildings, on VCOE property, and in VCOE vehicles.

These prohibitions apply to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on or off VCOE property. Any written joint-use agreement governing community use of VCOE facilities or grounds shall include notice of VCOE's tobacco-free facilities policy and consequences for violations of the policy.

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 with and without nicotine, 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.

Tobacco products include:

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

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 products and disposal of any tobacco-related waste are 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.

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
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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
7100-7117	Safe and Drug Free Schools and Communities Act

CODE OF FEDERAL REGULATIONS, TITLE 21

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