

REGULATION 3513.3: TOBACCO-FREE SCHOOLS

Comparison Chart

Section: Business and Noninstructional Operations

SUMMARY OF UPDATE

Summary of Update: Regulation reflects the provision of ABX2 9 which requires signs prohibiting tobacco use to be displayed at all school entrances, and deletes the option to designate a smoking area on campus.

CURRENT VERSION			REVISED VERSION	CSBA MODIFICATIONS and/or NOTES	
PARA	Section	Sub-Section	March 12, 2013		July 2016
			<u>Notifications</u>	No change	
1			Information about the district’s tobacco-free schools’ policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community.	No change	CSBA NOTE: Districts receiving Tobacco-Use Prevention Education (TUPE) funds are required by Health and Safety Code 104420 to communicate information about the district's tobacco-free schools policy. Districts that do not receive TUPE funds may delete or revise the following paragraph at their discretion.
2			The Superintendent or designee may disseminate this information through annual written notifications, district and school websites, student and parent handbooks, and/or other appropriate methods of communication.	No change	CSBA NOTE: The following optional paragraph may be revised to reflect district practice.
3			Signs stating “Tobacco use is prohibited” shall be prominently displayed at all entrances to school property.	The Superintendent or designee shall ensure that signs stating "Tobacco use is prohibited" are prominently displayed at all entrances to school property.	CSBA NOTE: Health and Safety Code 104559, as added by ABX2 9 (Ch. 5, Statutes of 2016), requires all districts to display signs prohibiting tobacco use, as provided below.
			<u>Enforcement/Discipline</u>	No change	
1			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.	No change	CSBA NOTE: Pursuant to Labor Code 6404.5, no employer shall knowingly or intentionally permit the smoking of tobacco products in an enclosed space at a place of employment. The

				effects of the district's tobacco policy, including any disciplinary action taken against employees resulting from the enforcement of the policy, may be subjects of negotiation between the Governing Board and employee organizations. Pursuant to Education Code 48900(h), a student may be subject to disciplinary action when it is determined that he/she possessed or used tobacco or nicotine products; see AR 5144.1 - Suspension and Expulsion/Due Process.
2		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:	No change	CSBA NOTE: Labor Code 6404.5 requires the district to take "reasonable steps" to prevent smoking by nonemployees. These reasonable steps include posting clear and prominent signs as specified in the "Notifications" section above and requesting that the nonemployee refrain from smoking on school premises. The following optional paragraph may be revised to reflect district practice.
	1	Direct the person to leave school property	No change	
	2	Request local law enforcement assistance in removing the person from school premises	No change	
	3	If the person repeatedly violates the tobacco-free schools policy, prohibit him/her from entering district property for a specified period of time	No change	
3		The Superintendent 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 district or any employee.	No change	

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