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Superintendent of Schools

5.4

Board of Education Informational Item
September 11, 2018

Topic:
Tobacco Free Environment Policy

Background:
The Tobacco Free Environment Policy MCOEP 2380 is a policy guiding personnel. Personnel items and issues are the responsibility of the Madera County Superintendent of Schools (MCSOS). Madera County Board of Education Policy MCOEP 2380 under item 8.6 will be rescinded by board action. Superintendent Policy SP 4154 covers the requirements for a tobacco free environment.

Fiscal Impact:
None

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4200 – CLASSIFIED EMPLOYEES

Tobacco-Free Environment Policy SP 4154

The Madera County Superintendent of Schools (MCSOS) shall provide a work and educational environment encouraging and supporting students and staff in their efforts to live healthy and productive lives.

The MCSOS Office prohibits the use of products containing tobacco and/or nicotine, including but not limited to, smokeless tobacco, snuff, chew, clove cigarettes, and electronic nicotine delivery systems, such as electronic cigarettes, any time, in charter school or MCSOS owned or leased buildings, on school or MCSOS property, at school or school sponsored events while under the supervision of MCSOS employees, and in school or MCSOS vehicles. Other vapor emitting electronic devices, such as electronic hookah, with or without nicotine content, that mimic the use of tobacco products, are also prohibited.

Use of tobacco and/or nicotine products and vapor emitting electronic devices is prohibited in all facilities owned and/or operated by the Madera County Superintendent of Schools Office, including indoors, outdoors, and in all County Superintendent of Schools Office vehicles, whether located on or off the premises. Included in this prohibition is tobacco use (or any use of the above listed items) in privately owned vehicles located on Superintendent of Schools Office owned and/operated property. This policy applies to employees, students, and the general public. However, this section does not prohibit the use or possession of prescription products, or other cessation aids such as nicotine patches or nicotine gum. Student use or possession of such products must conform to laws governing student use and possession of medications on school property.

As required by law, MCSOS provides instructional programs designed to discourage students from using tobacco and/or nicotine products. MCSOS employees are expected to serve as models for good health practices that are consistent with these instructional programs.

Students who violate this prohibition shall be subject to disciplinary procedures which may result in consequences previously established by the MCSOS or the school district of the site housing a county operated program.

Signs prohibiting the use of tobacco shall be prominently displayed at all entrances to MCSOS Office property.

LEGAL REFERENCE
HEALTH AND SAFETY CODE 104420 (n) Tobacco Use Prevention 39002 Control of air pollution from non-vehicular source **EDUCATION CODE** 48901 Smoking or use of tobacco **BUSINESS AND PROFESSIONS CODE** 229505 Stop Tobacco Access to Kids Enforcement Act **PERB RULINGS** California School Employees Association, Chapter 506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147) Eureka Teachers Association v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)

Adopted: September 11, 2018

The Madera County Superintendent of Schools or designee shall notify employees of the MCSOS tobacco-free environment policy. The notification shall also inform them of:

1. Their need to abide by MCSOS policy as a condition of employment.

2. The dangers of tobacco use in the workplace, including its threat to the health and safety of employees, students and the public.

3. Available resources which may help employees stop using tobacco.

4. Possible disciplinary actions in accordance with MCSOS policy, state law, and applicable collective bargaining agreements.

Enforcement Procedures for Community Members

Community members who smoke on MCSOS Office property shall be informed of the MCSOS Office tobacco-free environment policy and asked to refrain from smoking. If the person fails to comply with this request, the following actions may ensue:

1. The matter may be referred to the Superintendent or designee responsible for the area of the event.

2. If the person fails to refrain when so requested by the Superintendent or designee, the Superintendent or designee may direct him/her to leave school property.

3. If necessary, the Superintendent or designee may request local law enforcement assistance in removing the person from school premises or MCSOS Office owned property.