Cecilia A. Massetti, Ed.D.
Superintendent of Schools

8.6

Board of Education Action Item
September 11, 2018

Topic:
Delete Policy MCOEP 2380

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 Madera County Board of Education Policy MCOEP 2380 has been replaced by Superintendent Policy SP 4154. SP 4154 was included in your packet under an information item.

Fiscal Impact:
None

Resource:
Cecilia A. Massetti, Ed.D.
Madera County Superintendent of Schools

Recommendation:
It is recommended the Board of Education rescind MCOEP 2380 because it has been replaced by SP 4154.

1105 South Madera Avenue • Madera, CA 93637 • (559) 673-6051 • FAX (559) 673-5569
www.maderacoe.k12.ca.us

Agenda item 8.6 requests that MCOEP 2380 Tobacco Free Environment policy be rescinded. The policy in its entirety has been struck through to show it will be rescinded.

~~2000 - ADMINISTRATIVE COMPLIANCE/APPEALS~~

~~2300 - GENERAL ADMINISTRATION COMPLIANCE~~

~~TOBACCO-FREE ENVIRONMENT POLICY MCOEP 2380~~

~~The Madera County Office of Education shall provide a work and educational environment encouraging and supporting students and staff in their efforts to live healthy and productive lives.~~

~~Effective July 1, 1995, the use of tobacco products is prohibited al all time on all property and in all facilities owned, leased, and/or operated by the Madera County Office of Education, whether indoors or out of doors; and in all vehicles owned, leased, and/or operated by the Madera County Office of Education. This prohibition applies to all employees, students, visitors and other persons in any program or at any meeting or event on any property owned, leased, or operated by or from the Madera County Office of Education. This prohibition shall apply at any Madera County Office of Education sponsored program, event or activity where students are present, even if such program, event, or activity is not on property owned, leased, or operated by the Madera County Office of Education.~~

~~As required by law, the county office provides instructional programs designed to discourage students from using tobacco products. County school employees are expected to serve as models for good health practices that are consistent with these instructional programs.~~

~~All individuals on county premises share in the responsibility of adhering to this policy and informing appropriate school officials of any violations. A list of resources which may assist employees and students who wish to stop using tobacco products will be provided.~~

~~Students shall not smoke, chew or possess tobacco or nicotine products on school property or during school hours, at school sponsored events, or while under the supervision of district employees. Students who violate this prohibition shall be subject to disciplinary procedures which may result in consequences previously established by the Madera County Office of Education or the school district of the site housing a county program.~~

~~Signs prohibiting the use of tobacco shall be prominently displayed at all entrances to count school's property.~~

~~Legal References~~~~:~~

~~*Health and Safety Code*~~
~~*24167 Implementation of tobacco use prevention program*~~
~~*39002 Control of air pollution from non-vehicular source*~~

~~*Education Code*~~
~~*48901 Smoking or use of tobacco*~~

~~*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 by Board: June 13, 1995***~~
~~***Revised: May 9, 2000***~~

~~2000 - ADMINISTRATIVE COMPLIANCE/APPEALS~~

~~2300 - GENERAL ADMINISTRATION COMPLIANCE~~

~~TOBACCO-FREE ENVIRONMENT POLICY MCOE AR 2380~~

~~The Superintendent or designee shall notify employees of the county school's tobacco-free schools policy. The notification shall also inform them of:~~

1. ~~Their need to abide by county school's 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 Board policy, state law and applicable collective bargaining agreements.~~

~~ENFORCEMENT PROCEDURES FOR COMMUNITY MEMBERS~~

~~Community members who smoke on county property shall be informed of the county school's tobacco-free schools 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.~~