

**CLASSIFICATION: Business and Noninstructional
Operations****ADOPTED: 6/19/79****REVISED: 9/8/21****SUBJECT: Tobacco-Free Educational Agency****PAGE: 1 of 4**

The use of tobacco, or any product containing tobacco or nicotine products of any kind in SDCOE owned vehicles, facilities, and on the grounds, of the San Diego County Office of Education is prohibited. All activities or events sponsored by the County Board of Education or the county superintendent of schools at off-site locations shall also be subject to this prohibition.

This administrative regulation applies to all employees of the county superintendent of schools, students, visitors, and other members of the general public.

Tobacco products means any of the following:

- A 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.
- 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.
- Any component, part, or accessory of a tobacco product, whether or not sold separately.

“Smoke or smoking” means inhaling, exhaling, burning, or carrying any lighted or heated cigar, cigarette, or pipe, or any other lighted or heated tobacco or plant product intended for inhalation, whether natural or synthetic, in any manner or in any form. “Smoking” includes the use of an electronic smoking device that creates an aerosol or vapor, in any manner or in any form, or the use of any oral smoking device for the purpose of circumventing the prohibition of smoking.

The county superintendent of schools establishes the measures presented in this administrative regulation to maintain a Tobacco-Free Educational Agency in compliance with Board policy and state and federal laws.

**CLASSIFICATION: Business and Noninstructional
Operations**

ADOPTED: 6/19/79

REVISED: 9/8/21

SUBJECT: Tobacco-Free Educational Agency

PAGE: 2 of 4

SIGNS

Signs prohibiting the use of tobacco products shall be prominently displayed:

1. At all entrances to San Diego County Office of Education facilities and grounds, and other facilities and grounds owned or leased by the county superintendent of schools.
2. Inside facilities of the San Diego County Office of Education and other facilities owned or leased by the county superintendent of schools, as appropriate.
3. Inside vehicles owned or leased by the county superintendent of schools.

NOTIFICATIONS

1. Any agreement governing the use of the facilities and/or grounds of the San Diego County Office of Education or facilities or grounds owned or leased by the county superintendent of schools shall include a notice of the Tobacco-Free Educational Agency policy.
2. Employees of the county superintendent of schools shall be notified of the Tobacco-Free Educational Agency policy upon employment. The notification shall also inform employees of:
 - a. The requirement that employees comply with this policy as a condition of employment.
 - b. The dangers of the use of tobacco products in the workplace, including its threat to the health and safety of employees, students, and the public.
 - c. The availability of information on tobacco-use intervention and cessation programs upon request and whenever an employee violates the Tobacco-Free Educational Agency policy.

**CLASSIFICATION: Business and Noninstructional
Operations**

ADOPTED: 6/19/79

REVISED: 9/8/21

SUBJECT: Tobacco-Free Educational Agency

PAGE: 3 of 4

- d. The possibility of disciplinary action in accordance with Board policy and administrative regulation, state and federal law, and applicable collective bargaining agreements.

ENFORCEMENT PROCEDURES

1. Employees who violate the Tobacco-Free Educational Agency policy shall be subject to appropriate discipline.
2. Visitors and members of the general public who violate the Tobacco-Free Educational Agency policy shall be informed of the policy and this administrative regulation and asked to refrain from using any tobacco products. If a person fails to comply with this request, the following actions may ensue:
 - a. The matter shall be referred to the county superintendent of schools or designee.
 - b. If the person fails to refrain when so requested by the county superintendent of schools or designee, the county superintendent of schools or designee may direct him/her to leave the property. If necessary, the county superintendent of schools or designee may request local law enforcement assistance in removing the person from the premises.
 - c. If an individual twice violates the Tobacco-Free Educational Agency policy, the county superintendent of schools or designee may prohibit him/her from entering San Diego County Office of Education facilities or grounds for a specified period of time.
 - d. Violations of this policy by individuals, groups, or organizations contracting with the county superintendent of schools for use of facilities and/or grounds may result in cancellation of the contract.
3. Students who violate the Tobacco-Free Educational Agency policy shall be subject to student discipline procedures.

**CLASSIFICATION: Business and Noninstructional
Operations**

ADOPTED: 6/19/79

REVISED: 9/8/21

SUBJECT: Tobacco-Free Educational Agency

PAGE: 4 of 4

The county superintendent of schools or designee shall not be required to physically remove 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.

Any form of intimidation, threat, or retaliation against a person for attempting to enforce the Tobacco-Free Educational Agency policy is prohibited.

Derivation: Former Administrative Regulation No. 2144.4, Smoking, Adopted 6/1979. Revised 12/1983 and 12/15/89. Amended, Renumbered, and Renamed, 2144, Tobacco-Free Educational Agency, 1/12/94. Amended and Renumbered 4013, 5/10/95. Amended and Renumbered 3513.5 6/11/15. Amended 9/8/21

Board Policy: 3513.5

Administrative Regulation: 5131

Legal Reference: Education Code

48900, 48901

Health & Safety Code

104350-104495, 104559

Labor Code

6404.5

United States Code, Title 20

6083, 7122 – Student Support and Academic Enrichment Grants