**San Bernardino County Superintendent of Schools**
**Policy 4020.1**

# 4020.1 TOBACCO-FREE SCHOOLS

The County Superintendent of Schools believes that the maintenance of tobacco-free work places is essential to school and office operations.

In the best interests of students, employees and the general public, the county Superintendent of Schools prohibits the use of tobacco products at all times on county property and in county vehicles.

The use of tobacco and nicotine products is prohibited at any time in the county office, county- owned or leased buildings, schools or other property, and in county vehicles. This includes, but is not limited to, smokeless tobacco, snuff, chew, clove cigarettes, and other nicotine delivery devices, such as electronic cigarettes. (Health and Safety Code 104559)

This prohibition applies to all employees, students, parents/guardians, visitors and other persons at any school or school-sponsored activity/meeting or athletic event.

The County Superintendent or designee shall inform students, parent/guardians, employees and the public about this policy. All county offices of education shall prominently display signs at all entrances to school property stating, "Tobacco use is prohibited." All individuals on district premises share in the responsibility of adhering to this policy and informing appropriate school officials of any violations.

The Public Employment Relations Board (PERB) has ruled that a policy prohibiting smoking and other use of tobacco products is not a mandatory subject of bargaining. PERB has also concluded that the prohibition of smoking in public school facilities is a reasonable step for schools to take to discourage students from smoking. Ample research has demonstrated the health hazards associated with the use of tobacco products, including smoking and the breathing of second-hand smoke. As required by law, the district provides instructional programs designed to discourage students from using tobacco products. County employees are expected to serve as models for good health practices that are consistent with these instructional programs.

Persistent violation of this policy by employees shall result in progressive disciplinary procedures which may include informal discussion, verbal warning, written warning, written reprimand, suspension with loss of pay, and/or dismissal.

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.

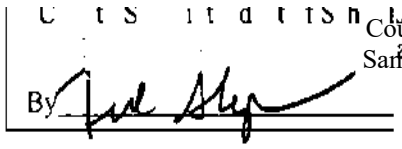
Smoking or use of any tobacco-related product or disposal of any tobacco-related waste is prohibited within 25 feet of any playground, except on a public sidewalk located within 25 feet of

the playground. In addition, any form of intimidation, threat, or retaliation against a person for attempting to enforce this policy is prohibited. (Health and Safety Code 104495)

The County Office shall maintain a list of clinics and community resources that may assist employees and students who wish to stop using tobacco products. Information about these programs shall be made available upon request and whenever an employee violates the County Schools' policy.

*Approved: August 24, 1993*
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Ted Alejandre
County Superintendent of Schools
San Bernardino County, California