INFORMATION SHEET 10/13/2015 TRUSTEES' MEETING

Attachment: 8.1

To: Board of Trustees

From: Grace Merritt

Re: Board Policy and Administrative Regulation Revisions, First Reading

BP & AR 6145 Extracurricular and Cocurricular Activities

MANDATED policy updated to clarify that no fee may be charged to students for participation in extracurricular and cocurricular activities related to the educational program, unless specifically authorized by law, and that a district policy allowing for waivers of the fee based on financial need does not render the fee constitutional. Grade levels under eligibility requirement have been expended from 7th and 8th to 5th through 12th grade range.

Regulation updated to clarify the applicability of legal definitions of extracurricular and cocurricular activities and to add section on "Supervision" reflecting required qualifications of staff and others who work with students in a student activity program.

AR 6145.2 Athletic Competition

Regulation revised to add student eligibility section that refers to the same eligibility requirements outlined in 6145.

BP & AR 3513.3 Tobacco-Free Schools

Mandated policy expands list of prohibited products to include electronic hookahs and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products. Policy also deletes the option for districts not receiving Tobacco Use Prevention Education (TUPE) funds to allow smoking outside on school or district grounds or in designated employee breakrooms, although non-TUPE districts may continue to adopt such policy language at their discretion.

Regulation updated to add notification of parents/guardians, students, and the community of the district's tobacco-free schools policy.

Instructions BP 6145(a)

Extracurricular And Cocurricular Activities

The Board of Trustees recognizes that extracurricular and cocurricular activities enrich the educational and social development ~~and experiences~~ of students~~.~~ and enhance students' feelings of connectedness with the schools. The district shall encourage and support student participation in ~~extra/~~extracurricular and cocurricular activities without compromising the integrity and purpose of the educational program.

(cf. 1330 - Use of School Facilities)
(cf. 5137 - Positive School Climate)
(cf. 6145.2 - Athletic Competition)
(cf. 5148.2 - Before/After School Programs)

***Note: Pursuant to various provisions of state and federal law (e.g., Education Code 220; Government Code 11135; 20 USC 1681-1688; 42 USC 2000d-2000d-7 and 12101-12213; 29 USC 794), discrimination in education programs and activities is unlawful when it is based on certain actual or perceived characteristics of an individual; see BP 0410 - Nondiscrimination in District Programs and Activities. ***

No ~~student shall be prohibited from participating in extra/~~extracurricular or cocurricular ~~activities related to the educational~~ program ~~because of inability to pay fees associated with the~~ or activity~~.~~

~~The Superintendent or designee~~ shall be provided or conducted separately on the basis of any actual or perceived characteristic listed as a prohibited category of discrimination in state or federal law, nor shall ~~ensure that disabled students have access, to the extent possible, to~~any student's participation in an extracurricular or cocurricular activity be required or refused on those bases. Prerequisites for student participation in extracurricular and cocurricular activities~~, student organizations and school-related social events, regardless of the severity or nature~~ shall be limited to those that have been demonstrated to be essential to the success of ~~their disabilities.~~the activity. (5 CCR 4925)

(cf. 0410 - Nondiscrimination in District Programs and Activities)

~~Extra/~~*(cf. 5145.3 - Nondiscrimination/Harassment)*
(cf. 5145.7 - Sexual Harassment)
(cf. 6145.5 - Student Organizations and Equal Access)

Any complaint alleging unlawful discrimination in the district's extracurricular or cocurricular programs or activities shall be ~~supervised~~filed in accordance with BP/AR 1312.3 - Uniform Complaint Procedures.

(cf. 1312.3 - Uniform Complaint Procedures)

***Note: The courts have interpreted California's constitutional "free school" guarantee, as specified in Article 9, Section 5, to extend to all activities which constitute an integral part of a

student's education, including extracurricular activities. Pursuant to 5 CCR 350, constitutionally permissible fees may be charged only when specifically authorized by law, and any other fees charged for "educational activities" would be unconstitutional. However, the line between "educational activities" (no fees) and "recreational activities" (fees permissible) is not always clear. In Hartzell v. Connell, the California Supreme Court held that "educational activities" include extracurricular activities, drama productions, vocal music groups, instrumental groups, and cheerleading. Examples of "recreational activities" include attendance at weekend dances or athletic events. It is important to note that the Court in Hartzell determined that a district policy allowing for waivers of the fee based on financial need or inability to pay does not render the fee constitutional. For further information, see BP/AR 3260 - Fees and Charges and CSBA's advisory Student Fees Litigation Update. Districts are advised to seek legal counsel before charging fees for any activity which may be construed as related to the educational program. ***

Unless specifically authorized by ~~district employees whenever they are conducted under the name of~~law, no fee shall be charged to students for participation in extracurricular and cocurricular activities related to the ~~district~~educational program, including materials or equipment related to the activity.

~~*(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)*~~

(cf. 3260 - Fees and Charges)
(cf. 3452 - Student Activity Funds)

Eligibility Requirements

***Note: If the district maintains any of grades 7-12, Education Code 35160.5 mandates the Governing Board to adopt policy establishing eligibility requirements for student participation in extracurricular and cocurricular activities in grades 7-12. Pursuant to Education Code 35160.5, students must demonstrate "satisfactory educational progress," as provided in items #1-2 below, but districts may adopt stricter academic eligibility criteria provided such action is taken at a public meeting in accordance with Education Code 35145. Districts that have adopted stricter criteria should modify the following paragraph accordingly. ***

~~In order~~To be eligible to participate in ~~extra/~~extracurricular and cocurricular activities, students in grades 5 ~~7 and 8~~-12 must demonstrate satisfactory educational progress in the previous grading period, including, but not limited to: (Education Code 35160.5)

1. Maintenance of a minimum of 2.0 grade point average on a 4.0 scale in all enrolled classes

2. Maintenance of minimum progress toward meeting ~~the~~ 8th grade and high school graduation requirements ~~for graduation.~~

(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6146.1 - High School Graduation Requirements)

~~The Superintendent or designee may exempt from eligibility requirements extra/cocurricular activities or programs which are offered primarily for the student's academic or educational achievement.~~

~~To encourage and support academic excellence, the Board requires students in grades 7 and 8 to earn a minimum 2.0 or "C" grade point average on a 4.0 scale in order to participate in extra/cocurricular activities.~~

~~Students with any "F" grades must also maintain minimum progress towards graduation in order to meet eligibility requirements.~~

(cf. 6162.52 - High School Exit Examination)

The Superintendent or designee may grant ineligible students a ~~probation~~probationary period ~~of~~ not ~~more than~~to exceed one trimester ~~semester~~. Students granted probationary eligibility must meet the required standards by the end of the probationary period in order to remain eligible for participation. (Education Code 35160.5)

***Note: Education Code 48850 specifies that, when the residence of a student in foster care changes pursuant to a court order or decision of a child welfare worker, the student shall be immediately deemed to meet all residency requirements for participation in extracurricular activities and interscholastic sports; see AR 6173.1 - Education for Foster Youth. ***

***Note: In addition, Education Code 49700-49701 establish a uniform means of assisting children of active duty military families transferred from one state to another, by reducing or eliminating the barriers to their educational success caused by the frequent moves and deployments of their parents/guardians. Among other things, Education Code 49701 requires flexibility of districts' local rules to facilitate eligibility for extracurricular activities. See BP/AR 6173.2 - Education of Children of Military Families. ***

Any decision regarding the eligibility of any child in foster care or a child of an active duty military family for extracurricular or cocurricular activities shall be made by the Superintendent or designee in accordance with Education Code 48850 and 49701.

(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)

The Superintendent or designee may revoke a student's eligibility for participation in ~~extra/~~extracurricular and cocurricular activities when ~~a~~the student's poor citizenship is serious enough to warrant loss of this privilege.

Student Conduct at Extracurricular/Cocurricular Events

***Note: The following paragraph is optional. Pursuant to Education Code 35181, the Board

has authority to set expectations and/or rules for student attendance, academic performance, in-school behavior, and any other aspect of school life that it deems relevant to maintaining order in district schools. ***

When attending or participating in extracurricular and cocurricular activities on or off campus, district students are subject to district policies and regulations relating to student conduct. Students who violate district policies and regulations may be subject to discipline including, but not limited to, suspension, expulsion, transfer to alternative programs, or denial of participation in extracurricular or cocurricular activities in accordance with Board policy and administrative regulation. When appropriate, the Superintendent or designee shall notify local law enforcement.

(cf. 5131 - Conduct)
(cf. 5131.1 - Bus Conduct)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)
(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))

Annual Policy Review

***Note: Education Code 35160.5 requires annual review of this policy, as it relates to the participation of students in grades 7-12 in extracurricular and cocurricular activities. The following paragraph is optional for districts without any of grades 7-12. ***

The Board shall annually review this policy and implementing regulations.

~~*(cf. 6145.2 - Athletic Competition)*~~
~~*(cf. 6164.4 - Identification of Individuals for Special Education)*~~

Legal Reference:
EDUCATION CODE
35145 Public meetings
35160.5 District policy rules and regulations; requirements; matters subject to regulation
35179 Interscholastic athletics; associations or consortia
35181 Students' responsibilities
48850 Participation of foster youth in extracurricular activities and interscholastic sports
48930-48938 Student organizations
49024 Activity Supervisor Clearance Certificate
49700-49704 Education of children of military families
CALIFORNIA CONSTITUTION
Article 9, Section 5 Common school system
CODE OF REGULATIONS, TITLE 5
350 Fees not permitted
4900-4965 Nondiscrimination in elementary and secondary education programs receiving state financial assistance
5531 Supervision of extracurricular activities of pupils
UNITED STATES CODE, TITLE 42
2000h-2-2000h-6 Title IX, 1972 Education Act Amendments
COURT DECISIONS
Hartzell v. Connell, (1984) 35 Cal. 3d 899

Management Resources:

~~CDE LEGAL ADVISORIES~~

~~001.90 Access to School-Related~~ CSBA PUBLICATIONS
Student Fees Litigation Update, ELA Advisory, May 20, 2011
CALIFORNIA DEPARTMENT OF EDUCATION PUBLICATIONS
Pupil Fees, Deposits, or Other Charges, Fiscal Management Advisory 11-01, November 9, 2011
CALIFORNIA TASK FORCE REPORT TO THE LEGISLATURE
Compact on Educational Opportunity for Military Children: Preliminary Final Report, March 2009
COMMISSION ON TEACHER CREDENTIALING CODED CORRESPONDENCE
10-11 Information on Assembly Bill 346 Concerning the Activity Supervisor Clearance Certificate (ASCC), July 20, 2010
WEB SITES
CSBA: http://www.csba.org
California Association of Directors of Activities*~~ and Events by Disabled Students, LO:~~: http://www.cadal.org*
California Department of Education: http://www.cde.ca.gov
Commission on Teacher Credentialing: http://www.ctc.ca.gov

(11/01 11/09) *3~~ 0~~/12*

409~~.87 Requirements for Pupil Participation in~~

~~, AB 2613, CIL: 86/87-11~~

EXTRACURRICULAR AND COCURRICULAR ACTIVITIES

Definitions

For purposes of applying eligibility criteria for student participation, extracurricular and cocurricular activities

~~Extracurricular activities are those programs that have all of the following characteristics~~ shall be defined as follows: (Education Code 35160.5)

1. Extracurricular activities are not part of the regular school curriculum, are not graded, do not offer credit ~~and~~, do not take place during classroom time~~. (Education Code 35160.5)~~, and have all of the following characteristics:

a. The program is supervised or financed by the school district.

b. Students participating in the program represent the school district.

c. Students exercise some degree of freedom in the selection, planning, or control of the program.

d. The program includes both preparation for performance and performance before an audience or spectators.

2. Cocurricular activities are programs that may be associated with the curriculum in a regular classroom. ~~(Education Code 35160.5)~~

An activity is not an extracurricular or cocurricular activity if either of the following conditions applies: (Education Code 35160.5)

1. It is a teacher-graded or required program or activity for a course which satisfies the entrance requirements for admission to the California State University or the University of California.

(cf. 6143 - Courses of Study)

2. It is a program that has as its primary goal the improvement of academic or educational achievement of students.

Eligibility Requirements

The grade point average (GPA) used to determine eligibility for extracurricular and cocurricular activities shall be based on grades of the last previous grading period during which the student attended class at least a majority of the time. ~~(Education Code 35160.5)~~

~~In the event~~If a student ~~finds that he/she is academically~~was not in attendance for all, or a majority of, the grading period due to absences excused by the school for reasons such as serious illness or injury, approved travel, or work, the GPA used to determine eligibility shall be the grading period immediately prior to the excluded grading period(s). (Education Code 35160.5)

(cf. 5113 - Absences and Excuses)

***Note: The following paragraph is optional. Districts that do not allow a probationary period as authorized by Education Code 35160.5 (see the accompanying Board policy) should revise the following paragraph accordingly. ***

When a student becomes ineligible to participate in ~~extra/~~extracurricular or cocurricular activities in ~~the first grading period of~~ the upcoming ~~year, he/she may request that the total spring and summer school grades be used to determine eligibility for the first grading period of the upcoming~~grading period, or when he/she is subject to probation, the principal or designee shall provide written notice to the student and his/her parent/guardian.

Supervision

All extracurricular activities conducted under the name or auspices of a district school ~~year.~~or any class or organization of the school, regardless of where the activities are held, shall be under the direct supervision of certificated employees. (5 CCR 5531)

***Note: Education Code 49024 requires any noncertificated person who works with students in a district-sponsored student activity program, whether in a paid or volunteer position, to obtain an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing, unless the district requires the person to clear a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning the duties. "Student activity programs" include, but are not limited to, scholastic programs, interscholastic programs, and extracurricular activities sponsored by the district or a school booster club, such as cheer team, drill team, dance team, and marching band. Also see BP/AR 1240 - Volunteer Assistance and BP 4127/4227/4327 - Temporary Athletic Team Coaches. ***

~~Receiving an Incomplete shall have no effect on a student's academic eligibility as long as the resolution of the Incomplete would not lower his/her grade point average below 2.0. If the resolution of an Incomplete could lower the student's grade point average to below 2.0, the student shall be considered ineligible until the Incomplete is removed and the grade point average determined.~~

~~**Probationary Period**~~

~~Probation of one semester or less may be authorized by the Superintendent or designee.~~

~~Students granted probationary eligibility must meet the required standards by the end of the probationary period in order to remain eligible for participation.~~

Any noncertificated person working with students in a district-sponsored extracurricular student activity program shall possess an Activity Supervisor Clearance Certificate from the Commission on Teacher Credentialing or shall have cleared a Department of Justice and Federal Bureau of Investigation criminal background check prior to beginning his/her duties, in accordance with BP 4127/4227/4327 - Temporary Athletic Team Coaches. (Education Code 49024)

(cf. 1240 - Volunteer Assistance)
(cf. 4112.5/4212.5/4312.5 - Criminal Record Check)
(cf. 4127/4227/4327 - Temporary Athletic Team Coaches)

(12/90 11/01) 3/12

Regulation **JEFFERSON SCHOOL DISTRICT**

approved: December 11, 2001 Tracy, California

ATHLETIC COMPETITION

Sportsmanship

Sportsmanship involves taking a loss or defeat without complaint, taking victory without gloating and treating opponents and officials with fairness, courtesy and respect.

Unacceptable behavior at all school contests includes berating an opponent's school or mascot, berating opposing players and making obscene cheers or gestures.

Coaches, athletes, cheerleaders and spectators shall respect the integrity and judgment of sports officials. Words or gestures of complaint about officials' calls are unacceptable.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)

Student Eligibility

Eligibility requirements for participation in the district's interscholastic athletic program, including requirements pertaining to academic achievement and residency, shall be the same as those set by in the district for participating in extracurricular and cocurricular activities.

(cf. 3530 - Risk Management/Insurance)
(cf. 5111.1 - District Residency)
(cf. 5121 - Grades/Evaluation of Student Achievement)
(cf. 6145 - Extracurricular and Cocurricular Activities)
(cf. 6146.1 - High School Graduation Requirements)
(cf. 6162.52 - High School Exit Examination)
(cf. 6173.1 - Education for Foster Youth)
(cf. 6173.2 - Education of Children of Military Families)

Equivalent Opportunity

Exclusion on the basis of gender from participation in any extracurricular or athletic program or activity constitutes discrimination. (Education Code 230)

(cf. 0410 - Nondiscrimination in District Programs and Activities)
(cf. 1312.3 - Uniform Complaint Procedures)

No person shall on the basis of gender be excluded from participation in, be denied the benefits of, be denied equivalent opportunity in, or otherwise be discriminated against in interscholastic or intramural athletics. The district shall not provide athletics separately on such basis. (5 CCR 4920)

The district may provide single-gender teams where selection for teams is based on competitive skills. (5 CCR 4921)

When a school provides only one team in a particular sport for members of one gender but provides no team in the same sport for members of the other gender, and athletic opportunities in the total program for that gender have been previously limited, members of the excluded gender shall be allowed to try out for the team. (5 CCR 4921)

When determining whether equivalent opportunities are available to both genders in athletic programs, the district shall consider, among other factors: (5 CCR 4922)

1. Whether the selection of sports and other extracurricular and cocurricular competition effectively accommodates the interests and abilities of both genders

2. The provision of equipment and supplies

ATHLETIC COMPETITION (continued)

3. Scheduling of games and practice times

4. Travel and per diem allowances

5. Opportunities to receive coaching and academic tutoring

6. Assignment and compensation of coaches and tutors

7. Provision of locker rooms, practice and competitive facilities

8. Provision of medical and training facilities and services

9. Provision of housing and dining facilities and services

10. Publicity

Health and Safety

Coaches and appropriate district employees shall take every possible precaution to ensure that athletic equipment is kept in safe and serviceable condition.

Whenever an athlete incurs an injury or wound that produces bleeding or other bodily fluids, the athlete shall be appropriately treated as soon as possible, using universal precautions.

(cf. 4119.42 /4219.42/4319.42 - Exposure Control Plan for Bloodborne Pathogens)
(cf. 5141.1 - Accidents)
(cf. 5141.23 - Infectious Disease Prevention)

Parental Notifications

Before a student participates in interscholastic athletic activities, his/her parents/guardians shall receive a notice which:

1. Explains that there is an element of risk associated with all athletic competition and that the district cannot ensure that their student will not be injured, despite the staff's commitment to provide for every participant's health and welfare

(cf. 3530 - Risk Management/Insurance)

2. Requests parental permission for the student to participate in the program and, if appropriate, be transported by the school to and from competitions

ATHLETIC COMPETITION (continued)

(cf. 3541.1 - Transportation for School-Related Trips)

3. Explains that it is imperative that the student adhere strictly to all safety rules, regulations and instructions as well as rules and guidelines related to sportsmanship and citizenship

Regulation
approved: December 11, 2001

JEFFERSON SCHOOL DISTRICT
Tracy, California

Tobacco-Free Schools

**Note: Health and Safety Code 104420 mandates districts receiving Tobacco-Use Prevention Education (TUPE) funds to adopt a tobacco-free schools policy that prohibits the use of tobacco anytime, anywhere in district-owned or leased buildings, on district property, and in district vehicles. Such districts must certify compliance with this requirement by submitting a California Department of Education (CDE) certification form and supporting documentation to the county office of education's TUPE coordinator by July 1 in order to apply for TUPE funding for that fiscal year. The certification process also requires submission of the district's written policy and enforcement procedures; see the accompanying administrative regulation for enforcement procedures. **

**Note: At their discretion, districts that do not receive TUPE funds may modify this policy to limit the prohibition against smoking to only enclosed spaces, pursuant to Labor Code 6404.5 and 20 USC 6083. **

The Board of Trustees recognizes ~~the~~that smoking and other uses of tobacco and nicotine products constitute a serious public health ~~hazards associated~~hazard and are inconsistent with ~~tobacco products, including the breathing of second-hand smoke, and desires~~district goals to provide a healthy environment for students and staff.~~ Employees are encouraged to serve as models for good health practices that are consistent with the district's instructional programs.~~

~~In accordance with state and federal law, smoking is prohibited in all district facilities and vehicles. (20 USC 6083; Labor Code 6404.5)~~

(cf. 3514 - Environmental Safety)
(cf. 4159/4259/4359 - Employee Assistance Programs)
(cf. 5030 - Student Wellness)
(cf. 5131.62 - Tobacco)
(cf. 5141.23 - Asthma Management)
(cf. 6142.8 - Comprehensive Health Education)
(cf. 6143 - Courses of Study)

The Board ~~further~~ prohibits the use of tobacco products at ~~all times~~any time in district-owned or leased buildings, on district ~~grounds.~~ property, and in district vehicles. (Health and Safety Code 104420; Labor Code 6404.5; 20 USC 6083)

This prohibition applies to all employees, students, and visitors at any school-sponsored instructional program, activity, or athletic event held on ~~property owned, leased or rented by~~ or ~~from the district.~~ off district property. Any written joint use agreement governing community use of district facilities or grounds shall include notice of the district's tobacco-free schools policy and consequences for violations of the policy.

~~The Superintendent or designee shall inform students, parents/guardians, employees and the public about this policy and related procedures.~~

~~(cf. 4118 - Suspension/Disciplinary Action)~~
~~(cf. 4218 - Dismissal/Suspension/Disciplinary Action)~~
~~(cf. 5144.1 - Suspension and Expulsion/Due Process)~~

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

~~The Superintendent or designee shall maintain a list of clinics and other resources which may assist individuals who wish to stop using tobacco products.~~
(cf. 1330 - Use of School Facilities)
~~(cf. 4159/4259/4359 - Employee Assistance Programs)~~
1330.1 - Joint Use Agreements)

The products prohibited include any product containing tobacco or nicotine, including, but not limited to, cigarettes, cigars, miniature cigars, smokeless tobacco, snuff, chew, clove cigarettes, betel, electronic cigarettes, electronic hookahs, and other vapor-emitting devices, with or without nicotine content, that mimic the use of tobacco products.

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)

Legal Reference:
EDUCATION CODE
48900 Grounds for suspension/expulsion
48901 ~~Smoking or use of~~Prohibition against tobacco~~; steps to discourage~~ use by students
HEALTH AND SAFETY CODE
39002 Control of air pollution from nonvehicular sources
~~104420 Implementation of~~ 104350-104495 Tobacco use prevention ~~program~~, especially:
104495 Prohibition of smoking and tobacco waste on playgrounds
119405 Unlawful to sell or furnish electronic cigarettes to minors
LABOR CODE
3300 Employer, definition
6304 Safe and healthful workplace
6404.5 Occupational safety and health~~:~~; use of tobacco products
UNITED STATES CODE, TITLE 20
6083 Nonsmoking policy for children's services
~~COURT DECISIONS~~

7100-7117 Safe and Drug Free Schools and Communities Act
CODE OF FEDERAL REGULATIONS, TITLE 21

1140.1-1140.34 Unlawful sale of cigarettes and smokeless tobacco to minors
PERB RULINGS
Eureka Teachers Assn. v. Eureka City School District (1992) PERB Order #955 (16 PERC 23168)
CSEA #506 and Associated Teachers of Metropolitan Riverside v. Riverside Unified School District (1989) PERB Order #750 (13 PERC 20147)

Management Resources:
WEB SITES
California Department of Education, Alcohol, Tobacco and Other Drug Prevention: http://www.cde.ca.gov/ls/he/at
California Department of Education, Tobacco-Free School District Certification: http://www.cde.ca.gov/ls/he/at/tobaccofreecert.asp
California Department of Public Health, Tobacco Control: http://www.cdph.ca.gov/programs/tobacco
Occupational Safety and Health Standards Board: http://www.dir.ca.gov/OSHSB/oshsb.html
U.S. Environmental Protection Agency: http://www.epa.gov

Policy **JEFFERSON SCHOOL DISTRICT**

adopted: August 14, 2001 Tracy, California

Tobacco-Free Schools

~~Employee~~ Notifications

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.

Information about the district's tobacco-free schools policy and enforcement procedures shall be communicated clearly to employees, parents/guardians, students, and the community. (Health and Safety Code 104420)

(cf. 5145.6 - Parental Notifications)
(cf. 4112.9/4212.9/4312.9 - Employee Notifications)

**Note: The following optional paragraph may be revised to reflect district practice. **

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

~~1. Their need to abide by~~may disseminate this information through annual written notifications, district ~~policy as a condition of employment.~~ and school web sites, student and parent handbooks, and/or other appropriate methods of communication.

~~2. The dangers of~~
(cf. 1113 - District and School Web Sites)

Signs stating "Tobacco use ~~in the workplace, including its threat~~is prohibited" shall be prominently displayed at all entrances to ~~the health and safety of employees, students~~school property. (Health and ~~the public.~~Safety Code 104420)

~~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 Visitors**~~/Discipline

** 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 in the enclosed workplace. The following optional paragraph may be revised to reflect district practice. **

~~A visitor who smokes~~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.

(cf. 4118 - Suspension/Disciplinary Action)
(cf. 4218 - Dismissal/Suspension/Disciplinary Action)
(cf. 5144 - Discipline)
(cf. 5144.1 - Suspension and Expulsion/Due Process)

Any other person who violates the district's policy on ~~district property~~tobacco-free schools shall be informed of the district'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 or the event.~~

~~2. The~~ Superintendent or designee may:

1. Direct the person to leave school property~~.~~

~~3. If necessary, the Superintendent or designee may~~
2. Request local law enforcement assistance in removing the person from school premises~~.~~

~~4~~3. If the person repeatedly violates the tobacco-free schools policy, ~~the Superintendent or designee may~~ prohibit him/her from entering district property for a specified period of time~~.~~

(cf. 1250 - Visitors/Outsiders)
(cf. 3515.2 - Disruptions)

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. (Labor Code 6404.5)

Regulation **JEFFERSON SCHOOL DISTRICT**
approved: August 14, 2001 Tracy, California