

HAWAII ADMINISTRATIVE RULES

TITLE 8

DEPARTMENT OF EDUCATION

SUBTITLE 2

EDUCATION

PART 1 PUBLIC SCHOOLS

CHAPTER 31

TOBACCO FREE SCHOOL SYSTEM

§8-31-1 Purpose. The public school system strives to provide its students with a safe and secure learning environment, as well as appropriate instruction and school experiences that mutually reinforce good personal health and safety practices. The present practice of condoning tobacco use by employees and other adults on public school campuses, at off-campus events, and at district and state offices seriously undermines and contradicts instruction to students regarding the health hazards of tobacco use. The purpose of this chapter is to implement the tobacco free school system policy. Accordingly, this chapter sets forth who shall be responsible for implementing the tobacco free school system policy, as well as how the policy shall be enforced. This chapter also provides for counseling and rehabilitation assistance to employees who wish to stop smoking. [Eff. MAY 08, 1993] (Auth: HRS §§302A-1112, 328K-5) (Imp: HRS §§302A-1101, 302A-1111, 328K-2, 328K-5, 328K-13)

§8-31-2 Definitions. As used in this chapter, unless a different meaning clearly appears in the context:

"Authorized school visitors" means persons other than school employees and students who are authorized by the principal or designee to conduct business, attend or participate in a school-sponsored program or activity, or otherwise physically enter

the school campus or off-campus site under the operational control of the principal or designee.

"Off-campus site" means a place or facility other than the school campus, which is used to conduct school-sponsored programs and activities and which is under the operational control of the principal or designee, including privately and commercially owned facilities which the department leases for community school for adults.

"Operational control" means having jurisdiction over the conduct of events, activities, and attending or participating persons on the school campus or at an off-campus site. With respect to an off-campus site, such as ballrooms, dining facilities, theaters, conference facilities, and recreation or athletic facilities, operational control is exercised by the principal or designee over that facility or portion of the facility which is leased for the exclusive use of the school.

"Other use of tobacco products" means chewing, inhaling and any other form of consuming tobacco products other than by smoking.

"School" means any regular school, special school, or community school for adults operated by the department of education.

"School campus" means the buildings and grounds of a school.

"School employee" means administrators, teachers, and support staff employed by the school, any volunteer, and all employees of the district and state offices of the department of education who perform their jobs on a school campus or off-campus site under the operational control of the principal or designee.

"School vehicle" means any publicly or privately owned motor vehicle used to transport students to and from school campuses or off-campus sites, except:

(1) A privately owned passenger vehicle when the transportation is provided without compensation of any kind by the school; or

(2) A motor vehicle operated as part of the regularly scheduled operation of a mass transit system serving the general public.

"Smoking" means the act of inhaling or exhaling upon, burning, or carrying any lit cigarette, cigar, or pipe.

"Tobacco product" means any substance that contains tobacco, including, but not limited to, chewing tobacco, cigarettes, cigars, pipes, snuff, smoking tobacco, and smokeless tobacco. [Eff. MAY 08, 1983] (Auth: HRS §§302A-1112, 328K-5) (Imp: HRS §§302A-1101, 302A-1111, 328K-2, 328K-5, 328K-13)

§8-31-3 Tobacco free school system.

(a) Effective September 1, 1993, smoking and other use of tobacco products shall be prohibited at all times, including the following:

(1) On public school campuses, school vehicles, and off-campus sites under the operational control of the principal or designee, except as part of a bona-fide classroom instruction or theatrical production approved by the principal; and

(2) In all buildings and facilities, or portions thereof, which are assigned to the district and state offices of the department of education, and which are under the supervision of the district superintendent, assistant superintendents, the superintendent of education, or their designees.

(b) The above prohibitions shall apply to all persons, including the following:

(1) Students enrolled in community schools for adults, school employees, authorized school visitors and guests;

(2) Persons participating in or attending a non-school activity or event conducted on the school campus when school is not in session; and

(3) Employees, visitors, and guests of district and state offices. [Eff. MAY 08 1993] (Auth: HRS §§302A-1112, 328K-5) (Imp: HRS §§302A-1101, 302A-1111, 328K-2, 328K-5, 328K-13)

§8-31-4 Implementation responsibility and authority.

(a) Each principal shall be responsible for implementing the provisions of section 8-31-3 with respect to the school campus, school vehicles, and off-campus sites under the operational control of the principal. The principal shall:

(1) Give written notice by letter to students enrolled in community schools for adults and school employees, and written notice by sign to authorized visitors and guests, that the school is a tobacco free school which conforms to the requirements of this chapter;

(2) Take appropriate sanctions in accordance with section 8-31-5 against violators; and

(3) Assist school employees in obtaining counseling and rehabilitation services relating to smoking cessation.

(b) Assistant superintendents, district superintendents, and branch directors in the office of the superintendent shall be responsible for implementing the provisions of section 8-31-3 with respect to district and state offices. These officials shall:

(1) Give due written notice to employees, visitors, guests that smoking and the use of other tobacco products are prohibited in the buildings and facilities, or portions thereof, under their respective supervision pursuant to section 8-31-3;

(2) Take appropriate sanctions in accordance with section 8-31-5 against violators;

(3) Assist employees in obtaining counseling and rehabilitation services relating to smoking cessation

(c) The office of personnel services shall be responsible for developing necessary regulations and procedures, and providing schools, district offices, and state offices with implementation assistance regarding employment and employee assistance.

(d) The office of business services shall be responsible for developing necessary regulations and procedures, providing schools, district offices, and state offices with implementation assistance regarding posting appropriate signs and notices prohibiting smoking and the use of tobacco products pursuant to section 8-31-3, and for coordinating the statewide implementation of the tobacco free school system policy in collaboration with the office of personnel services and district offices. [Eff. MAY 08, 1993] (Auth: HRS §§302A-1112, 328K-5) (Imp: HRS §§302A-1101, 302A-1111, 328K-2, 328K-5, 328K-13, 328K-15)

§8-31-5 Enforcement procedures. The provisions of §8-31-3 shall be enforced as follows:

(1) School employees who violate the policy shall be disciplined in accordance with regulations and procedures 5110 of the school code or civil service regulations, as applicable; and

(2) Students enrolled in community school for adults, authorized school visitors and guests who violate the policy will first be warned and, if necessary, declared trespassers and removed from the school campus, school vehicle, or off-campus site with the assistance of the police in accordance with section 708-813(c), HRS. [Eff. MAY 08, 1993] (Auth: HRS §§302A-1112, 328K-5) (Imp: HRS §§302A-1101, 302A-1111, 328K-2, 328K-5, 328K-13, 328K-15)

§8-31-6 Counseling and rehabilitation assistance. The department of education shall assist school employees in obtaining appropriate counseling and rehabilitation services relating to voluntary smoking cessation. The department may provide such services directly, or may refer school employees to services offered by other government and private agencies and community organizations. Services shall be made available prior to the implementation of section 8-31-3. [Eff. MAY 08, 1993] (Auth: HRS §302A-1112) (Imp: HRS §§302A-1101, 302A-1111)