

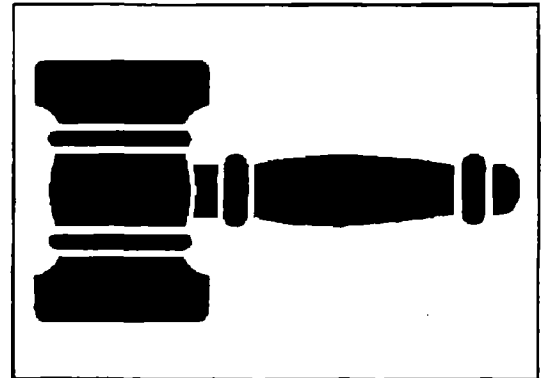
**DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE OF THE GENERAL COUNSEL**

PHONE: (202) 690-6318

FAX: (202) 690-7998

DATE: April 23, 1996

TO: JEN O'CONNOR



FROM: ANDREW D. HYMAN
Special Assistant to the General Counsel
Office of the General Counsel, Room 707F
Department of Health and Human Services
200 Independence Ave., SW
Washington D.C. 20201

COMMENTS: As we discussed, there is a federal law, the Pro-Children Act of 1994, that prohibits smoking in federally funded (directly or indirectly through state or local government) buildings used for children's services, e.g., most public schools. Attached is a copy of the statute, as well as some Qs and As prepared last year by Education.

No. of Pages (including cover): 9

comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act");

(2) in the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this chapter, entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products;

(3) in providing financial assistance under this chapter, the head of each Federal agency should provide to each recipient of the assistance a notice describing the statement made in subsection (a) ¹ by the Congress; and

(4) if it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning to any product sold in or shipped to the United States that is not made in the United States, such person should be ineligible to receive any contract or subcontract made with funds provided pursuant to this chapter, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations, as such sections existed on March 31, 1994.

Pub.L. 103-227, Title X, § 1022, Mar. 31, 1994, 108 Stat. 270.)

¹ So in original.

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acts. House Report No. 103-168 and House Conference Report No. 103-446, see U.S. Code Cong. and Adm. News, p. 63.

References in Text

This "chapter", referred to in text, was in the original this "Act" meaning Pub.L. 103-227, Mar. 31, 1994, 108 Stat. 126, which is classified principally to this chapter. For complete classification of this Act to the Code, see Short Title notes set out under section 10a of Title 41 and Tables.

Section of Pub.L. 103-227 to the Code, see Tables.

The Buy American Act, referred to in par. (4) is title III of Act Mar. 3, 1933, c. 212, 47 Stat. 1620, as amended by Pub.L. 100-418, Title VII, Aug. 23, 1988, 102 Stat. 1545, which is classified principally to sections 10a to 10d of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title notes set out under section 10a of Title 41 and Tables.

PART B—ENVIRONMENTAL TOBACCO SMOKE

HISTORICAL AND STATUTORY NOTES

Codification

The part designation in the original is "C". The letter designation was changed from "C" to "B" for purposes of codification.

§ 6081. Short title

This part may be cited as the "Pro-Children Act of 1994".

(Pub.L. 103-227, Title X, § 1041, Mar. 31, 1994, 108 Stat. 271.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acts. House Report No. 103-168 and House Conference Report No. 103-446, see U.S. Code Cong. and Adm. News, p. 63.

§ 6082. Definitions

As used in this part:

(1) Children

The term "children" means individuals who have not attained the age of 18.

(2) Children's services

The term "children's services" means the provision on a routine or regular basis of health, day care, education, or library serv

(A) that are funded, after March 31, 1994, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act) [42 U.S.C.A. § 1395 et seq. and 1896 et seq.]; or

(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in 7 CFR 246.2) under section 17(b)(6) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(6)), or

(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate Secretary in any enforcement action under this subchapter,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966 [42 U.S.C.A. § 1771 et seq.].

(3) Person

The term "person" means any State or local subdivision thereof, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

(4) Indoor facility

The term "indoor facility" means a building that is enclosed.

(5) Secretary

The term "Secretary" means the Secretary of Health and Human Services.

(Pub.L. 103-227, Title X, § 1042, Mar. 31, 1994, 108 Stat. 271.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acts. House Report No. 103-168 and House Conference Report No. 103-446, see U.S. Code Cong. and Adm. News, p. 63.

References in Text

The Child Nutrition Act of 1966, referred to in par. (2), is Pub.L. 89-542, Oct. 11, 1966, 80 Stat. 855, as amended, which is classified generally to chapter 18A (section 1771 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title notes set out under section 1771 of Title 42 and Tables.

The Social Security Act, referred to in par. (5)(A)(i), is Act Aug. 14, 1935, c. 531, 49 Stat. 620, as amended. Titles XVIII and XIX of the Social Security Act are classified generally to

subchapters XVIII (section 1895 et seq.) and XIX (section 1896 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1806 of Title 42 and Tables.

This subchapter, referred to in par. (2)(B), was, in the original, this title, meaning Pub.L. 103-227, Title X, § 1011 et seq., Mar. 31, 1994, 108 Stat. 265 et seq., which in addition to enacting this subchapter, enacted section 3351 of this title, amended sections 1107, 1232h, 2341, 3381, 3392, 3384, and 3386 of this title, sections 1682, 1633, and 1635 of Title 29, Labor, and section 11908a of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under section 1701 of this title and section 11901 of Title 42. For complete classification of this Title to the Code, see Tables.

LIBRARY REFERENCES

American Digest System

Regulation and supervision of schools and educational institutions in general, see Schools §-20.

Encyclopedias

Administration and regulation of public schools in general, see C.J.S. Schools and School Districts § 83.

WESTLAW ELECTRONIC RESEARCH

Schools cases: 345k(add key number).
See, also, WESTLAW : following the Explanation pages of this vo

Regulation and supervision of public schools in general, see C.J.S. Schools and School Districts § 15.

§ 6083. Nonsmoking policy for children's services

(a) Prohibition

After March 31, 1994, no person shall permit smoking within any indoor facility owned or leased or contracted for and utilized by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

(b) Additional prohibition

After March 31, 1994, no person shall permit smoking within any indoor facility (or portion thereof) owned or leased or contracted for by such person for the provision by such person of regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of the employees of such person who provides such services, except that this subsection shall not apply to—

- (1) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and
- (2) any private residence.

(c) Federal agencies

(1) Kindergarten, elementary, or secondary education or library services

After March 31, 1994, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

(2) Health or day care or early childhood development services

After March 31, 1994, no Federal agency shall permit smoking within any indoor facility (or portion thereof) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children, except that this paragraph shall not apply to—

- (A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and
- (B) any private residence.

(3) Application of provisions

The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

(d) Notice

The prohibitions in subsections (a) through (c) of this section shall be incorporated by publication of a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after March 31, 1994, whichever occurs first.

(e) Special waiver

(1) In general

On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) of this section who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

- (A) took effect before March 31, 1994; and
- (B) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(2) Termination of waiver

A special waiver granted under this subsection shall terminate on the earlier of—

- (A) the first expiration date (after March 31, 1994) of the collective bargaining agreement containing the provisions relating to smoking privileges; or
- (B) the date that is 1 year after March 31, 1994.

(f) Civil penalties

(1) In general

Any failure to comply with a prohibition in this section shall be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty under this section, the total amount shall not exceed the amount of Federal funds received by such person for the fiscal year in which the continuing violations occurred. For the purpose of the prohibition in subsection (c) of this section, the term "person" shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

(2) Administrative proceeding

A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued, by the Secretary only after an opportunity for a hearing in accordance with section 554 of Title 5. Before making such assessment or issuing such order, or both, the Secretary shall give written notice thereof to such person by certified mail with return receipt and provide therein an opportunity to request in writing not later than 30 days after the date of receipt of such notice such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing which should be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

(3) Circumstances affecting penalty or order

In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

- (A) the nature, circumstances, extent, and gravity of the violation;
- (B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and
- (C) such other matters as justice may require.

(4) Modification

The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or its agencies or instrumentalities owes to the person against whom the penalty is assessed.

(5) Petition for review

Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review thereof with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy thereof to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly

provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

(6) Failure to comply

If a person fails to pay an assessment of a civil penalty or comply with an order, after either or both are final under this section, or after a court under paragraph (5) has entered a final judgment in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at then currently prevailing rates from the day either or both are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

(Pub.L. 103-227, Title X, § 1043, Mar. 31, 1994, 108 Stat. 272.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acta House Report No. 103-163 and House Conference Report No. 103-446, see U.S. Code Cong. and Adm. News, p. 63.

§ 6084. Preemption

Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.

(Pub.L. 103-227, Title X, § 1044, Mar. 31, 1994, 108 Stat. 274.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Acta House Report No. 103-163 and House Conference Report No. 103-446, see U.S. Code Cong. and Adm. News, p. 63.

CHAPTER 69—SCHOOL-TO-WORK OPPORTUNITIES

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LIBRARY REFERENCES

American Digest System

Regulation and supervision of schools and educational institutions in general, see Schools § 20.

Regulation of public schools; curriculum and courses of study, see Schools § 154.

Encyclopedias

Administration and regulation of public schools, see C.J.S. Schools and School Districts § 83.

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UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

MAY 31 1995

MEMORANDUM

TO: Governors, Chief State School Officers, Safe and Drug-Free Schools and Communities Act Coordinators

FROM: Thomas W. Payzant *Thomas W. Payzant*
Assistant Secretary, Elementary and Secondary Education

SUBJECT: Implementation Guidance for Pro-Children Act of 1994

I have enclosed detailed guidance concerning implementation of the Pro-Children Act provisions of the Goals 2000: Educate America Act for your information. I encourage you to share this guidance with local educational agencies and other entities who may be affected by the provisions.

If you have questions concerning this guidance, or any other questions concerning the Pro-Children Act provisions, please contact the Safe and Drug-Free Schools Program, U.S. Department of Education, 600 Independence Avenue, SW, The Portals - Room 604, Washington, DC 20202-6123; phone: (202) 260-3954; facsimile: (202) 260-7767.

**GUIDANCE CONCERNING RESPONSIBILITIES
UNDER THE
PRO-CHILDREN ACT**

This guidance is to provide information concerning responsibilities under the Pro-Children Act (PCA), which was enacted on March 31, 1994, as Part C of Title X of the Goals 2000: Educate America Act, Public Law 103-227. Preliminary information, including a copy of this legislation, was mailed to Chief State School Officers in a letter dated January 4, 1995.

The following questions have been prepared to assist State educational agencies (SEAs) and local educational agencies (LEAs) and other recipients of funds awarded by the U.S. Department of Education in implementing these requirements.

Q1. What does the law require?

- A. The PCA requires that smoking not be permitted in any indoor facility, or in some cases a portion of a facility, used routinely or regularly for the provision of certain types of "children's services" to persons under age 18, if the services are funded by specified Federal programs either directly or through State or local governments.

Applicable Federal funds for these types of children's services include grants, cooperative agreements, loans, loan guarantees, contracts, and funds for construction, maintenance, and operations awarded by the Departments of Health and Human Services, Education, or Agriculture [only through the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)].

Q2. Are all LEAs and SEAs affected by the PCA requirements?

- A. All LEAs and SEAs that receive funding from the U.S. Departments of Education, Health and Human Services, or Agriculture (through the nutrition program WIC) either directly, or through State or local governments, to provide routine or regular kindergarten, elementary or secondary education; library services; health services; or day care services to children must comply with the PCA requirements.

Q3. Must non-public schools implement the PCA requirements?

- A. A non-public school must implement the PCA requirements if

it receives funding from the U.S. Departments of Education, Health and Human Services, or Agriculture (only through the nutrition program WIC) either directly, or through State or local governments, to provide routine or regular kindergarten, elementary or secondary education; library services; health services; or day care services to children.

A non-public school is not required to implement the PCA if it does not receive funding from the U.S. Departments of Education, Health and Human Services, or Agriculture, or if the non-public school merely receives funding under the National School Lunch and School Breakfast Program or the school's students receive services (such as compensatory education services) from an LEA.

Q4. When must SEAs, LEAs, and affected non-public schools implement the PCA requirements?

A. The PCA requirements were effective as of December 26, 1994. Therefore, covered SEAs, LEAs, and non-public schools must take prompt action to implement these requirements.

Q5. Who are considered "children" under the PCA?

A. The term "children" is defined as individuals who have not attained the age of 18.

Q6. What does the term "children's services" mean?

A. Types of services included under this term are education (kindergarten, elementary and secondary), health, day care, early childhood development (Head Start), and library services.

Q7. What does the term "indoor facility" mean?

A. The term "indoor facility" means a building that is enclosed.

Q8. Where must smoking be prohibited?

A. With respect to the provision of routine or regular kindergarten, elementary or secondary education, or library services to children, the PCA legislation requires the prohibition of smoking within any indoor facility owned, or leased, or contracted for and utilized for the provision of those children's services. This means, therefore, that

smoking lounges or other separate locations for smoking within the enclosed facility (even if separately ventilated) must be prohibited.

Q9. When must smoking be prohibited?

A. At a minimum, the PCA requires that smoking not be permitted in an indoor facility during routine or regular children's services, i.e., school-sponsored activities that include children. Providers of children's services may be subject to other Federal, State, or local laws that require that smoking be prohibited at all times. In that case, the PCA does not require any change in policy. Furthermore, it is fully consistent with the PCA for providers of children's services to choose for the protection of children's health to implement a policy that prohibits smoking at all times.

Q10. Must smoking be prohibited if the facility is being used for a community or privately sponsored event, such as Bingo?

A. Generally no; however, it depends on the circumstances. If the indoor facility is being used simultaneously for routine or regular children's services (i.e., school-sponsored activities that involve children) and a privately sponsored event, smoking must be prohibited in the entire indoor facility. The provider of children's services may determine whether or not it wishes to prohibit smoking in the facility when no routine or regular children's services are being provided.

Q11. How will enforcement work?

A. If a report is made that smoking prohibitions are not being implemented, the awarding Department will attempt to resolve the situation. If this is unsuccessful, the awarding Department could refer the case to the Department of Health and Human Services for an administrative proceeding, which could result in issuance of an administrative compliance order or an assessment of a civil penalty of up to \$1,000 per violation. Each day a violation continues constitutes a separate violation. The total penalty may not exceed the amount of applicable Federal funds received for the fiscal year in which the continuing violations occur.

Q12. Is technical assistance available?

A. For additional guidance concerning implementation of the PCA for providers of education or library services, contact the

Safe and Drug-Free Schools Program, 600 Independence Avenue, SW, The Portals - Room 604, Washington, DC 20202-6123, facsimile: (202) 260-7767, phone: (202) 260-3954.

For providers of health, day care, or early childhood development services, contact the Office on Smoking and Health, Centers for Disease Control and Prevention, 330 C Street, SW, Switzer Building, Room 1229, Washington, DC 20201, facsimile: (202) 205-8313, phone: (202) 205-8500.

For WIC-related questions, contact the Supplemental Food Programs Division, Food and Consumer Services, 3101 Park Center Drive, Room 540, Alexandria, Virginia 22302, facsimile: (703) 305-2420, phone: (703) 305-2746.

Q13. Where should violations be reported?

- A. For violations of the PCA by providers of education or library services, contact the Safe and Drug-Free Schools Program, 600 Independence Avenue, SW, The Portals - Room 604, Washington, DC 20202-6123, facsimile: (202) 260-7767, phone: (202) 260-3954.

For violations of the PCA by providers of health, day care, or early childhood development services, contact the Office of the Assistant Secretary for Health, Department of Health and Human Services, 200 Independence Avenue, SW, Washington, DC 20201.

For violations of the PCA related to the WIC program, contact the Supplemental Food Programs Division, Food and Consumer Services, 3101 Park Center Drive, Room 540, Alexandria, Virginia 22302, facsimile: (703) 305-2420, phone: (703) 305-2746.

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YOUR SEARCH REQUEST AT THE TIME THIS MAIL-IT WAS REQUESTED:
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LEVEL 1 - 274 STORIES

1. The State Journal-Register (Springfield, IL), March 30, 1996, Thursday, EARLY AND CITY EDITIONS, Pg. 10, 769 words, NASHVILLE, Tenn.
2. BANGOR DAILY NEWS (BANGOR, MAINE), March 28, 1996 Thursday, 332 words, Orono sets sights on young smokers School committee seeks to bring tobacco policy in line with new state law, Dawn Gagnon Of the NEWS Staff
3. St. Louis Post-Dispatch, March 28, 1996, Thursday, FIVE STAR LIFT Edition, ZONE SOUTH; Pg. 3, 273 words, SMOKING POLICY DIVIDES BOARD; COUNTY BILL MAY RESOLVE MATTER, Dan Oliver Special to the Post-Dispatch
4. St. Louis Post-Dispatch, March 28, 1996, Thursday, FIVE STAR LIFT Edition, ST. CHARLES; Pg. 9, 1756 words, CONTESTS ABOUND IN LINCOLN COUNTY SCHOOL RACES
5. BANGOR DAILY NEWS (BANGOR, MAINE), March 21, 1996 Thursday, 595 words, SAD 22 board happy with testing results Scores improved for three years running, John Nash Of the NEWS Staff
6. Asbury Park Press, March 12, 1996, Tuesday, Pg. 3, 288 words, Schools may extend ban on smoking, JAMES A. BRODERICK; CORRESPONDENT
7. The Tennessean, March 9, 1996, Saturday, CITY EDITION, Pg. 10A, 1315 words, LETTERS TO THE EDITOR
8. Calgary Herald, March 7, 1996, Thursday, FINAL EDITION, CITY & LIFE; Pg. B3 352 words, Report urges total smoking ban at schools, ANDY MARSHALL, CALGARY HERALD
- 17 9. The Dayton Daily News, March 6, 1996, WEDNESDAY, SOUTH EDITION, Pg. Z4-1, 305 words, OAKWOOD TO SNUFF OUT SMOKERS, Susan A. Cantonwine; FOR THE DAYTON DAILY NEWS
10. Asbury Park Press, March 4, 1996, Monday, Pg. 3, 465 words, Cigarette sales probe smokes out violators, JEAN MIKLE; MIDDLETOWN BUREAU, MIDDLETOWN TOWNSHIP
- 19 11. THE HARTFORD COURANT, February 27, 1996 Tuesday, 3 ENFIELD NORTH CENTRAL, TOWN NEWS; Pg. B3, 295 words, BOARD TO TOUGHEN BAN ON SMOKING IN SCHOOL BUILDINGS, ERROL A. COCKFIELD JR.; Courant Staff Writer, SOMERS --
12. St. Louis Post-Dispatch, February 8, 1996, Thursday, FIVE STAR LIFT Edition, ZONE NORTH; Pg. 1, 298 words, BOARD READY TO CONSIDER SMOKING BAN, Michelle B. Mueller Special To The Post-Dispatch
- 21 13. THE HARTFORD COURANT, February 1, 1996 Thursday, 3 ENFIELD NORTH CENTRAL, EDITORIAL; Pg. A10, 272 words, LOTS OF BUTS IN A SMOKING BAN; OUR TOWNS; SOMERS
14. The Ottawa Citizen, January 26, 1996, Friday, FINAL EDITION, CITYLIFE; PARENTING; Pg. C4, 786 words, Time to treat teenage smoking as the addiction it really is, DR. ARNOLD RINCOVER; THE OTTAWA CITIZEN
- 23 15. THE HARTFORD COURANT, January 24, 1996 Wednesday, 3 ENFIELD NORTH CENTRAL, TOWN NEWS; Pg. B3, 399 words, TOUGHER SCHOOL SMOKING RULES PROPOSED, ERROL A. COCKFIELD JR.; Courant Staff Writer, SOMERS --



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16. The Tennessean, January 18, 1996, Thursday, CITY EDITION, Pg. 6A, 1367 words, LETTERS TO THE EDITOR

17. The Gazette (Montreal), January 18, 1996, Thursday, WEST ISLAND EDITION, NEWS; Pg. G5, 470 words, LSB's total ban on smoking wins cancer society's praise KAREN SEIDMAN; THE GAZETTE

18. The Nashville Banner, January 15, 1996, Monday, FINAL EDITION, Pg. A10, 410 words, Penalty out of proportion?; School's policy on marijuana was clear, well justified

19. The Houston Chronicle, January 9, 1996, Tuesday, 3 STAR Edition, a; Supreme Court; Pg. 2, 693 words, School condom program upheld; thumbs down on smokers' rights, DAVID G. SAVAGE; Los Angeles Times, WASHINGTON, Acquired Immune Deficiency Syndrome Schools Health Verdict

20. The Houston Chronicle, January 9, 1996, Tuesday, 3 STAR Edition, a; Supreme Court; Pg. 2, 693 words, School condom program upheld; thumbs down on smokers' rights, DAVID G. SAVAGE; Los Angeles Times, WASHINGTON, Acquired Immune Deficiency Syndrome Schools Health Verdict

29 21. Los Angeles Times, January 9, 1996, Tuesday, Home Edition, Part A; Page 1; National Desk, 943 words, JUSTICES REJECT SCHOOL CONDOM POLICY CHALLENGE, By DAVID G. SAVAGE, TIMES STAFF WRITER, WASHINGTON

22. Chicago Tribune, January 2, 1996 Tuesday, DU PAGE SPORTS FINAL EDITION, METRO DU PAGE; Pg. 3; ZONE: D, 173 words, DISTRICT 54'S STUDENTS FACE TOUGHER CONDUCT CODE, Tony Perri., Schaumburg Township

23. Charleston Daily Mail, December 22, 1995, Friday, News; Pg. 04A, 486 words PUTNAM CITIZENS GROUP TO HELP WITH BUILDING PLAN SCHOOL BOARD ALSO APPROVED REVISION TO THE SMOKING POLICY, EVADNA BARTLETT

24. The Charleston Gazette, December 22, 1995, Friday, News; Pg. 04D, 344 words, PUTNAM SCHOOLS TOUGHEN TOBACCO POLICY, Heather Svokos

33 25. Charleston Daily Mail, December 20, 1995, Wednesday, News; Pg. 05A, 296 words, BOARD MAY REVISE SMOKING POLICY HURRICANE TEACHER SAYS SUSPENSION MORE EFFECTIVE IN PREVENTION, EVADNA BARTLETT

26. The Union Leader, December 19, 1995 Tuesday, CITY EDITION, SECTION A, Pg. 5, 373 words, (CITY AREA NOTES) Power Outage Hits. Board Works on Budget. Loses on Report Request

27. THE HARTFORD COURANT, December 13, 1995 Wednesday, 3 ENFIELD NORTH CENTRAL TOWN NEWS; Pg. B1, 465 words, ENFIELD DEFEATS PROPOSAL FOR GUARD BOXES; PLAN AIMED AT HIGH SCHOOL DRIVERS, HELEN O'NEILL; Courant Staff Writer, ENFIELD --

34 28. The Providence Journal-Bulletin, December 13, 1995, Wednesday, EAST BAY EDITION, Pg. 4C, 334 words, School crackdown targets smoking, substance abuse; Proposed changes in penalties for smoking or using drugs at school include longer suspensions and community service., MARK JOHNSON; Journal-Bulletin Staff Writer, WARREN



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29. THE HARTFORD COURANT, December 11, 1995 Monday, 1S VALLEY SHORE EDITION, TOWN NEWS; Pg. B3, 138 words, NEW SMOKING POLICY BEING TRIED IN SCHOOLS; CLINTON NEWS NOTES;
30. The Charleston Gazette, December 06, 1995, Wednesday, Metro West Putnam; Pg. 11, 521 words, STUDENT EXAMINES REASONS FOR TEEN SMOKING, Jamie Totten
31. The Gazette (Montreal), November 23, 1995, Thursday, SOUTH SHORE EDITION, NEWS; NEWSLINE: IN BRIEF; Pg. G1 /BREAK, 132 words, Bingo players asked to butt out, THE GAZETTE, SAINT-BRUNO
32. Pittsburgh Post-Gazette, November 22, 1995, Wednesday, WEST EDITION, Pg. W1, 363 words, No smoke gets in their eyes, Carole Gilbert Brown, Tri-State Sports & News Service
33. The Record, November 22, 1995; WEDNESDAY; ALL EDITIONS, NEWS; Pg. N04, 2606 words, COMMUNITY BRIEFING, COMMUNITY BRIEFING, The Record
34. THE HARTFORD COURANT, November 20, 1995 Monday, 1S VALLEY SHORE EDITION, TOWN NEWS; Pg. B5, 48 words, CLINTON BOARD OF EDUCATION AGENDA
35. The Charleston Gazette, November 15, 1995, Wednesday, Metro West Kanawha; Pg. 14, 100 words, ST. ALBANS HIGH NAMED TO HONOR ROLL OF CLEAN AIR
36. Arkansas Democrat-Gazette, November 06, 1995, Monday, 590 words, TRY NEWS QUIZ AS A PERKER-UPPER JUST THE THING TO DO ON A COOL FALL DAY, Frank Fellone
37. Arkansas Democrat-Gazette, November 06, 1995, Monday, 590 words, Frank Fellone
38. THE HARTFORD COURANT, November 6, 1995 Monday, 1S VALLEY SHORE EDITION, TOWN NEWS; Pg. B3, 57 words, CLINTON BOARD OF EDUCATION
39. The Providence Journal-Bulletin, October 19, 1995, Thursday, ALL EDITIONS, Pg. 6D, 690 words, VOLLEYBALL NOTES Win over Townies puts Classical back in hunt BUD BARKER
40. The Providence Journal-Bulletin, October 18, 1995, Wednesday, NORTH WEST EDITION, Pg. 1C, 451 words, Vandalism, smoking in school attacked; The School Committee directed Schools Supt. Mary Ann Carroll to rewrite high school smoking policy, outlining severe sanctions against, and mandatory counseling for, students caught smoking. The committee also requested that the school's bathrooms be reopened., ELLEN LIBERMAN; Journal-Bulletin Staff Writer, JOHNSTON
41. The Providence Journal-Bulletin, October 18, 1995, Wednesday, BLACKSTONE VALLEY EDITION, Pg. 4C, 475 words, Council urged to ban smoking in town buildings; The request by a public agency would include Town Hall., BRIAN C. JONES; Journal-Bulletin Staff Writer, NORTH SMITHFIELD
42. Portland Press Herald, October 14, 1995, Saturday, CITY EDITION, LOCAL & STATE, Pg. 4B, 201 words, SMOKING POLICY TAKES TOUGH STAND, From staff reports, WESTBROOK
43. THE HARTFORD COURANT, October 11, 1995 Wednesday, 3 ENFIELD NORTH CENTRAL, TOWN NEWS; Pg. B4, 406 words, BOARD MEMBER WANTS TOUGHER SMOKING RULES, ERROL



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A. COCKFIELD JR.; Courant Staff Writer, SOMERS --

44. The Tennessean, September 30, 1995, Saturday, CITY EDITION, Pg. 12A, 1324 words, LETTERS TO THE EDITOR

45. BANGOR DAILY NEWS (BANGOR, MAINE), September 29, 1995 Friday Correction Appended , 686 words, New tobacco law begins today For those under 18, possessing cigarettes now illegal in Maine, John Nash Of the NEWS Staff

46. THE HARTFORD COURANT, September 29, 1995 Friday, 4 EASTERN, TOWN NEWS; Pg. B1, 490 words, E.O. SMITH'S OPEN CAMPUS GETS MIXED REVIEWS, LAURA UNGAR; Courant Staff Writer, MANSFIELD --

47. THE HARTFORD COURANT, September 29, 1995 Friday, 3 ENFIELD NORTH CENTRAL, TOWN NEWS; Pg. B2, 534 words, E.O. SMITH'S OPEN CAMPUS GETS MIXED REVIEWS, LAURA UNGAR; Courant Staff Writer, MANSFIELD --

48. The Morning Call (Allentown), September 29, 1995, Friday, FIRST EDITION, Pg. B3, 440 words, P.V. BOARD OPPOSES NEW LAW, CHRISTINA M. PARKER; (A free-lance story for The Morning Call)

49. The Providence Journal-Bulletin, September 26, 1995, Tuesday, ALL EDITIONS Pg. 2B, 3426 words, CITY & TOWN REPORTS

50. The Providence Journal-Bulletin, September 26, 1995, Tuesday, NORTH WEST EDITION, Pg. 1C, 417 words, School board to review smoking policy; Saying that visitors to the high school frequently don't notice signs prohibiting smoking, School Committee chairman Peter DePonte wants to take another look at ways to enforce the ban., ELLEN LIBERMAN; Journal-Bulletin Staff Writer, JOHNSTON

51. The Providence Journal-Bulletin, September 19, 1995, Tuesday, EAST BAY EDITION, Pg. 1C, 303 words, Guns, drugs, smoking on school agenda; The new subcommittee of the school board plans a series of meetings on school policies., PORTSMOUTH

52. Roanoke Times & World News, September 15, 1995, FRIDAY, METRO EDITION, Pg. A1, 549 words, YEAR-ROUND SCHOOLS UP TO PARENTS; ROANOKE COUNTY CHIEF SAYS PLAN TO BE VOLUNTARY, JOEL TURNER STAFF WRITER; NOTE: Below

61 53. The Tennessean, September 13, 1995, Wednesday, STATE EDITION, Pg. 2B, 197 words, No-smoking rules extend outside school buildings, TERRY BATEY STATE CORRESPONDENT, CLARKSVILLE

54. St. Louis Post-Dispatch, September 6, 1995, Wednesday, FIVE STAR LIFT Edition, EVERYDAY MAGAZINE; Pg. 1E, 818 words, SMOKE & MIRRORS: STUDENTS FIND SMOKING POLICIES RIGID AND LAX, Chris Holmes Special to the Post-Dispatch

55. St. Louis Post-Dispatch, September 6, 1995, Wednesday, FIVE STAR LIFT Edition, EVERYDAY MAGAZINE; Pg. 3E, 175 words, POLICIES ON SMOKING AT SOME AREA SCHOOLS

56. Asbury Park Press, September 5, 1995, Tuesday, Pg. 2, 123 words, Board relaxes smoking policy, SPECIAL TO THE PRESS, OLD BRIDGE TOWNSHIP



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57. The Capital, August 31, 1995, Thursday, Police Beat; Pg. A13, 848 words, POLICE BEAT
58. The Providence Journal-Bulletin, August 24, 1995, Thursday, NORTH WEST EDITION, Pg. 4D, 455 words, School Committee OK's adult education, considers smoking ban; The adult education program is projected to start in mid-winter and might include classes in aerobics, gardening and computers., JAMES H. McDONALD; Journal-Bulletin Staff Writer, GLOCESTER
59. St. Petersburg Times, August 24, 1995, Thursday, City Edition, HERNANDO TIMES; TOP OF THE CLASS; Pg. 3, 710 words, Teen smokers split on Clinton plan, KIM GILMORE, SPRING HILL
60. St. Petersburg Times, August 24, 1995, Thursday, HERNANDO TIMES; Pg. Top of the class, 717 words, Teen smokers split on Clinton anti-smoking plan, KIM GILMORE
61. Daily Mail, July 14, 1995, Pg. 20, 2267 words, HOW CAN THEY CALL IT 'IN CARE'; (1)System blighted by lax discipline and under-trained staff Untrained staff (3)HOW CAN CHILDREN FROM RESIDENTIAL HOMES BREAK THE LAW A PICTURE EMERGES OF YOUNGSTERS OUT OF CONTROL, Barbie Dutter, Sarah Chalmers
62. The Herald (Glasgow), July 12, 1995, Pg. 5, 734 words, Head defends school smoking policy, Calum Macdonald
63. News & Record (Greensboro, NC), July 2, 1995, Sunday, ALL EDITIONS, Pg. A1 2745 words, REIDSVILLE FORSAKEN: AMERICAN TOBACCO CO., HELEN LOUNSBUR, Staff Writer, REIDSVILLE
64. The State Journal-Register (Springfield, IL), June 28, 1995, Monday, EARLY AND CITY EDITIONS, Pg. 1, 696 words, Area school officials: Drug testing of athletes not likely now, LISA KERNEK and DAN MIHALOPOULOS STAFF WRITERS , Sara Perrings was ill.> She needed sick time
65. The Columbus Dispatch, June 27, 1995, Tuesday, Pg. 1A, 838 words, DRUG TESTS IN SCHOOL SPORTS OK'D, Roger K. Lowe, Dispatch Washington Bureau Chief, WASHINGTON
66. The Plain Dealer, June 27, 1995 Tuesday, FINAL / LAKE, METRO; Pg. 2B, 292 words, BINGO TO RETURN TO KIRTLAND SCHOOL ; BOARD OKS NEW SMOKING POLICY, By KEVIN HARTER; PLAIN DEALER REPORTER, KIRTLAND
67. The Baltimore Sun, June 9, 1995, Friday, HOWARD EDITION, Pg. 1B, 1038 words, Lunch prices going up, Howard Libit, Sun Staff Writer
68. The Tampa Tribune, June 7, 1995, Wednesday, METRO EDITION, Pg. 1, 404 words, Smoke to clear at school campuses, LORIE JEWELL; Tribune Staff Writer, LAND O' LAKES
69. The Cincinnati Enquirer, May 18, 1995, Thursday, Pg. C04, 828 words, SCHOOL BOARD NOTES Ross to leave Fairfield, FAIRFIELD
70. THE HARTFORD COURANT, May 18, 1995 Thursday, 5E WEST HARTFORD FARMINGTON VALLEY, TOWN NEWS; Pg. B4, 50 words, SCHOOL SMOKING BAN APPROVED BY BOARD; SIMSBURY NEWS NOTES



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71. THE ARIZONA REPUBLIC/THE PHOENIX GAZETTE, May 13, 1995 Saturday, Final, MESA COMMUNITY; Pg. 1, 362 words, MESA UNIFIED BANS INDOOR SMOKING; SCHOOL VEHICLES ALSO OFF LIMITS, By Bob Petrie, Staff writer, MESA

72. St. Petersburg Times, May 7, 1995, Sunday, City Edition, PASCO TIMES; COLUMN; Pg. 2, 797 words, Smoking's danger demands a deterrent in schools, DAVID HACKETT

73. The San Diego Union-Tribune, April 22, 1995, Saturday, LOCAL; Ed. 2,4,3; Pg. B-4:2,4: B-1:3, 1011 words, Vista schools to ease policy of drug, smoking expulsions, ANNA CEARLEY Staff Writer

82 74. The Providence Journal-Bulletin, April 12, 1995, Wednesday, BLACKSTONE VALLEY EDITION, Pg. 1B, 734 words, CIGARETTES KICKED OUT OF SCHOOL No smoking in the boys' room, JONATHAN SALTZMAN; Journal-Bulletin Staff Writer, NORTH SMITHFIELD

75. The Charleston Gazette, April 11, 1995, Tuesday, News; Pg. P9A, 664 words, EXPRESS LINE

76. The Morning Call (Allentown), April 5, 1995, Wednesday, FIRST EDITION, Pg. B1, 622 words, SCHOOL TAX MAY GO UP 7 MILLS; PALMERTON BOARD HOPES TO TRIM MORE, SHAVE INCREASE FURTHER, CHRISTINA M. PARKER; (A free-lance story for The Morning Call).

77. Pittsburgh Post-Gazette, April 5, 1995, Wednesday, NORTH EDITION, Pg. N7, 762 words

78. The Providence Journal-Bulletin, March 28, 1995, Tuesday, ALL EDITIONS, Pg. 2B, 3307 words, CITY & TOWN REPORTS

81 79. Chicago Tribune, March 26, 1995 Sunday, SOUTHWEST FINAL EDITION, TEMPO SOUTHWEST; Pg. 3; ZONE: SW; Southwest Spotlight., 1107 words, LET'S DO LUNCH; OAK LAWN PRINCIPAL SHARES IDEAS WITH PARENTS WHILE HAVING A SANDWICH, By Anna Marie Kukec. Special to the Tribune.

80. The New York Times, March 26, 1995, Sunday, Late Edition - Final, Section 13WC; Page 1; Column 1; Westchester Weekly Desk , 1240 words, Purchase Dancers Try Out In Uncertainty, By ROBERTA HERSHENSON , PURCHASE

81. THE INDIANAPOLIS NEWS, March 22, 1995 Wednesday, METRO BOONE/HAMILTON EDITION, Pg. D01, 536 words, Lebanon OKs open enrollment; Grade-school students face some restrictions, ROD ROSE; CORRESPONDENT

82. THE HARTFORD COURANT, March 16, 1995 Thursday, 6 HARTFORD SOUTH FINAL, EDITORIAL; Pg. A18, 277 words, BAN SMOKING ON SCHOOL GROUNDS; OUR TOWNS: ROCKY HILL

83 83. THE HARTFORD COURANT, March 16, 1995 Thursday, STATEWIDE, CONNECTICUT; Pg. A15, 379 words, SCHOOL ENDS EXPERIMENT WITH SMOKING AREAS, ROSALINDA DeJESUS; Courant Staff Writer

84 84. The Palm Beach Post, March 16, 1995, Thursday, FINAL EDITION, Pg. 1B, 461 words, CLUB HELPS KIDS STAMP OUT SMOKING HABITS, SCOTT SHIFREL



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85. The Dayton Daily News, March 15, 1995, WEDNESDAY, SOUTHWEST EDITION, Pg. Z2-1, 809 words, FEDERAL FUNDS TIED TO SCHOOLS' SMOKE-FREE COMPLIANCE, Franki V. Ransom; DAYTON DAILY NEWS

86. The Dayton Daily News, March 15, 1995, WEDNESDAY, METRO DAYTON EDITION, Pg. Z7-1, 809 words, SCHOOLS GO SMOKE-FREE TO QUALIFY FOR FUNDS, Franki V. Ransom; DAYTON DAILY NEWS

87. St. Louis Post-Dispatch, March 13, 1995, Monday, FIVE STAR Edition, ZONE NORTH; Pg. 1, 343 words, COMPLAINTS SPARK LOOK AT SMOKING; DESIGNATED STUDENT AREAS DRAW FIRE, PROMPT TALK OF SNUFFING THEM OUT, Kristin Baird Post-Dispatch Special Correspondent

88. BANGOR DAILY NEWS (BANGOR, MAINE), March 11, 1995 Saturday, 568 words, Greenville schools face job cuts to bring budget in line, Diana Bowley Of the NEWS Staff

89. The Cincinnati Enquirer, March 10, 1995, Friday, WESTERN ZONE, Pg. C03, 420 words, Oak Hills modifies smoking policies, KATHLEEN HILLENMEYER, DENT

90. THE HARTFORD COURANT, March 7, 1995 Tuesday, 6 HARTFORD SOUTH FINAL, METRO HARTFORD; Pg. B1, 306 words, TALK OF NO-SMOKING POLICY HAS SOME STUDENTS FUMING, HELEN UBINAS; Courant Staff Writer, ROCKY HILL --

91. THE HARTFORD COURANT, March 3, 1995 Friday, 6 HARTFORD SOUTH FINAL, METRO HARTFORD; Pg. B2, 484 words, SCHOOL SMOKING BAN DEBATED; POLICY WOULD APPLY TO BUILDING, GROUNDS DURING EVENTS, LAURA C. MARKS; Courant Correspondent, ROCKY HILL --

100 92. Los Angeles Times, March 1, 1995, Wednesday, Ventura West Edition, Metro; Part B; Page 6, 607 words, SMOKING BAN ON CONEJO, SIMI GROUNDS BEGINS TODAY; SCHOOLS: STATE AND FEDERAL LAWS REQUIRE SUCH POLICIES FOR DISTRICTS TO GET FUNDS FOR PROGRAMS THAT TEACH STUDENTS ABOUT THE DANGERS OF TOBACCO USE., By TRACY WILSON, SPECIAL TO THE TIMES

93. The Charleston Gazette, February 23, 1995, Thursday, News; Pg. P9A, 733 words, EXPRESS LINE :

94. USA TODAY, February 21, 1995, Tuesday, FINAL EDITION, NEWS; Pg. 8A, 2769 words, ACROSS THE USA: NEWS FROM EVERY STATE, ALABAMA BAY MINETTE

95. THE HARTFORD COURANT, February 18, 1995 Saturday, 3 ENFIELD NORTH CENTRAL, TOWN NEWS; Pg. B1, 317 words, ENFIELD BOARD TIGHTENS DISCIPLINE CODE, HELEN O'NEILL; Courant Staff Writer, ENFIELD --

96. Minneapolis-St Paul CityBusiness, February 17, 1995, Vol 12; No 37; Sec 1; pg 1, 1210 words, Rules and regulations force smokers into the great outdoors, Sandra Earley, Minneapolis; MN; US, 9530113, MNCB

97. The Irish Times, February 17, 1995, CITY EDITION, HOME NEWS; Pg. 2, 294 words, Health Board premises may go smoke free, IRELAND

98. Pittsburgh Post-Gazette, February 15, 1995, Wednesday, SOUTH EDITION, Pg. S8, 1264 words



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99. Los Angeles Times, February 10, 1995, Friday, Ventura West Edition, Metro; Part B; Page 2; Column 2, 189 words, EAST VENTURA COUNTY FOCUS: THOUSAND OAKS; SCHOOLS WILL BAN SMOKING MARCH 1, By TRACY WILSON

100. The Baltimore Sun, February 8, 1995, Wednesday, HOWARD EDITION, Pg. 1B, 1274 words, Students defiant in face of tough no-smoking policy, Ed Heard, Sun Staff Writer

101. BANGOR DAILY NEWS (BANGOR, MAINE), February 1, 1995 Wednesday, 596 words, Limestone girds for loss of subsidies to education, Dawn Gagnon Of the NEWS Staff

102. The Plain Dealer, January 27, 1995 Friday, FINAL / ALL Correction Appended, COMMUNITIES; Pg. 6B, 2420 words, COMMUNITIES; BAINBRIDGE TOWNSHIP

103. The Buffalo News, January 19, 1995, Thursday, Central Edition, LOCAL; Pg. 5, 294 words, FEAR EXPRESSED FOR FUTURE OF SCHOOL LUNCH PROGRAM

104. THE HARTFORD COURANT, January 18, 1995 Wednesday, BULLDOG, EDITORIAL; Pg. A10, 297 words, NOT THE BEST REMEDY FOR ILLICIT SMOKING; OUR TOWNS; HADDAM; KILLINGWORTH

105. THE HARTFORD COURANT, January 18, 1995 Wednesday, STATEWIDE, MAIN; Pg. A2 718 words, LEARNING THE HARD WAY ABOUT SMOKING, RESPONSIBILITY, DENIS HORGAN; Courant Columnist

106. THE HARTFORD COURANT, January 18, 1995 Wednesday, 5E WEST HARTFORD FARMINGTON VALLEY, TOWN NEWS; Pg. B1, 597 words, THE RACE IS ALREADY ON FOR POSTS IN FARMINGTON, RITA A. NIRO; Courant Staff Writer, FARMINGTON --

107. The Vancouver Sun, January 17, 1995, Tuesday, FINAL EDITION, NEWS; Pg. B1 524 words, SMOKING: Program encourages teens to 'kick butt', SUSAN BALCOM; VANSUN

108. Los Angeles Times, January 14, 1995, Saturday, Ventura West Edition, Metro; Part B; Page 2; Column 2, 109 words, EAST VENTURA COUNTY FOCUS: THOUSAND OAKS; SCHOOL TRUSTEES BACK NO-SMOKING POLICY, By TRACY WILSON

109. Los Angeles Times, January 14, 1995, Saturday, Orange County Edition, Metro; Part B; Page 3; Column 4; Orange County Focus, 96 words, COMMUNITY NEWS FOCUS: COSTA MESA, NEWPORT BEACH; SCHOOL DISTRICT BAN ON SMOKING EXTENDED, By HOLLY J. WAGNER

110. Chicago Tribune, January 13, 1995 Friday, LAKE SPORTS FINAL EDITION, METRO LAKE; Pg. 3; ZONE: L, 135 words, DISTRICT 220 PLANS TO BE COMPLETELY SMOKE-FREE, Suzanne G. Hlotke., Barrington

111. THE HARTFORD COURANT, January 13, 1995 Friday, STATEWIDE, CONNECTICUT; Pg. A3, 591 words, A REVERSAL OF SMOKING POLICY; REGION 17 STUDENTS MAY LIGHT UP IN SPECIAL AREA, ROSALINDA DeJESUS; Courant Staff Writer

112. Chicago Tribune, January 11, 1995 Wednesday, LAKE SPORTS FINAL EDITION, METRO LAKE; Pg. 2; ZONE: L; Lake watch. Education., 558 words, GROUNDWORK STARTS ON ANTIOCH FOUNDATION, By C.A. Abbinanti, Special to the Tribune.



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113. THE INDIANAPOLIS NEWS, January 11, 1995 Wednesday, HOME EDITION, Pg. B01, 224 words, Clark-Pleasant OKs no-smoking policy, PHIL BLANKENHORN; CORRESPONDENT
114. The Charleston Gazette, January 06, 1995, Friday, Editorial; Pg. P9A, 823 words, EXPRESS LINE
115. The Charleston Gazette, January 06, 1995, Friday, Editorial; Pg. P9A, 823 words, EXPRESS LINE
116. The Charleston Gazette, January 06, 1995, Friday, Editorial; Pg. P9A, 823 words, EXPRESS LINE
117. Los Angeles Times, January 6, 1995, Friday, Ventura West Edition, Metro; Part B; Page 2; Column 2, 223 words, EAST VENTURA COUNTY FOCUS: SIMI VALLEY; SMOKING BAN OKD FOR ALL CAMPUSES, By TRACY WILSON
118. Los Angeles Times, January 6, 1995, Friday, Valley Edition, Metro; Part B; Page 3; Column 4, 228 words, WEST VALLEY FOCUS: SIMI VALLEY; SMOKING BAN OKD FOR ALL CAMPUSES, By TRACY WILSON
119. The Vancouver Sun, January 5, 1995, Thursday, FINAL EDITION, NEWS; Pg. B1 576 words, Students caught with cigarettes at school face suspension, HAROLD MUNRO; VANSUN
120. BANGOR DAILY NEWS (BANGOR, MAINE), December 29, 1994 Thursday, 435 words, State warns that federal funds are tied to school smoking ban, Andrew Kekacs Of the NEWS Staff
121. News & Record (Greensboro, NC), December 29, 1994, Thursday, ALL EDITIONS Pg. B1, 467 words, TEACHERS LOSE LOUNGES FOR SMOKING, ANNA VAREL, Staff Writer
122. The Cincinnati Enquirer, December 25, 1994, Sunday, KENTUCKY EDITION, Pg. B03, 500 words, Area schools suddenly smoke-free Districts taking cautious tack, KARLA SCOON, NEWPORT
123. Calgary Herald, December 23, 1994, Friday, FINAL EDITION, CITY & LIFE; Pg. B4, 308 words, CHEW CHEW CHEW: TEENS WHO CHEW: SPITTIN' IMAGES APPEAL TO TEENS, CHRIS DAWSON
124. The Des Moines Register, December 15, 1994, Thursday, (, METRO/IOWA, Pg.3 894 words
125. Pittsburgh Post-Gazette, December 14, 1994, Wednesday, NORTH EDITION, Pg. N10, 426 words, Superintendent of schools gets salary boost of \$ 2,700, Deborah Galle
126. The Buffalo News, December 13, 1994, Tuesday, North Edition, LOCAL; Pg. 5 734 words, KEN-TON PUPILS FARE WELL IN STATE ASSESSMENT TESTS, By FARAH SAFIUDDIN, News Tonawanda Bureau
127. Los Angeles Times, December 12, 1994, Monday, Orange County Edition, Metro; Part B; Page 3; Column 1; Orange County Focus, 278 words, COMMUNITY NEWS FOCUS: IRVINE; BINGO SMOKING BAN DELAYED UNTIL JULY, By RUSS LOAR



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128. The Times-Picayune, December 11, 1994 Sunday, ALGIERS, PICAYUNE; Pg. 1F1, 482 words, LOCAL LOOK
129. The Baltimore Sun, December 9, 1994, Friday, HOWARD EDITION, Pg. 3C, 607 words, Students caught smoking may soon be reported to police, Howard Libit, Sun Staff Writer
130. The Dayton Daily News, December 7, 1994, WEDNESDAY, ZONE 4 SOUTH EDITION, Pg. 1Z4, 582 words, CENTERVILLE SCHOOLS BAN SMOKING; RANDOM DRUG, ALCOHOL TESTS ALSO PLANNED FOR DISTRICT'S BUS DRIVERS, Katherine Ullmer and Chuck Smith; DAYTON DAILY NEWS
131. THE HARTFORD COURANT, December 6, 1994 Tuesday, 1N GREATER MIDDLETOWN, TOWN NEWS; Pg. B5, 452 words, SCHOOL BOARD TO DISCUSS DISCIPLINARY ACTIONS TO DETER STUDENT SMOKERS, KENDRA MEYERS; Courant Correspondent, PORTLAND --
132. Omaha World Herald, December 6, 1994 Tuesday, SUNRISE EDITION, Pg. 16, 127 words, School Board OKs No-Smoking Policy
133. The Plain Dealer, December 2, 1994 Friday, FINAL / ALL, COMMUNITIES; Pg. 10B, COMMUNITIES
134. The Morning Call (Allentown), November 28, 1994, MONDAY, FIFTH EDITION, Pg. D1, 845 words, LEHIGH VALLEY TEENS LEAD THE BATTLE TO END SMOKING, ROSA SALTER; The Morning Call
135. The Plain Dealer, November 25, 1994 Friday, FINAL / ALL, COMMUNITIES; Pg. 6B, 2359 words, COMMUNITIES
136. BANGOR DAILY NEWS (BANGOR, MAINE), November 23, 1994 Wednesday, 494 words SAD 48 ponders weapons, Brenda Seekins Of the NEWS Staff
137. Omaha World Herald, November 22, 1994 Tuesday, SUNRISE EDITION, Pg. 11, 270 words, School Board Advances Smoking Ban, JACKIE KROEGER, WORLD-HERALD STAFF WRITER
138. Manchester Guardian Weekly, November 20, 1994, UK NEWS; Pg. 9, 353 words, Anti-drugs campaign in schools, James Meikle, Education Editor
139. BANGOR DAILY NEWS (BANGOR, MAINE), November 15, 1994 Tuesday, 341 words, Tuition students on agenda, Brenda Seekins Of the NEWS Staff
140. The Buffalo News, November 15, 1994, Tuesday, North Edition, LOCAL; Pg. 5 534 words, KEN-TON SCHOOLS ADOPT FEDERAL POLICY AGAINST GUNS, By FARAH SAFIUDDIN, News Tonawanda Bureau
141. Omaha World Herald, November 15, 1994 Tuesday, METRO EDITION, Pg. 9SF, 568 words, Schools' Smoking Ban Would Be Felt Top to Bottom, JACKIE KROEGER, WORLD-HERALD STAFF WRITER
142. The Guardian, November 9, 1994, THE GUARDIAN HOME PAGE; Pg. 3, 1267 words TOUGH CAMPAIGN AIMED TO RID SCHOOLS OF DRUGS, James Meikle Education Editor
143. The Times, November 9, 1994, Wednesday, Home news, 525 words, Teachers told to quit smoking as part of anti-drugs drive, By John O'Leary, Education

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144. Chicago Tribune, November 8, 1994 Tuesday, NORTH SPORTS FINAL EDITION, KIDNEWS; Pg. 3; ZONE: C; TOUGH NEWS. IN YOUR FACE., 596 words
145. THE HARTFORD COURANT, November 7, 1994 Monday, 3 ENFIELD NORTH CENTRAL, TOWN NEWS; Pg. B1, 320 words, SUFFIELD PASSES SMOKING BAN FOR STUDENTS, MINDY A. ANTONIO; Courant Staff Writer, SUFFIELD --
146. THE HARTFORD COURANT, November 7, 1994 Monday, 7 HARTFORD NORTH FINAL, METRO HARTFORD; Pg. B6, 723 words, SMOKING REGULATION PASSED, MINDY A. ANTONIO; Courant Staff Writer, SUFFIELD --
147. BANGOR DAILY NEWS (BANGOR, MAINE), November 3, 1994 Thursday, 489 words, SAD 48 board ponders new gun laws and consequences to students, school, Brenda Seekins Of the NEWS Staff
148. St. Louis Post-Dispatch, November 2, 1994, WEDNESDAY, FIVE STAR Edition, NEWS; Pg. 1A, 921 words, SMOKING, SCHOOL AND VIDEOTAPE; ANTI-TOBACCO POLICY DISPUTED IN KIRKWOOD, Carolyn Bower Of the Post-Dispatch Staff Phyllis Brasch Librach and Patricia Corrigan of the Post-Dispatch staff contributed information to this story.
149. The Buffalo News, October 30, 1994, Sunday, Final Edition, LOCAL; Pg. 12, 760 words, FALLS SCHOOLS EYE SMOKING BAN; BOARD VOTE EXPECTED TO COMPLY WITH NEW LAWS, By LOU MICHEL, News Niagara County Bureau, NIAGARA FALLS
150. The Capital, October 27, 1994, Thursday, Front; Pg. A1, 325 words, NEW LAW BURNS STUDENT SMOKERS, By DENNIS SULLIVAN Staff Writer
151. The Morning Call (Allentown), October 26, 1994, WEDNESDAY, THIRD EDITION, Pg. B6, 458 words, PEN ARGYL SCHOOLS GET GIFT OF COMPUTERS, FRED WALTER; The Morning Call
152. Omaha World Herald, October 25, 1994 Tuesday, SUNRISE EDITION, Pg. 15, 99 words, Board to Consider Anti-Smoking Policy
153. The Atlanta Journal and Constitution, October 20, 1994, EXTRA; Section M; Page 8, 147 words, Coweta to keep games smoke-free, By Ann Dickerson STAFF WRITER
154. The Morning Call (Allentown), October 20, 1994, THURSDAY, THIRD EDITION, Pg. B3, 632 words, PEN ARGYL SCHOOLS MAY BAN SMOKING, FRED WALTER; (A free-lance story for The Morning Call)
155. The Buffalo News, October 19, 1994, Wednesday, South Edition, LOCAL; Pg. 5, 106 words, HAMBURG SCHOOL BOARD; ADOPTS BAN ON TOBACCO
156. The Charleston Gazette, October 19, 1994, Wednesday, Metro West Kanawha; Pg. 01, 545 words, SMOKING HAZARDS EXAMINED, Ben Calwell
157. The Charleston Gazette, October 19, 1994, Wednesday, Metro West Kanawha; Pg. 01, 545 words, SMOKING HAZARDS EXAMINED, Ben Calwell



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158. The Record, October 14, 1994; FRIDAY, NEWS; 3 Star, ALSO IN, 2 Star P, 2 Star B, 1 Star Late, 1 Star Early; Pg. B03, 722 words, TOBACCO 101: AN EDUCATION IN SMOKING; SCHOOL POLICIES REVIEWED, OVETTA WIGGINS, Staff Writer, FAIR LAWN
159. The Buffalo News, October 12, 1994, Wednesday, North Edition, LOCAL; Pg. 5, 680 words, WEISS NAMED TO VACANCY IN KEN-TON; DENTIST SUCCEEDS GLOR IN SCHOOL BOARD SEAT, By FARAH SAFIUDDIN, News Tonawanda Bureau
160. The Capital, October 12, 1994, Wednesday, Front; Pg. A6, 291 words, KENT ISLAND DIGEST
161. THE INDIANAPOLIS NEWS, October 11, 1994 Tuesday, METRO HENDRICKS/MORGAN EDITION, Pg. E01, 67 words, Brownsburg ban on tobacco OK'd
162. The Buffalo News, October 5, 1994, Wednesday, South Edition, LOCAL; Pg. 5 534 words, FRONTIER SCHOOL BOARD BANS SMOKING; POLICY PUTS DISTRICT IN COMPLIANCE WITH STATE LAW, By BARBARA O'BRIEN, News Staff Reporter
163. THE HARTFORD COURANT, October 5, 1994 Wednesday, 3 ENFIELD NORTH CENTRAL, TOWN NEWS; Pg. B5, 385 words, NO ONE COULD SMOKE ON SCHOOL PROPERTY UNDER BOARD PROPOSAL, MINDY A. ANTONIO; Courant Staff Writer, SUFFIELD --
164. Chicago Tribune, October 5, 1994 Wednesday, NORTHWEST SPORTS FINAL EDITION, METRO NORTHWEST; Pg. 2; ZONE: NW; Northwest watch. Education., 585 words, FEDERAL NO-SMOKING RULES REACH LAST REFUGE-THE TEACHERS' LOUNGE, By Patricia Tennison, Tribune Staff Writer.
165. The Buffalo News, October 4, 1994, Tuesday, Central Edition, LOCAL; Pg. 5 174 words, MARYVALE SCHOOL BOARD; GETS GLOWING AUDIT REPORT
166. THE HARTFORD COURANT, October 4, 1994 Tuesday, 3 ENFIELD NORTH CENTRAL, TOWN NEWS; Pg. B5, 80 words, SUFFIELD BOARD OF EDUCATION AGENDA
167. The Buffalo News, September 29, 1994, Thursday, First Edition, LOCAL; Pg. 5, 560 words, SPRINGVILLE DISCIPLINE PROBLEMS AIRED PRINCIPALS SAY HABITUAL OFFENDERS CAUSE STRAIN, By LINDA HOFFMAN, Springville Correspondent
168. Pittsburgh Post-Gazette, September 28, 1994, Wednesday, SOUTH EDITION, Pg. S7, 1021 words
169. The Morning Call (Allentown), September 27, 1994, TUESDAY, THIRD EDITION, Pg. B5, 332 words, WILSON, CACLV JOIN ON HOUSING, DENNIS KELLY; The Morning Call
170. THE HARTFORD COURANT, September 26, 1994 Monday, 1N GREATER MIDDLETOWN, TOWN NEWS; Pg. B3, 323 words, BOARD POLICY BANS SMOKING ON SCHOOL PROPERTY, NANCY THOMPSON; Courant Staff Writer, PORTLAND --
171. The Denver Post, September 22, 1994 Thursday, 1ST EDITION, Pg. B-02, 492 words, Tobacco ban at 2 schools lifted Aurora students' safety at issue, Jeffrey A. Roberts, Denver Post Staff Writer
172. Los Angeles Times, September 21, 1994, Wednesday, Orange County Edition, Metro; Part B; Page 3; Column 4; Orange County Focus, 230 words, COMMUNITY NEWS FOCUS: NORTHWEST; CYPRESS; SCHOOL SMOKING BAN TAKES EFFECT DEC. 19, By BILL BILLITER



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173. Chicago Tribune, September 19, 1994 Monday, DU PAGE SPORTS FINAL EDITION, METRO DU PAGE; Pg. 3; ZONE: D, 187 words, DISTRICT 15 BOARD OKS SMOKING BAN, Denise Linke., Glendale Heights
174. THE HARTFORD COURANT, September 16, 1994 Friday, 4 EASTERN, TOWN NEWS; Pg. B8, 66 words, SCHOOL SYSTEM STARTS TOTAL SMOKING BAN; COVENTRY NEWS NOTES
175. The Buffalo News, September 15, 1994, Thursday, North Edition, LOCAL; Pg. 4, 347 words, CHANGE ORDERS APPROVED; FOR AKRON SCHOOLS PROJECT
176. The Morning Call (Allentown), September 15, 1994, THURSDAY, THIRD EDITION Pg. B3, 369 words, WILSON SCHOOLS MAY BAN HEADSETS, DENNIS KELLY; The Morning Call
177. The Morning Call (Allentown), September 15, 1994, THURSDAY, FIRST EDITION Pg. B3, 385 words, SMOKE-FREE BLEACHERS?; TAMAQUA SCHOOL MAY PROHIBIT SMOKING IN STADIUM STANDS, LISA PRICE; (A free-lance story for The Morning Call).
178. USA TODAY, September 14, 1994, Wednesday, FINAL EDITION, NEWS; Pg. 6A, 2424 words, ACROSS THE USA: NEWS FROM EVERY STATE, ALABAMA MONTGOMERY
179. THE INDIANAPOLIS NEWS, September 13, 1994 Tuesday, METRO BOONE/HAMILTON EDITION, Pg. E01, 125 words, Smoking ban called too strict
180. Rocky Mountain News, September 13, 1994, Tuesday, LOCAL; Ed. F; Pg. 16A, 294 words, School principal wants to lift ban on smoking, Tustin Amole; Rocky Mountain News Staff Writer
181. USA TODAY, September 9, 1994, Friday, FINAL EDITION, NEWS; Pg. 6A, 2593 words, ACROSS THE USA: NEWS FROM EVERY STATE, ALABAMA MOBILE
182. THE KANSAS CITY STAR, September 8, 1994 Thursday, METROPOLITAN EDITION, Pg. 1, 268 words, School's in for students of alternative program, KAREN BLAKEMAN, Staff Writer
183. The Denver Post, September 8, 1994 Thursday, 1ST EDITION, Pg. B-02, 699 words, MILE HIGH REPORT
184. The Morning Call (Allentown), September 8, 1994, THURSDAY, FIRST EDITION, Pg. B7, 467 words, SCHOOL OPENS; ALL 'COPACETIC'; PROBLEMS ARE FEW IN CARBON, CHRISTINA M. PARKER; The Morning Call
185. Rocky Mountain News, September 8, 1994, Thursday, LOCAL; Ed. F; Pg. 6A, 614 words, METRO NEWS BRIEFING, Rocky Mountain News staff and wire
186. The Buffalo News, September 7, 1994, Wednesday, South Edition, LOCAL, 494 words, HAMBURG SCHOOL BOARD AUTHORIZES PLANNING FOR HIGH SCHOOL ADDITION, By CARL ALLEN, News Staff Reporter
187. The Morning Call (Allentown), September 7, 1994, WEDNESDAY, FIRST EDITION Pg. B3, 220 words, PALMERTON STARTS TOBACCO BAN; SCHOOLS TOUGHEN PENALTIES FOR STUDENTS, EXTEND RULES TO ADULTS, CHRISTINA M. PARKER; (A free-lance story for The Morning Call)



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188. The Buffalo News, September 2, 1994, Friday, City Edition, LOCAL, 707 words, UB FURTHER EXTENDS ITS NO-SMOKING POLICY UNIVERSITY PROHIBITS SMOKING IN SCHOOL BUILDINGS, VEHICLES, AT OUTDOOR EVENTS, By DICK CHRISTIAN, News Staff Reporter
189. Arkansas Democrat-Gazette, September 1, 1994, Thursday, 716 words, RAZORBACKS FOOTBALL NOTEPAD
190. THE HARTFORD COURANT, August 30, 1994 Tuesday, 1N GREATER MIDDLETOWN, TOWN NEWS; Pg. B1, 495 words, PORTLAND SCHOOLS ADVANCE TOWARD SMOKE-FREE GOAL, KENDRA MEYERS; Courant Correspondent, PORTLAND --
191. Pittsburgh Post-Gazette, AUGUST 28, 1994, SUNDAY, NORTH THIS WEEK EDITION Pg. NW2, 284 words, DISTRICT'S SMOKING BAN CONCERNS FOOTBALL FANS
192. THE HARTFORD COURANT, August 26, 1994 Friday, 4 EASTERN EDITION, TOWN NEWS; Pg. B7, 96 words, COVENTRY BOARD OF EDUCATION ACTION
193. THE HARTFORD COURANT, August 26, 1994 Friday, 4 EASTERN EDITION, TOWN NEWS; Pg. B7, 422 words, SCHOOL BOARD TAKES SOME TOUGH STANDS; SMOKING, WEAPONS FACING A TOTAL BAN THROUGHOUT SYSTEM, BILL LABOVITZ; Courant Correspondent, COVENTRY --
194. THE HARTFORD COURANT, August 25, 1994 Thursday, 4 EASTERN, TOWN NEWS; Pg. B3, 86 words, COVENTRY BOARD OF EDUCATION AGENDA
195. Pittsburgh Post-Gazette, AUGUST 24, 1994, WEDNESDAY, NORTH EDITION, Pg. N6, 4499 words, SCHOOLS START CLASSES NEXT 2 WEEKS
196. Pittsburgh Post-Gazette, AUGUST 24, 1994, WEDNESDAY, NORTH EDITION, Pg. N8, 325 words, SCHOOLS MAKE NEW RULES AGAINST SMOKING, TOBACCO, TAWANDA D. WILLIAMS AND MARYLYNNE PITZ, POST-GAZETTE STAFF WRITERS
197. Rocky Mountain News, August 17, 1994, Wednesday, LOCAL; Ed. F; Pg. 5A, 400 words, School smoking plan snuffed Aurora board reverses its tentative decision to allow tobacco at five high schools, Tustin Amole; Rocky Mountain News Staff Writer, AURORA
198. The Denver Post, August 15, 1994 Monday, 2D EDITION, Pg. B-01, 644 words, Loopholes let students keep puffing School smoking ban voided, Ann Schrader, Denver Post Medical/Science Writer
199. The Morning Call (Allentown), August 10, 1994, WEDNESDAY, FIRST EDITION, Pg. B1, 619 words, MOM WHO FIGHTS TEACHERS' RAISES FEARS REPRISALS; PALMERTON BOARD TOLD OF PARENTS AFRAID TO OPPOSE HIGHER TAXES, CHRISTINA M. PARKER; (A free-lance story for The Morning Call).
200. Pittsburgh Post-Gazette, AUGUST 10, 1994, WEDNESDAY, NORTH EDITION, Pg. N1, 579 words, ONE GUN AND YOU'RE OUT OF SCHOOL, DEBORAH GALLE
201. Pittsburgh Post-Gazette, AUGUST 10, 1994, WEDNESDAY, NORTH EDITION, Pg. N4, 292 words, SMOKING BAN MAY BE BROADENED FOR ADULTS, MARYLYNNE PITZ, POST-GAZETTE STAFF WRITER



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202. Pittsburgh Post-Gazette, August 10, 1994, Wednesday, NORTH EDITION, Pg. N1, 580 words, ONE GUN AND YOU'RE OUT OF SCHOOL, DEBORAH GALLE
203. The Providence Journal-Bulletin, August 10, 1994, Wednesday Correction Appended, ALL EDITIONS, Pg. 1B, 1359 words, Smoking by teens under new attack, PAT KENNY; Journal-Bulletin Staff Writer
204. Pittsburgh Post-Gazette, AUGUST 7, 1994, SUNDAY, NORTH THIS WEEK EDITION, Pg. NW1, 544 words, MARSHALL SCHEDULES HEARING ON CONDOS
205. The Times-Picayune, July 23, 1994 Saturday, RIVER PARISHES, NATIONAL; Pg. A8, 166 words, SIGN VIOLATES SCHOOL POLICY, By LITTICE BACON-BLOOD River Parishes bureau
206. The Providence Journal-Bulletin, July 19, 1994, Tuesday, BLACKSTONE VALLEY EDITION, Pg. 1C, 378 words, Smoking ban at schools goes into effect Sept. 1; Staff, students and visitors will not be allowed to smoke in buildings or on school property, 24 hours a day, 7 days a week. The new policy is required by state law., PAT KENNY; Journal-Bulletin Staff Writer, PAWTUCKET
207. The Cincinnati Enquirer, July 17, 1994, Sunday, WESTERN ZONE, Pg. Z02, 445 words, CTC picks "excellent" professor
208. The Sun (Baltimore), July 17, 1994, Sunday, ARUNDEL EDITION, Pg. 1B, 1132 words, County expels students at highest rate in area, Carol L. Bowers, SUN STAFF WRITER
209. The Dayton Daily News, July 13, 1994 WEDNESDAY, SOUTH/EAST EDITION, Pg. Z6-1, 436 words, BEAVERCREEK SCHOOLS TRY TO CLEAR AIR ; BOARD PLANS POLICY ON USE OF TOBACCO PRODUCTS, Janice Haidet, DAYTON DAILY NEWS
210. The Des Moines Register, July 7, 1994, Thursday, (, METRO/IOWA, Pg.1, 1014 words
211. The Fresno Bee, June 27, 1994 Monday, HOME EDITION, Pg. B4, 220 words, Smoking solution, Helen Pitton, Fresno
212. The Charleston Gazette, June 22, 1994, Wednesday, Metro ; Pg. P9, 275 words, PUTNAM PUBLIC HEARING ON POLICY 2001 SCHEDULED
213. THE HARTFORD COURANT, June 21, 1994 Tuesday, 5E WEST HARTFORD FARMINGTON VALLEY, CONNECTICUT; Pg. C3, 324 words, SCHOOL'S NEW SMOKING BAN SNUFFS CONFLICT BRIAN M. TROTTA; Courant Correspondent, FARMINGTON --
214. THE HARTFORD COURANT, June 17, 1994 Friday, 5E WEST HARTFORD FARMINGTON VALLEY, CONNECTICUT; Pg. C3, 320 words, TOUGHER SMOKING RULES ADOPTED; STUDENTS SUCCEED IN GETTING CHANGE, BRIAN M. TROTTA; Courant Correspondent, FARMINGTON --
215. The Charleston Gazette, June 15, 1994, Wednesday, Metro ; Pg. P7, 275 words, NORTH POLICY 2001 HEARING SCHEDULED
216. The Palm Beach Post, June 14, 1994 TUESDAY, MARTIN-ST. LUCIE EDITION, Pg. 1B, 827 words, MARTIN TEACHERS SEEK 8.3% MORE PAY, MARY LOU PICKEL; Palm Beach Post Staff Writer, STUART



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217. The Palm Beach Post, June 14, 1994 TUESDAY, MARTIN-ST. LUCIE EDITION, Pg. 1B, 584 words, MARTIN TEACHERS SEEK 8.3% MORE PAY, MARY LOU PICKEL; Palm Beach Post Staff Writer, STUART
218. THE HARTFORD COURANT, May 24, 1994 Tuesday, 1S SOUTH CENTRAL SHORELINE, CONNECTICUT; Pg. E6, 194 words, OLD SAYBROOK; SCHOOL BOARD MEETS TONIGHT, The Hartford Courant
219. THE HARTFORD COURANT, May 24, 1994 Tuesday, 1S SOUTH CENTRAL SHORELINE, CONNECTICUT; Pg. E6, 194 words, OLD SAYBROOK; SCHOOL BOARD MEETS TONIGHT, The Hartford Courant
220. Newsday, May 23, 1994, Monday, SUFFOLK EDITION, NEWS; Pg. A19, 519 words, DATELINES, Kim Kropa. Robert Fresco, LONG ISLAND LIGHTING COMPANY; SAYVILLE; ENERGY; KINGS PARK; SCHOOL; SMOKING; RESTRICTION; LINDENHURST; DOWLING COLLEGE; CURRICULUM;
221. The Columbus Dispatch, May 21, 1994, SATURDAY, Pg. 4B, 452 words, BOARD BANS SMOKING IN OLENTANGY SCHOOL BUILDINGS, Donna Glenn; Dispatch Staff Reporter POWELL, Ohio
222. THE HARTFORD COURANT, May 16, 1994 Monday, 5E WEST HARTFORD FARMINGTON VALLEY, EDITORIAL; Pg. C8, 269 words, OUR TOWNS: FARMINGTON & SIMSBURY; NO SMOKING, BY ANYONE, AT SCHOOL
223. THE HARTFORD COURANT, May 10, 1994 Tuesday, 1S SOUTH CENTRAL SHORELINE, EDITORIAL; Pg. D8, 276 words, A MAGNET SCHOOL, AT LEAST FOR THE CITY; OUR TOWNS; MERIDEN; PORTLAND
224. The Charleston Gazette, May 6, 1994, Friday, News; Pg. P6D, 377 words, WHAT'S UP
225. The Commercial Appeal (Memphis), May 6, 1994, Friday, First Edition, Pg. 11A, 240 words, Hint for Hillary, The Associated Press
226. The Commercial Appeal (Memphis), May 6, 1994, Friday, First Edition, Pg. 11A, 240 words, Hint for Hillary, The Associated Press
227. The Houston Post, FRIDAY, May 6, 1994, FINAL EDITION, Pg. A22, 339 words, NAMES & FACES, Compiled by Marcy Basile
228. THE DALLAS MORNING NEWS, May 6, 1994, Friday, HOME FINAL EDITION, NEWS; PEOPLE; Pg. 2A, 553 words, PEOPLE, From Wire Reports
229. The Record, May 6, 1994; FRIDAY; ALL EDITIONS, NEWS; Pg. A02, 1162 words, PEOPLE, PEOPLE, FROM NEWS SERVICE REPORTS
230. Rocky Mountain News, May 6, 1994, Friday, NEWS/NATIONAL/INTERNATIONAL; Ed. F; Pg. 78A, 934 words, Book reveals a glimpse of apprentice Hemingway
231. The Ethnic NewsWatch, Indian Country Today (Lakota Times), May 4, 1994, Vol. 13; No. 45; Pg. B-4, 797 words, Iowa University bans racist mascots, Matlow, Stephen



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232. THE HARTFORD COURANT, May 3, 1994 Tuesday, 5E WEST HARTFORD FARMINGTON VALLEY, CONNECTICUT; Pg. E3, 417 words, STUDENTS ASK BOARD FOR SMOKING BAN FOR ALL IN SCHOOL, Rita A. Niro; Courant Staff Writer, FARMINGTON -
233. The Cincinnati Enquirer, April 21, 1994, Thursday, CLERMONT COUNTY ZONE, Pg. Z03, 282 words, Clermont school board to consider smoking ban, CINDY SCHROEDER, MOUNT CARMEL
234. Los Angeles Times, April 21, 1994, Thursday, Home Edition, Westside; Part J; Page 25, 587 words, REGIONAL REPORT: LONG BEACH; MERCHANTS CLEARING AWAY THE SMOKE, By EMILY ADAMS and JOHN POPE, SPECIAL TO THE TIMES
235. Los Angeles Times, April 21, 1994, Thursday, Home Edition, Southeast; Part J; Page 3, 964 words, MERCHANTS CLEAR AWAY THE SMOKE; ORDINANCE: RESTAURANTS, BARS MUST COMPLY WITH LONG BEACH'S NEW SMOKING RESTRICTIONS. BUT THOSE WHO STILL WANT TO LIGHT UP ARE HOT UNDER THE COLLAR., By EMILY ADAMS and JOHN POPE, SPECIAL TO THE TIMES
236. Charleston Daily Mail, April 13, 1994, Wednesday, News; Pg. P1A, 495 words, TEACHER SUSPENDED FOR LIGHTING UP, Stacey Ruckle
237. The Morning Call (Allentown), April 11, 1994, MONDAY, FIFTH EDITION, Pg. B5, 724 words, SCHOOL SYSTEM MAY PRESS TO FINE SMOKERS, KATHARINE McKEE; The Morning Call
238. The Morning Call (Allentown), April 10, 1994, SUNDAY, SECOND EDITION, Pg. B3, 906 words, SAUCON VALLEY SCHOOLS TRY TO LIGHT FIRE UNDER WEAK RULES TO STOP SMOKING, KATHARINE McKEE; The Morning Call
239. The Advocate, April 8, 1994 Friday, METRO EDITION, Pg. 6B;, 347 words, Ieyoub doing job, not meddling
240. New York Law Journal, April 1, 1994, Friday, COURT DECISIONS; Pg. 25, 1810 words, Public Health Law Drivers Smoking in School Buses; Matter of Newark Valley Central School District, appellant, v. Public Employment Relations Board, et al., respondents. Decided March 24, 1994. Before Kaye, C.J.; Simons, Bellacosa, Smith Ciparick, JJ.
241. The Times-Picayune, March 26, 1994 Saturday, THIRD, NATIONAL; Pg. A1, 393 words, NO-SMOKE WORKPLACE SOUGHT, By BOB GEIGER Knight-Ridder Newspapers, WASHINGTON
242. The Morning Call (Allentown), March 25, 1994, FRIDAY, SECOND EDITION, Pg. B7, 620 words, EASTON TEENS AT TELECONFERENCE HEAR ELDERS WARN ABOUT SMOKING, CHRISTOPHER HEREDIA; The Morning Call
243. Los Angeles Times, March 24, 1994, Thursday, Home Edition, Southeast; Part J; Page 5, 170 words, COMMUNITY NEWS: SANTA FE SPRINGS; SCHOOL DISTRICT BANS SMOKING ON CAMPUS
244. The Morning Call (Allentown), March 23, 1994, WEDNESDAY, SECOND EDITION, Pg. B3, 377 words, NOCKAMIXON SAYS PALISADES CAN FINE SMOKERS IN SCHOOL, JOSEPH McDERMOTT; The Morning Call



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245. Pittsburgh Post-Gazette, MARCH 23, 1994, WEDNESDAY, NORTH EDITION, Pg. N5
539 words, PLANNED '94-95 BUDGET HOLDS LINE ON TAX RATE, JIM URBAN
246. Lewiston Morning Tribune, March 19, 1994, Education; Pg. 1A, 440 words,
CHILDREN'S HEALTH; IDAHO ED BOARD BANS SMOKING IN SCHOOLS; ACTION DEFIES LEGAL
ADVICE
247. Lewiston Morning Tribune, March 9, 1994, Education; Pg. 3C, 600 words,
SMOKING BAN SMOLDERING AT LEWISTON HIGH; PANEL PUSHING POLICY THAT CUTS OUT ALL
TOBACCO USE ON SCHOOL DISTRICT PROPERTY
248. The Morning Call (Allentown), March 8, 1994, TUESDAY, FIFTH EDITION, Pg.
B1, 654 words, FIELD TRIP BROUHAHA LEAVES HONOR STUDENTS, DIRECTORS AT ODDS,
DAVID WASHBURN; The Morning Call
249. Pittsburgh Post-Gazette, MARCH 6, 1994, SUNDAY, FIVE STAR EDITION, Pg. C2
327 words, BAERGA ALREADY HERO IN PUERTO RICO, FROM WIRE DISPATCHES
250. Los Angeles Times, March 5, 1994, Saturday, Home Edition, Sports; Part C;
Page 2; Column 1; Sports Desk, 480 words, MORNING BRIEFING: MOST KIDS WOULD BE
HAPPY IF THEY GOT AN OLD BARRACUDA, By SHAV GLICK
251. THE PHOENIX GAZETTE, March 5, 1994 Saturday, Final, SPORTS; Pg. C3, 374
words, DALY TRYING TO MAKE DOUBLE COMEBACK, From GAZETTE news services
252. The San Diego Union-Tribune, March 4, 1994, Friday, SPORTS; Ed.
1,2,3,4,5,6,7,8,9; Pg. D-2, 394 words, Tortilla-toting fans: Gaucho or gauche?
253. The San Francisco Chronicle, MARCH 4, 1994, FRIDAY, FINAL EDITION,
SPORTS; Pg. B6; TOP OF THE SIXTH, 502 words, TOP OF THE SIXTH, TOM FITZGERALD
254. The Houston Chronicle, March 4, 1994, Friday, 2 STAR Edition, SPORTS;
Sports notebook; Pg. 8, 537 words, Sports notebook, Houston Chronicle News
Services
255. News Tribune, March 4, 1994, Friday, Sports, 535 words, ODDS 'N' ENDS:
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LEVEL 1 - 274 STORIES

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263. The Charleston Gazette, February 19, 1994, Saturday, News; Pg., 1701 words, NATION'S TEENS LIGHTING UP APACE, Jeff Guinn
264. The Morning Call (Allentown), February 19, 1994, SATURDAY, THIRD EDITION, Pg. B10, 481 words, NORTHWESTERN LEHIGH MAY IMPOSE FINES FOR SMOKING, CHRISTOPHER HEREDIA; The Morning Call
265. Pittsburgh Post-Gazette, FEBRUARY 16, 1994, WEDNESDAY, NORTH EDITION, Pg. N4, 269 words, SMOKELESS SCHOOLS NO LONGER A PIPEDREAM, MARYLYNNE PITZ, POST-GAZETTE STAFF WRITER
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267. Capital Times, February 10, 1994, Thursday, ALL EDITIONS, Pg. 1A, 1053 words, UW'S NOBEL-WINNING RESEARCHER TEMIN DIES OF LUNG CANCER AT 59, From staff; news service reports
268. The Record, February 8, 1994; TUESDAY; ALL EDITIONS, NEWS; Pg. C01, 934 words, TOBACCO BAN EYED FOR THOSE UNDER 18 RIDGEWOOD TRUSTEE PUSHING ORDINANCE, THOMAS ZAMBITO, Staff Writer The Record
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271. Rocky Mountain News, January 28, 1994, Friday, LOCAL; Ed. F; Pg.26A, 387 words, Committee OKs ban on tobacco at schools Bill would prohibit use of products by students, staff, teachers on campus, at school sponsored events, John Sanko; Rocky Mountain News Capitol Bureau
272. Arkansas Democrat-Gazette, January 26, 1994, Wednesday, 469 words, FORT SMITH VOTES AGAINST PROPOSAL TO LIMIT SMOKING, JULIEANNE MILLER, Democrat-Gazette Fort Smith Bureau
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THE WHITE HOUSE
WASHINGTON

Bruce
✓ ELIZABETH

FYI

Pursued this no-smoking-
in-schools idea. Apparently,
it's already law. See
Attached

RENEW ORIGINAL TO JBA

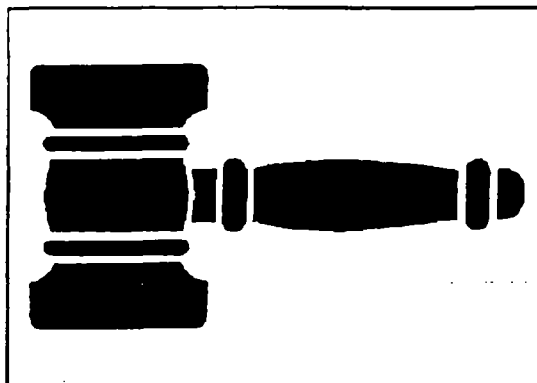
DEPARTMENT OF HEALTH & HUMAN SERVICES
OFFICE OF THE GENERAL COUNSEL

PHONE: (202) 690-6318

FAX: (202) 690-7998

DATE: April 23, 1996

TO: JEN O'CONNOR



FROM: ANDREW D. HYMAN
Special Assistant to the General Counsel
Office of the General Counsel, Room 707F
Department of Health and Human Services
200 Independence Ave., SW
Washington D.C. 20201

COMMENTS: As we discussed, there is a federal law, the Pro-Children Act of 1994, that prohibits smoking in federally funded (directly or indirectly through state or local government) buildings used for children's services, e.g., most public schools. Attached is a copy of the statute, as well as some Qs and As prepared last year by Education.

comply with sections 2 through 4 of the Act of March 3, 1933 (41 U.S.C. 10a-10c, popularly known as the "Buy American Act");

(2) in the case of any equipment or products that may be authorized to be purchased with financial assistance provided under this chapter, entities receiving such assistance should, in expending the assistance, purchase only American-made equipment and products;

(3) in providing financial assistance under this chapter, the head of each Federal agency should provide to each recipient of the assistance a notice describing the statement made in subsection (a)¹ by the Congress; and

(4) if it has been finally determined by a court or Federal agency that any person intentionally affixed a label bearing a "Made in America" inscription, or any inscription with the same meaning to any product sold in or shipped to the United States that is not made in the United States, such person should be ineligible to receive any contract or subcontract made with funds provided pursuant to this chapter, pursuant to the debarment, suspension, and ineligibility procedures described in sections 9.400 through 9.409 of title 48, Code of Federal Regulations, as such sections existed on March 31, 1994.

(Pub.L. 103-227, Title X, § 1022, Mar. 31, 1994, 108 Stat. 270.)

¹ So in original.

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Act, House Report No. 103-168 and House Conference Report No. 103-446, see U.S. Code Cong. and Adm. News, p. 63.

References in Text

This "chapter", referred to in text, was in the original this "Act" meaning Pub.L. 103-227, Mar. 31, 1994, 108 Stat. 126, which is classified principally to this chapter. For complete classification

of section of Pub.L. 103-227 to the Code, see Tables.

The Buy American Act, referred to in par. (1), is title III of Act Mar. 3, 1933, c. 212, 47 Stat. 1620, as amended by Pub.L. 100-418, Title VII, Aug. 23, 1988, 102 Stat. 1546, which is classified principally to sections 10a to 10d of Title 41, Public Contracts. For complete classification of this Act to the Code, see Short Title notes set out under section 10a of Title 41 and Tables.

PART B—ENVIRONMENTAL TOBACCO SMOKE

HISTORICAL AND STATUTORY NOTES

Codification

The part designation in the original is "C". The letter designation was changed from "C" to "B" for purposes of codification.

§ 6081. Short title

This part may be cited as the "Pro-Children Act of 1994".

(Pub.L. 103-227, Title X, § 1041, Mar. 31, 1994, 108 Stat. 271.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Act, House Report No. 103-168 and House Conference Report No. 103-446, see U.S. Code Cong. and Adm. News, p. 62.

§ 6082. Definitions

As used in this part:

(1) Children

The term "children" means individuals who have not attained the age of 18.

(2) Children's services

The term "children's services" means the provision on a routine or regular basis of health, day care, education, or library services—

(A) that are funded, after March 31, 1994, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX of the Social Security Act) (42 U.S.C.A. §§ 1395 et seq. and 1396 et seq.); or

(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in 7 CFR 246.2) under section 17(b)(6) of the Child Nutrition Act of 1966 (42 U.S.C. 1786(b)(6)), or

(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate Secretary in any enforcement action under this subchapter,

except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966 (42 U.S.C.A. § 1771 et seq.).

(3) Person

The term "person" means any State or local subdivision thereof, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

(4) Indoor facility

The term "indoor facility" means a building that is enclosed.

(5) Secretary

The term "Secretary" means the Secretary of Health and Human Services.

(Pub.L. 103-227, Title X, § 1042, Mar. 31, 1994, 108 Stat. 271.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Act, House Report No. 103-168 and House Conference Report No. 103-446, see U.S. Code Cong. and Adm. News, p. 68.

References in Text

The Child Nutrition Act of 1966, referred to in par. (2), is Pub.L. 89-642, Oct. 11, 1966, 80 Stat. 865, as amended, which is classified generally to chapter 12A (section 1771 et seq.) of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title notes set out under section 1771 of Title 42 and Tables.

The Social Security Act, referred to in par. (2)(A)(i), is Act Aug. 14, 1935, c. 531, 49 Stat. 880, as amended. Titles XVIII and XIX of the Social Security Act are classified generally to

subchapters XVIII (section 1895 et seq.) and XIX (section 1896 et seq.) of chapter 7 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see section 1806 of Title 42 and Tables.

This subchapter, referred to in par. (2)(B), was, in the original, this title, meaning Pub.L. 103-227, Title X, § 1011 et seq., Mar. 31, 1994, 108 Stat. 266 et seq., which in addition to enacting this subchapter, enacted section 3351 of this title, amended sections 1107, 1232b, 2241, 2381, 2382, 2384, and 2386 of this title, sections 1632, 1633, and 1536 of Title 29, Labor, and section 11908a of Title 42, The Public Health and Welfare, and enacted provisions set out as notes under section 2701 of this title and section 11901 of Title 42. For complete classification of this Title to the Code, see Tables.

LIBRARY REFERENCES

American Digest System

Regulation and supervision of schools and educational institutions in general, see Schools & 20.

Encyclopedias

Administration and regulation of public schools in general, see C.J.S. Schools and School Districts § 83.

Regulation and supervision of public schools in general, see C.J.S. Schools and School Districts § 15.

WESTLAW ELECTRONIC RESEARCH

Schools case: 345k(add key number).
See, also, WESTLAW guide following the Explanation pages of this volume.

§ 1. Nonsmoking policy for children's services

(a) Prohibition

After March 31, 1994, no person shall permit smoking within any indoor facility owned or leased or contracted for and utilized by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

(b) Additional prohibition

After March 31, 1994, no person shall permit smoking within any indoor facility (or portion thereof) owned or leased or contracted for by such person for the provision by such person of regular or routine health care or day care or early childhood development (Head Start) services to children or for the use of the employees of such person who provides such services, except that this subsection shall not apply to—

- (1) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and
- (2) any private residence.

(c) Federal agencies

(1) Kindergarten, elementary, or secondary education or library services

After March 31, 1994, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

(2) Health or day care or early childhood development services

After March 31, 1994, no Federal agency shall permit smoking within any indoor facility (or portion thereof) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood development (Head Start) services to children, except that this paragraph shall not apply to—

- (A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and
- (B) any private residence.

(3) Application of provisions

The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

(d) Notice

The prohibitions in subsections (a) through (c) of this section shall be incorporated by publication of a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after March 31, 1994, whichever occurs first.

(e) Special waiver

(1) In general

On receipt of an application, the head of the Federal agency may grant a special waiver to a person described in subsection (a) of this section who employs individuals who are members of a labor organization and provide children's services pursuant to a collective bargaining agreement that—

- (A) took effect before March 31, 1994; and
- (B) includes provisions relating to smoking privileges that are in violation of the requirements of this section.

(2) Termination of waiver

A special waiver granted under this subsection shall terminate on the earlier of—

- (A) the first expiration date (after March 31, 1994) of the collective bargaining agreement containing the provisions relating to smoking privileges; or
- (B) the date that is 1 year after March 31, 1994.

(f) Civil penalties

(1) In general

Any failure to comply with a prohibition in this section shall be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty under this section, the total amount shall not exceed the amount of Federal funds received by such person for the fiscal year in which the continuing violations occurred. For the purpose of the prohibition in subsection (c) of this section, the term "person" shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

(2) Administrative proceeding

A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued, by the Secretary only after an opportunity for a hearing in accordance with section 554 of Title 5. Before making such assessment or issuing such order, or both, the Secretary shall give written notice thereof to such person by certified mail with return receipt and provide therein an opportunity to request in writing not later than 30 days after the date of receipt of such notice such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing which should be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

(3) Circumstances affecting penalty or order

In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

- (A) the nature, circumstances, extent, and gravity of the violation;
- (B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and
- (C) such other matters as justice may require.

(4) Modification

The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or its agencies or instrumentalities owes to the person against whom the penalty is assessed.

(5) Petition for review

Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review thereof with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy thereof to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall promptly

provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

(6) Failure to comply

If a person fails to pay an assessment of a civil penalty or comply with an order, after either or both are final under this section, or after a court under paragraph (5) has entered a final judgment in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at then currently prevailing rates from the day either or both are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

(Pub. L. 103-227, Title X, § 1043, Mar. 31, 1994, 108 Stat. 272.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Act, House Report No. 108-168 and House Conference Report No. 108-448, see U.S. Code Cong. and Adm. News, p. 62.

§ 6084. Presumption

Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.

(Pub. L. 103-227, Title X, § 1044, Mar. 31, 1994, 108 Stat. 274.)

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1994 Act, House Report No. 108-168 and House Conference Report No. 108-448, see U.S. Code Cong. and Adm. News, p. 63.

CHAPTER 69—SCHOOL-TO-WORK OPPORTUNITIES

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LIBRARY REFERENCES

American Digest System
Regulation and supervision of schools and educational institutions in general, see Schools ¶ 20.
Regulation of public schools; curriculum and courses of study, see Schools ¶ 164.

Encyclopedias

Administration and regulation of public schools, see C.J.S. Schools and School Districts ¶ 83.

Curriculum and studies, see C.J.S. Schools and School Districts ¶ 485.
Regulation and supervision of public schools in general, see C.J.S. Schools and School Districts ¶ 15.



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

MAY 31 1995

MEMORANDUM

TO: Governors, Chief State School Officers, Safe and Drug-Free Schools and Communities Act Coordinators

FROM: Thomas W. Payzant *Thomas W. Payzant*
Assistant Secretary, Elementary and Secondary Education

SUBJECT: Implementation Guidance for Pro-Children Act of 1994

I have enclosed detailed guidance concerning implementation of the Pro-Children Act provisions of the Goals 2000: Educate America Act for your information. I encourage you to share this guidance with local educational agencies and other entities who may be affected by the provisions.

If you have questions concerning this guidance, or any other questions concerning the Pro-Children Act provisions, please contact the Safe and Drug-Free Schools Program, U.S. Department of Education, 600 Independence Avenue, SW, The Portals - Room 604, Washington, DC 20202-6123; phone: (202) 260-3954; facsimile: (202) 260-7767.

**GUIDANCE CONCERNING RESPONSIBILITIES
UNDER THE
PRO-CHILDREN ACT**

This guidance is to provide information concerning responsibilities under the Pro-Children Act (PCA), which was enacted on March 31, 1994, as Part C of Title X of the Goals 2000: Educate America Act, Public Law 103-227. Preliminary information, including a copy of this legislation, was mailed to Chief State School Officers in a letter dated January 4, 1995.

The following questions have been prepared to assist State educational agencies (SEAs) and local educational agencies (LEAs) and other recipients of funds awarded by the U.S. Department of Education in implementing these requirements.

Q1. What does the law require?

- A. The PCA requires that smoking not be permitted in any indoor facility, or in some cases a portion of a facility, used routinely or regularly for the provision of certain types of "children's services" to persons under age 18, if the services are funded by specified Federal programs either directly or through State or local governments.

Applicable Federal funds for these types of children's services include grants, cooperative agreements, loans, loan guarantees, contracts, and funds for construction, maintenance, and operations awarded by the Departments of Health and Human Services, Education, or Agriculture [only through the Special Supplemental Nutrition Program for Women, Infants, and Children (WIC)].

Q2. Are all LEAs and SEAs affected by the PCA requirements?

- A. All LEAs and SEAs that receive funding from the U.S. Departments of Education, Health and Human Services, or Agriculture (through the nutrition program WIC) either directly, or through State or local governments, to provide routine or regular kindergarten, elementary or secondary education; library services; health services; or day care services to children must comply with the PCA requirements.

Q3. Must non-public schools implement the PCA requirements?

- A. A non-public school must implement the PCA requirements if

it receives funding from the U.S. Departments of Education, Health and Human Services, or Agriculture (only through the nutrition program WIC) either directly, or through State or local governments, to provide routine or regular kindergarten, elementary or secondary education; library services; health services; or day care services to children.

A non-public school is not required to implement the PCA if it does not receive funding from the U.S. Departments of Education, Health and Human Services, or Agriculture, or if the non-public school merely receives funding under the National School Lunch and School Breakfast Program or the school's students receive services (such as compensatory education services) from an LEA.

Q4. When must SEAs, LEAs, and affected non-public schools implement the PCA requirements?

A. The PCA requirements were effective as of December 26, 1994. Therefore, covered SEAs, LEAs, and non-public schools must take prompt action to implement these requirements.

Q5. Who are considered "children" under the PCA?

A. The term "children" is defined as individuals who have not attained the age of 18.

Q6. What does the term "children's services" mean?

A. Types of services included under this term are education (kindergarten, elementary and secondary), health, day care, early childhood development (Head Start), and library services.

Q7. What does the term "indoor facility" mean?

A. The term "indoor facility" means a building that is enclosed.

Q8. Where must smoking be prohibited?

A. With respect to the provision of routine or regular kindergarten, elementary or secondary education, or library services to children, the PCA legislation requires the prohibition of smoking within any indoor facility owned, or leased, or contracted for and utilized for the provision of those children's services. This means, therefore, that

smoking lounges or other separate locations for smoking within the enclosed facility (even if separately ventilated) must be prohibited.

Q9. When must smoking be prohibited?

- A. At a minimum, the PCA requires that smoking not be permitted in an indoor facility during routine or regular children's services, i.e., school-sponsored activities that include children. Providers of children's services may be subject to other Federal, State, or local laws that require that smoking be prohibited at all times. In that case, the PCA does not require any change in policy. Furthermore, it is fully consistent with the PCA for providers of children's services to choose for the protection of children's health to implement a policy that prohibits smoking at all times.

Q10. Must smoking be prohibited if the facility is being used for a community or privately sponsored event such as Ringe?

- A. Generally no; however, it depends on the circumstances. If the indoor facility is being used simultaneously for routine or regular children's services (i.e., school-sponsored activities that involve children) and a privately sponsored event, smoking must be prohibited in the entire indoor facility. The provider of children's services may determine whether or not it wishes to prohibit smoking in the facility when no routine or regular children's services are being provided.

Q11. How will enforcement work?

- A. If a report is made that smoking prohibitions are not being implemented, the awarding Department will attempt to resolve the situation. If this is unsuccessful, the awarding Department could refer the case to the Department of Health and Human Services for an administrative proceeding, which could result in issuance of an administrative compliance order or an assessment of a civil penalty of up to \$1,000 per violation. Each day a violation continues constitutes a separate violation. The total penalty may not exceed the amount of applicable Federal funds received for the fiscal year in which the continuing violations occur.

Q12. Is technical assistance available?

- A. For additional guidance concerning implementation of the PCA for providers of education or library services, contact the

Safe and Drug-Free Schools Program, 600 Independence Avenue, SW, The Portals - Room 604, Washington, DC 20202-6123, facsimile: (202) 260-7767, phone: (202) 260-3954.

For providers of health, day care, or early childhood development services, contact the Office of Smoking and Health, Centers for Disease Control and Prevention, 330 C Street, SW, Switzer Building, Room 1229, Washington, DC 20201, facsimile: (202) 205-8313, phone: (202) 205-8500.

For WIC-related questions, contact the Supplemental Food Programs Division, Food and Consumer Services, 3101 Park Center Drive, Room 540, Alexandria, Virginia 22302, facsimile: (703) 305-2420, phone: (703) 305-2746.

Q13. Where should violations be reported?

- A. For violations of the PCA by providers of education or library services, contact the Safe and Drug-Free Schools Program, 600 Independence Avenue, SW, The Portals - Room 604, Washington, DC 20202-6123, facsimile: (202) 260-7767, phone: (202) 260-3954.

For violations of the PCA by providers of health, day care, or early childhood development services, contact the Office of the Assistant Secretary for Health, Department of Health and Human Services, 200 Independence Avenue, SW, Washington, DC 20201.

For violations of the PCA related to the WIC program, contact the Supplemental Food Programs Division, Food and Consumer Services, 3101 Park Center Drive, Room 540, Alexandria, Virginia 22302, facsimile: (703) 305-2420, phone: (703) 305-2746.

Tobacco

Anti-tobacco plan in the schools

Goals — 2000 — Where is it —

— Does it ban smoking in Fed funds

— Challenging schools —

— ban smoking ~~at smoke detectors~~

— smoke detectors in bathrooms

— 4 part plan —

May 8 — Kick Butts —

Goals 2000 — Kick Butts Day?

— Bill Corr —

— Bottom Line —

Andy / Bill Corr.

~~Clear~~

Bill Corr 4/24

— Goals 2000 — Fed Grantees cannot have
funding that affects children —

— Implementation — HTS — easy for grantees
— responsible to enforcer

— Educ. — difference — small % of funds. What
extent do we have to say the

facilities has to be smoke free.

Question is - if someone smokes on Tues pm,
are kids exposed Wed morning.

HHS decided - smoke free all facilities -
- day care
- family

⇒ Educ. - embarked on a course of trying to
be flexible. - rule → when kids are
there, can't be smoking that kids

- Goals 2000 attached to the facilities as
opposed to the schools. -

- National PTA - have reached out to PTAs
sent letter about availability of ~~the~~ video done
by CDC / SAMSA. -

- ① dramatizes pressure on kids
② attempts kinds of things ~~that~~
parents can do. Designed to
get more involved

Dept. / Nat PTA sent a letter to
every PTA in the country. -

- First two weeks had **2000**
calls to 800 number to

- Builds on what we have done -

- Synar / FDA - Construct putting in place ^{tools} parents
need to move forward. -

- unified effort -

Status - Bill Magoleski -

↳ Goals 2000 PTA -

Students Oppose Smoking Save Our Schools

**NEWS ADVISORY
FOR IMMEDIATE RELEASE**

CONTACT:
Wendy Norcross (301) 929-8550

What *You* Don't Know About What Goes On In *Your* Public Schools Tobacco's Tendrils Choke Our Youth

Students from more than a dozen Montgomery County high schools will reveal shocking information about the widespread use of tobacco in schools and will propose recommendations to decision-makers on how to remedy this problem at a student-led press conference which will be held at 9:30 a.m., Monday, April 22 at Einstein High School (housed at Northwood), 919 University Boulevard, Silver Spring, MD.

For the first time ever, students will document the impact smoking has on all students including:

- A Seneca Valley High School (HS) student with asthma who has had to be hospitalized;
- An Albert Einstein HS student with severe cardiac problems and whose life is threatened by second-hand smoke;
- A Quince Orchard student whose smoking habit has worsened because of the lax school policy;
- Hoover Middle School students who talk about middle schoolers use of tobacco and who are concerned about attending high school because of the tobacco use;
- A Magruder HS student who was fed up with all-locked bathrooms;
- Kennedy HS students who are concerned about tensions that have the potential for causing school fights between smokers and nonsmokers;
- A Damascus HS student who sought and got student support to end smoking through petitions and Montgomery County Region of the Maryland Association of Students Councils legislative bill;
- An Einstein HS student who was a former smoker (caught smoking at school) will testify that a smoking cessation program works;
- A Paintbranch HS student who criticizes school personnel who are more concerned if students are wearing hats than that they are smoking at school.

Elected officials including Dr. Martin Wasserman, Secretary, Maryland Department of Health and Mental Hygiene; Ana Sol Gutierrez, President, Montgomery County Board of Education; numerous principals, school security and other dignitaries will be present.

Aziza Jones, student co-chair of Students Oppose Smoking, states "We're sick of being sick from secondhand tobacco smoke."

#

A student project c/o

Montgomery County Community Partnership
4915 Aspen Hill Road, Suite 7
Rockville, Maryland 20853

301-929-8550
Fax 301-929-8555