

TOBACCO CONTROL POLICY

Section 1. GENERAL:

- 1.1 **Scope.** This policy sets the requirements for schools in Monroe County to be tobacco free.
- 1.2 **Authority.** W.V.A.. Constitution, Art: XII. § 2 and W.V.A.. Code § 16-9A-1 through 16-9A-4 and 18-2-5. WV Board of Education Policy 2422.5A.
- 1.3 **Effective Date.** July 1, 2008
- 1.4 **Replaces Policy.** None. This is a revision of Policy JFCG-1 which was amended on 2/6/95 and again in 1998.

Section 2. PREVENTION EDUCATION:

- 2.1 Required Health Education Program of Study (WV Board of Education Policy 2520) shall be coordinated with Safe and Drug Free school activities and programs to provide all students in Monroe County schools, pre-12 grade tobacco prevention curriculum. School administration and Local School Improvement Councils should assure that prevention education efforts are coordinated and age-appropriate.
 - 2.1.1 Health Education Instruction: County health education programs of study include instructional objectives related to prevention of tobacco use, assessment of hazards of tobacco and benefits of remaining tobacco-free, and skills to refuse peer pressure to use tobacco products pre-12 as outlined in WV Board of Education Policy 2520, Health Education Instructional Goals and Objectives.
 - 2.1.2 Safe and Drug Free School Program: School-wide or targeted grade-level programs sponsored by Safe and Drug Free Schools funds shall be coordinated with other prevention education efforts and meet guidelines and stipulations set forth in Drug Free Schools grant to Monroe County for use in prevention education efforts.

2.2 Cessation Support Education:

All schools in the county, board office, school nurse and SADFS Coordinator will be provided a list of available cessation programs to refer staff and students interested in cessation. This referral information to individuals is in addition to any sanctions.

Section 3. PURPOSE:

The Monroe County Board of Education is concerned about the health and safety of all students and board employees. Therefore, the purpose of these regulations is to prohibit

the use or distribution of tobacco products in all school buildings, on school grounds, in board owned vehicles and all school-sponsored activities. The intent is to prevent students under the age of twenty-one (21 years), board employees and visitors from being exposed to second hand smoke, prohibiting the use of tobacco products and preventing addiction to tobacco products by the youth. This will improve the health of Monroe County students and board employees since tobacco use has a direct linkage to numerous health problems.

Section 4. APPLICATION:

- 4.1 This policy will prohibit the use and/or possession of tobacco products in school buildings, on school grounds and in board owned vehicles and shall apply to the same. Also, the policy shall apply to any private buildings or other property including vehicles used for school activities when students are present. Compliance is mandatory and in accordance with WV State Policy 2422.5.
- 4.2 No school property, or school or board publication, shall be used for the advertising of any tobacco products.
- 4.3 School personnel or individuals supervising and/or accompanying students off campus are prohibited from using and/or possessing any tobacco products while in the presence of students or while engaging in any activities directly involving students. School personnel and other adults should act as a positive role model for students by refraining from the use and/or possession of tobacco products which have been proven to be hazardous to one's health. This policy is intended to promulgate a positive pro-active approach to tobacco control.
- 4.4 Groups using school property as defined shall comply with this policy and shall inform students, parents and spectators that this policy remains in force on evenings, weekends, and other times that school is not in session.

Section 5. ENFORCEMENT FOR STUDENTS:

5.1 Disciplinary Action for Students:

These disciplinary actions are cumulative from one year to the next as long as the student is enrolled in Monroe County Schools and as long as there is an available school resource officer or some other individual available for the purpose of ticketing students legally.

- A. First Offense: Prevention Resource Officer or other law enforcement official will write a ticket citing the student with a violation of WV Code §16-9A-3 if the student is under 18 years of age or a citation for a violation of WV Code §16-9A-4 if the student is 18 years of age or older. These citations carry with them fines and court costs, which the student or his/her parents would be required to pay as

well as eight hours of community service.

In addition, the student shall be assigned to Tobacco Education Saturday School or Tobacco Education After School Program. The student shall successfully complete the developmentally, age-appropriate Tobacco Education. (As in all programs, Testing procedures may be modified as per the student's individual education plan IEP). The parent and/or legal guardian shall be responsible for providing transportation for the student to and from this program. The student must attend the session assigned unless prior approval is granted from the principal for a significant reason.

Failure to attend the Tobacco School Program shall constitute a ten day suspension with a recommendation of expulsion or an additional five day suspension to the superintendent, depending on the circumstances. [Note: 15 days of unexcused absences constitutes reason for removal of the student's driver's license.]

The Monroe County Board of Education shall act as a referral source to local agencies for counseling or smoking cessation education.

B. Second Offense:

The prevention resource officer or other law enforcement official will write a ticket for the offense, clearly designating "second offense" on the ticket. A second offense of WV Code §16-9A-3 warrants a doubling of the fine and the assessment of court costs as well as 16 hours of community service.

C. Third Offense:

The prevention resource officer or other law enforcement official will write a ticket for the offense, clearly designating "third offense" on the ticket. A second offense of WV Code §16-9A-3 warrants another doubling of the fine and the assessment of court costs as well as 24 hours of community service.

D. Fourth and Subsequent Offenses:

The prevention resource officer or other law enforcement officer will write a ticket for the offense, clearly designating the number of the offense on the ticket. The legal punishment is the same as for the third offense.

In addition, the student shall be suspended for ten days and recommended for expulsion.

Section 6. ENFORCEMENT FOR EMPLOYEES:

6.1 Disciplinary Action for Employees:

A. First Offense:

A conference between the immediate supervisor and the employee in violation of the policy shall take place within five (5) working days of the first offense. A written reprimand will be placed in the employee's personnel file.

The employee shall be required to submit an improvement plan within five (5) working days of the conference. This will be placed in the employee's personnel file.

The Monroe County Board of Education shall provide or act as a referral source to local agencies for counseling or smoking cessation program. Tobacco Education Program shall be made available to the employee by means of a referral agency or by a employee of the Monroe County Board of Education.

The employee shall be suspended without pay for one (1) day.

B. Second Offense:

The employee shall be required to participate in a conference with the superintendent or designated person regarding the violation of the Tobacco Policy within five (5) working days of the reported second offense. The employee will be encouraged to attend a Tobacco Cessation Program.

The employee shall be suspended without pay for three (3)) days.

The employee will be made aware of the consequences of any future violation in writing. This shall be documented in the employee's personnel file.

C. Third Offense:

The superintendent shall be notified of the violation by the immediate supervisor within five (5) working days of the third offense.

The employee shall be required to meet with the County Board of Education to explain the continuing violations of the County Tobacco Policy.

The employee shall be suspended without pay for five (5) days.

The Board of Education shall take actions deemed necessary concerning the

violation of the Tobacco Policy.

D. Fourth and Subsequent Offenses:

The Board of Education shall take appropriate action as deemed necessary including but not limited to, longer suspensions without pay, action for insubordination or referral to the legal system for violation of WV Code 16-9A-1 through 16-9A-4.

Section 7. ENFORCEMENT FOR THE PUBLIC:

7.1 Enforcement for the public may include, but is not limited to: request to stop the use of tobacco products or leave the premises. Also, the individual may be referred to local law enforcement officials.

Section 8. IMPLEMENTATION:

8.1 It is the responsibility of administrators or their designee to implement provisions of the Tobacco Control Policy, specifically education, communications and enforcement provisions: and maintenance of an environment for students, board employees and visitors that presents no physical harm, discomfort or unsanitary conditions resulting from tobacco product use.

8.2 It is the responsibility of each school to have procedures for identification, intervention and referral of students with tobacco related problems to the school counselor, school nurse or other identified health professionals. These procedures should be included in the student and staff handbooks.

Section 9. COMMUNICATION:

9.1 The Tobacco Control Policy shall be communicated to the board employees, students and the public during initial implementation in a timely manner. Thereafter, the Tobacco Control Policy will be communicated at a minimum of at least one time per year. The Tobacco Control Policy shall be included in the School Personnel Handbook and student handbooks at their respective schools. Annually, the parents/guardians shall be notified in a written publication. The general public will be notified by signs and /or announcements.

9.2 Staff development will be provided by the MCBE regarding the current policy. In addition, at the discretion of the SADFS Coordinator, training for facilitators for cessation education and support programs for students and/or staff at respective schools will be conducted.

9.3 It shall be announced at least once either before and/or during extra curricular outdoor

school events on public announcement system, if available, that school grounds and buildings are tobacco free.

10 **POLICY REVIEW AND ALIGNMENT:**

This policy shall be reviewed every two years and appropriate modifications made at the advice of school administrators faculty, faculty senates and Local School Improvement Councils.

Enforcement measures are aligned with:

- a. Policy 4373, Student Code of Conduct;
- b. Policy 5310, Personnel Staff Evaluation; Professional Responsibilities and Performance Standards;
- c. Policy 1461, Drug-Free Workplace; and
- d. W.VA.. Code § 16-9A-1 through 16-9A-4.

Reviewed and amended: November 3, 1998
Adopted by Board Action: August 19, 2008