

## Roane County Schools

### Bylaws & Policies

#### 5512 - USE OF TOBACCO BY STUDENTS

The Board of Education is committed to providing students, staff, and visitors with tobacco and smoke-free environment. The negative health effects of tobacco use for both the users and nonusers, particularly in connection with second hand smoke, are well established. Further, providing a non-smoking and tobacco-free environment is consistent with responsibilities of teachers and staff to be positive role models for our students.

"Tobacco product" and "tobacco-derived product" means any product, containing, made or derived from tobacco, or containing nicotine derived from tobacco that is intended for human consumption whether smoked, breathed, chewed, absorbed, dissolved, inhaled, vaporized, snorted, sniffed, or ingested by any other means. Products include, but are not limited to cigarettes, cigars, cigarillos, little cigars, snus, snuff, chewing tobacco, smokeless tobacco, pipe tobacco, or other common tobacco-containing products.

A "tobacco-derived product" includes electronic cigarettes or similar devices, alternative nicotine products, and vapor products. "Tobacco product" or "tobacco-derived product" does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

"Alternative nicotine product" means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means. "Alternative nicotine product" does not include any tobacco product, vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

"Vapor product" means any non-combustible product containing nicotine that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape and size, that can be used to produce vapor from nicotine in a solution or other form. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device, and any vapor cartridge or other container of nicotine in a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco or tobacco-derived product or substitutes, including cigarettes, cigars, cigarillos, little cigars, pipe tobacco, chewing tobacco, snuff, snus, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes and/or the smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

A student will not unlawfully possess, use, or be under the influence of any substance containing tobacco, tobacco derived product, and/or nicotine or any paraphernalia intended for the manufacture, sale, and/or use of tobacco/nicotine products in any building/area under the control of a county school system, including all activities or events sponsored by the County School District.

An exception shall be made by the Superintendent to allow possession/use of approved nicotine replacement product for tobacco cessation. West Virginia State Board of Education policy 2422.8 - Medication Administration must be followed in order for students to use such products on school property or at school sponsored events.

Individuals supervising students are prohibited from distributing or using any tobacco product while in the presence of students or at any time while engaged in any activities directly involving students. If the Board discovers that an employee has sold or furnished tobacco products or tobacco-derived products to minors, the Board may dismiss such employee for cause. Any such discharge shall be considered as "gross misconduct" for the purposes of determining the discharged employee's eligibility for unemployment benefits if the employer has provided the employee with prior written notice in the workplace that such act or acts may result in termination from employment.

The Board shall enforce the consequences and/or interventions that are consistent with the levels specified in West Virginia State Board of Education policy 4373, or local Board Policy [5600](#), to address violations. The specific procedures to be followed when any staff member observes any violations outlined in this tobacco control policy is found in West Virginia State Board of Education policy 4373 and County Policy [5600](#) - Student Discipline. Any student violating the provisions of this policy shall be referred to magistrate court and for the first violation be fined \$50 and be required to serve eight (8) hours of community service; for a second violation, the person shall be fined \$100 and be required to serve sixteen (16) hours of community service; and for a third and each subsequent violation, the person shall be fined \$200 and be required to serve twenty-four (24) hours of community service.

The Board shall maintain a list of providers to make referral to voluntary support programs (such as local mental health provider or tobacco cessation program or hotline programs) that address the physical, psychological and social issues associated with addiction; provide on-going support and reinforcement necessary for desired behavior change; and provide information about available programs to all 4th through 12th grade students and staff on a regular basis.

This policy shall be provided to students, school staff, parents or families, visitors and the community-at-large through:

- A. staff development;
- B. employee and student handbooks;
- C. parent/guardian notification;
- D. general public notification (e.g., signs, announcements); and
- E. attaching a summary of this policy on to all requests for school facility use.

Additionally, this policy shall be available to the public in written and/or electronic format.

#### School Partnership Development

Each school will establish community agency and organization partnerships that serve to provide the school with a variety of supports and resources to develop appropriate behaviors in safe and supportive schools. These partnerships may be both formal and informal as described in West Virginia State Board of Education policy 4373. If a formal partnership between community service agencies and a school is established, the Board must approve the partnership.

The County and/or school shall develop and implement training for students and staff on these regulations and on means for effectively promoting the goals of this policy.

#### School Implementation Plan

Plans for the implementation of tobacco programs and policies should be included within individual school strategic plans. The implementation plan shall reflect the particular needs of students and staff to study, learn, and work in a positive school climate/culture. To the maximum extent possible, the plan should be developed collaboratively with input from all stakeholders including, but not limited to parents, business leaders, community organizations and state and local agencies. The plan should articulate and incorporate the partnership supports and resources that are available to the school through the County's formal and informal partnership agreements as well as through additional school level partnerships.

At a minimum, schools shall:

- A. establish a leadership team (may be an existing team) to manage the design, monitoring and improvement of school climate/culture;

- B. establish a process to gain school-wide input and commitment to school climate/culture improvement from students, staff, parents and community;
- C. develop school-wide priorities for West Virginia State Board of Education policy 4373;
- D. analyze school climate/culture data annually;
- E. make data driven improvement decisions based on analysis of consistently tracked student behaviors;
- F. implement school-wide plans that provide appropriate interventions to support and reinforce expected behaviors;
- G. implement programs/practices that promote youth asset development to support expected student behaviors, positive education and health outcomes
- H. implement comprehensive and effective intervention programs/practices that target identified behaviors that are disruptive to the educational process and that place students at higher risk of poor education and health outcomes;
- I. develop appropriate and reliable referral procedures for intensive intervention that enlist school and community partnerships; and
- J. evaluate school climate/culture improvement processes and revise as needed.

The County shall review its tobacco control policy at least every two (2) years and make appropriate modifications as necessary pursuant to West Virginia State Board of Education policy and State law. The administrator holding the position of Director of Student Services shall be responsible for instituting such review and reporting to the Superintendent within five (5) days of instituting such review.

The County will assess the effectiveness of this policy annually. Such review shall occur in the month of August each year. The administrator holding the position of Director of Student Services shall be responsible for instituting such review and reporting to the Superintendent within five (5) days of instituting such review. Data to be considered in the review include:

- A. supervisor conferences;
- B. disciplinary referrals;
- C. disciplinary actions;
- D. referrals to support programs;
- E. referrals for criminal prosecution;
- F. criminal convictions.

This policy, along with all other policies that encompass the requirements of West Virginia State Board of Education policy 4373, shall be submitted to the State Superintendent of Schools. Any revision must also be submitted to the State Superintendent of Schools.

WV Code 16-9A-2, 16-9A-3, 16-9A-4  
 20 U.S.C. 6081 et seq., 20 U.S.C. 7182  
 West Virginia State Board of Education policy 4373

Revised 6/9/09  
 Revised 5/10/12  
 Revised 6/28/12  
 Revised 10/23/14  
 Revised 11/19/15

© Neola 2015