

1106.01 / 206.03

Mingo County Tobacco Control Policy 206.03 Revision

Section 1: General

1.1 Scope. This policy sets the requirement for schools in Mingo County/West Virginia to be tobacco free.

1.2 Authority. West Virginia Code 16-9A-1 through 16-9A-4 and 18-2-5. WV Board of Education Policy 2422.5A.

1.3 Filing Date. March 4, 1998

1.4 Effective Date. April 2, 1998.

1.5 Replaces Policy 206.03.

Section 2. Purpose

2.1 The purpose of this policy is to prohibit the use or distribution of tobacco products in school buildings, on school grounds, in school leased or owned vehicles, and at all school affiliated functions in order to improve the health of Mingo County students and school personnel. **Students under the age of 21 may not possess any tobacco product at anytime on school property.** The use of tobacco products has a direct link to numerous health problems and this policy is intended to prevent students, school personnel, and visitors from being exposed to secondhand smoke and prevent youth addiction to tobacco products. This policy is intended to promulgate a positive, pro-active approach to tobacco control. In addition, school personnel will act as positive role models for students by not distributing or using tobacco products.

Section 3. Application

3.1 This policy will apply to any building, property, or vehicle leased, owned or operated by any school or the county board of education. This policy will apply to any private building or other property including automobiles or other vehicles used for school activities when students or staff members are present.

3.2 No person will distribute or use any tobacco product in any area defined in Section 3.1 of this policy at anytime. In addition, students under the age of 18 may not possess any tobacco product anytime as outlined by WV State Code 16-9A-1 through.16-9A-4. However, students under the age of 21 may not possess any tobacco product at anytime on school property.

3.3 Individuals supervising students off school grounds are prohibited from distributing or using any tobacco products while in the presence of students or any time while engaged in any activities directly involving students.

3.4 No school or board property, as defined in Section 3.1 of this policy, or school publication or county publication may be used for advertising of any tobacco product.

3.5 Groups using areas described in Section 3.1 will sign agreements with the county board of education agreeing to comply with this policy and to inform students, parents, and spectators that this policy remains in force on evenings, weekends, and other times that school is not in session.

Section 4. Implementation

4.1 Every school in the Mingo County school district will have a Tobacco Control Policy that meets the stipulations of this policy and adheres to the following guidelines by June 1, 1998. This policy serves as school policy except where the needs for school-level procedures or measures are indicated. **Compliance is mandatory.** Schools may impose additional strategies and restrictions not outlined in county policy provided they meet the tenets and intent of the county policy.

4.1.1 Administration: Administrative procedures for dealing with tobacco are the responsibility of all county and school administrators as follows:

A. It is the responsibility of each school administrator to implement provisions of this policy within his/her school, specifically education, communication, and enforcement provisions as outlined in this policy.

B. It is the responsibility of each school to develop a clear procedure for identification, intervention, and referral of students with a tobacco related problem to the school counselor, school nurse or other identified health professional. These procedures should be included in the student and staff handbooks.

C. It is the responsibility of each school to maintain an environment for students, staff and visitors that presents no physical harm, discomfort or unsanitary conditions resulting from tobacco product use.

4.1.2 Communication: The county board of education shall provide uniform and coordinated communication efforts for school, staff, and the public during initial implementation and whenever county wide activities or programs are offered. On going communications shall be a vital part of the county tobacco control policy and will include, at a minimum, procedure for communicating the policy to students, staff, parents or families, visitors and the community at large as follows:

A. Staff Development: It will be the practice of the individual school and county board of education to provide appropriate staff development regarding the current policy. In addition, provision of training for programs for students will be at the discretion of each individual school.

B. Employee and Student Handbook: Employee and student handbooks shall include complete information regarding the scope of the policy and in accordance with due process, sanctions for violations. (See enforcement section.)

C. Parent/ Guardian Notification: All parents shall be given notification, in accordance with due process procedures about the sanctions for violations which will be enacted should their child violate Policy 206.03. (See enforcement section.)

D. Public Notification: Public notification shall include at a minimum the placing of signs indicating tobacco free area on school grounds and vehicles; announcements of the policy at all school and county-sponsored functions, and agreement with all groups using school facilities or property as outlined in Section 3.5 of this policy. Each school may decide how to best assure all stipulations for off-campus activities stated in Section 3 are adhered to by non-school and school personnel.

E. Other Communication Procedures: In addition, it will be the responsibility of each school to select one or more of the following communication procedures for communication of the policy to students, school staff, parents or families, visitors, and the community at large.

1. **Students**

- a. Discuss the policy with students at student orientation meetings.
- b. Spread the information through student organizations and activities.
- c. Place or make announcements in school publications and/or via school media (e.g. Channel One).
- d. Have students design posters, banners, and signs.

- e. Tell students, or post notices about opportunities for tobacco cessation and support programs at school or in the community and provide information about how students can sign up for these programs.

2. School Staff

- a. Provide every staff member with a copy of the policy and discuss changes in school tobacco policy and enforcement at staff meetings, such as a faculty senate.
- b. Post information in staff lounges or offices.
- c. Tell staff about opportunities for tobacco cessation and support programs in the community and provide information as to how staff members may sign up for these programs.
- d. Inform potential employees of the policy in all job interviews.

3. Parent/Guardian

- a. Send a letter to each parent or guardian explaining the policy changes, giving reasons for the changes and asking for support.
- b. Ask parents to sign student school contracts for participation in extra and co-curricular activities.
- c. Discuss the policy changes at the PTA/PTO or LSIC meeting.
- d. Include an article outlining the policy and implications of the policy in school newsletter and /or school or community newspapers.

4. Public/Community

- a. Post signs at all entrances to school property, on all vehicles owned by the school, gathering places, restrooms, loading areas, and stairwells.
- b. Remove all ashtrays from school property, especially those outside the entrances to school building, if not previously removed.

- c. Announce the new policy at all athletic events, meetings, concerts and theatrical plays. Have students develop and/or deliver announcements.
- d. Ask students, staff, and community, volunteers to assist in distributing an information flyer at a school event(s).
- e. Communicate the policy to parent and business volunteers who are assisting in supervising youth during on/off-campus activities. Activities might include field trips, job shadowing, or community service projects.
- f. Inform vendors who provide supplies, materials, and services on a regular basis to the school about the policy. (Use an official memo, face-face communications, or include a clause in the written contract agreement.)

4.1.3 Prevention Education: Required Health Education Program of Study (WV Board of Education Policy 2520.06) shall be coordinated with Safe and Drug Free schools activities and programs to provide a comprehensive Pre-K-12 tobacco prevention curriculum for all children in the county. School administration, Local School Improvement Councils and School Curriculum Teams should assure that prevention education efforts are coordinated and age-appropriate.

- A. 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-K-12 as outlined in WV board of Education policy 2520, Health Education Instructional Goals and Objectives.
- B. Safe and Drug Free School Program: School-wide or targeted grade level programs sponsored by safe and drug free school funds shall be coordinated with other prevention education efforts and meet guidelines and stipulations set forth in Safe and Drug Free Schools grants to the county for use in prevention education efforts.

4.1.4 Cessation Support Education: All schools in the county will be provided with a list of available cessation programs to refer staff and students to that are interested in cessation programs. Cessation support education shall not be used as punishment for those caught violating policy, although referral information should be provided by the school administration to these individuals in addition to any sanction taken by the school. Individual schools will make the determination to

provide or refer, if available, to voluntary cessation education and support programs which address the physical, psychological, and social issues associated with nicotine addiction and provide ongoing support and reinforcement necessary for desired behavior change.

- A. Referrals may be made to the locally determined site for tobacco cessation classes for staff and students.
- B. Information regarding upcoming cessation support education programs will be given to all students in grades 7-12 and staff via the regular school calendar and through posted announcements in school newsletters and on bulletin boards per individual school strategy.
- C. Schools may refer individuals to a cessation support education training.
- D. Schools may elect to provide a cessation support education program for students if staff or appropriate individuals from community agencies are available.

4.2. Board Action (Enforcement): All schools will adhere to the following for enforcement of state and county tobacco control Polices 2422.5A and 206.03.

4.2.1 County sanctions for violations begin with an educational process and proceed to punitive measures as a last resort and must include at a minimum a reference to the following components:

For Students

Counseling: All students will be referred to the guidance counselor or other school health services or psychological services, if applicable, for all offenses.

School/Community Services: All students will be given the option of a school or community service assignment prior to law enforcement notification unless the student is at minimum a second time offender and prior to suspension unless the student is at minimum a third time offender or refuses to participate in a service assignment.

Mandatory Education Program: Student violators will attend an educational program or receive educational materials that discuss the addiction process and cessation options. This should not be confused with cessation programs. It is not recommended to require student violators to attend mandatory cessation programs.

Parent/Guardian Notification: School policy addresses parent/guardian notification procedures and parent/guardians should be notified of all violations and subsequent sanctions placed on the student.

Police Notification/Prosecution: After a student has a prior violation in the same school year or refuses to participate in cessation education and/or school or community service assignments, the county school board of education/school will notify law enforcement agencies and have a warrant issued and refer students to magistrate court for violations.

Suspension: On the third violation or after refusal to participate in education sessions and/or school or community service assignments, county policy allows school administrators to impose a suspension of one to three days. It is highly recommended, in accordance with due process, that in a conference with the parent or guardian a recommendation for treatment and/or in combination with referral to a cessation program, the cost be incurred by the parent or guardian. Suspension from school shall be accompanied by counseling from the guidance counselor, or other school health services, or psychological service personnel.

In accordance with due process, *first violation*, of the policy will be one or more of the following:

- (A). Contact parents or legal guardians
- (B). Referral of the student to the guidance counselor
- (C). Referral to an education program on tobacco usage

In accordance with due process, *second violation*, of the policy will be

- (A). Contact parents or legal guardians
- (B). Referral of the student to the guidance counselor
- (C). One day suspension or six hours of school service

In accordance with due process, *third violation*, of the policy will be

- (A). Contact parents or legal guardians
- (B). Referral of the student to the guidance counselor
- (C). Referral to an education program on tobacco
- (D). Twelve hours of community or school service assignment
- (E). Notify the law enforcement agency of this violation and a warrant is issued
- (F). Suspension for three days

In accordance with due process, *repeated violations*, of the policy will result in

- (A). Contact parents or legal guardant
- (B). Community or school service assignment
- (C). Notify the law enforcement agency of this violation and a warrant is issued.
- (E). Suspension for three days

For Staff

Any staff member in violation of the policy should be provided information or referral regarding smoking cessation programs, although participation in such programs will be voluntary on the part of a staff member.

Employee Evaluation/Record: All staff violations require documentation on staff evaluation forms and work records.

Mandatory Education/Record: All employees violating the policy will be required to attend an educational program or receive educational material that discusses the addiction process and cessation options. This should not be confused with cessation programs. It is not recommended to require staff violators to attend mandatory cessation programs.

In accordance with due process, *first violations*, of this policy will be:

- (A). A conference with supervisor
- (B). Written improvement planned by staff person and approved by supervisor

In accordance with due process, *second violation*, of this policy will include

- (A). A written reprimand for the employee
- (B). A conference with supervisor
- (C). Attendance at an education session on tobacco, or employee will be provided with information regarding the addiction process and cessation options
- (D). A one day suspension without pay

In accordance with due process, *third violations*, of this policy will include in addition to steps outlined for second violations, one or more of the following:

- (A). Referral to local authorities (Magistrates court)
- (B). Suspension without pay for three days

In accordance with due process, *continuous violations*, of this policy staff member(s) will be suspended for a minimum of five days without pay and/or referred to the county board of education for insubordination which may include termination.

For the Public

Public sanctions should involve the following:

- (A). Request of individual to stop and refer to school policy
- (B). If the person refuses to stop, request for individual to leave the site of school function and refer to policy
- (C). If the person refuses to leave or is a repeating violator, refer the individual to law enforcement authorities. (Subject to warrant issued to appear in Magistrates Court).

4.3. Policy Review: This policy will be reviewed every two years and appropriate modifications will be made at the advice of school administrators, faculty senates, and LSIC groups.

The Tobacco Policy has been aligned with all other substance abuse policies of the Mingo County Board of Education.

Adopted by the Mingo County Board of Education April 2, 1998

Revised by the Mingo County Board of Education June 3, 1999