

CHAPTER 5

5.14 Tobacco Control Policy (11/14/00)

5.14.1 Purpose

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 school-owned vehicles and at all school affiliated functions in order to improve the health of all school students and school personnel. Students under the age of 21 may not possess any tobacco product at any time. 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 shall act as positive role models for students by not distributing or using tobacco products.

5.14.2 Application

- 5.14.2.1** This policy shall apply to any building, property, or vehicle leased, owned, or operated by the Marshall County Board of Education. This policy shall apply to any private building or other property including automobiles or other vehicles used for school activities when students or staffs are present.
- 5.14.2.2** No person shall distribute or use any tobacco product in any area defined in Section 5.14.2.1 of this policy at any time. In addition, students under the age of 21 may not possess any tobacco products at any time as outlined by WV State Code 16-9a-1 through 16-9A-1 through 16-9A-4.
- 5.14.2.3** 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.
- 5.14.2.4** No school or board property, as defined in Section 5.14.2.1 of this policy, or school, or county publication may be used for advertising of any tobacco product.
- 5.14.2.5** Groups using areas described in Section 5.14.1 shall sign agreements with the Marshall 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.

5.14.3 Implementation

5.14.3.1 Every school shall have a Tobacco Control Policy that meets the stipulations of this policy and adheres to the following guidelines. This policy serves as school policy except where the need for school-level procedures or measures is 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.

5.14.3.1.1 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 for each school to develop clear procedures for identification, intervention and referral of students with tobacco-related problems 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 condition resulting from tobacco product use.

5.14.3.1.2 Communication

The Marshall 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 Tobacco Control Policy and will include, at a minimum, procedures for communicating the policy to students, staff, parents or family, visitors and the community at large as follows:

- a. Staff development: It shall be the practice of the individual school and the Marshall County Board of Education to

provide appropriate staff development regarding the current policy. In addition, provision of training for facilitators for cessation education and support programs for students will be at the discretion of each individual school.

- b. Employee and Student Handbooks: 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 should be given notification, in accordance with due process, about the sanctions for violations which will be enacted should their child violate this policy. (See enforcement section)
- d. Public notification: Notification should 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 agreements with all groups using school facilities or property as outlined in Section 5.14.2.5 of this policy. Each school may decide how to best assure all stipulations for off-campus activities in section 5.14.2.3 are adhered by non-school and school personnel.
- e. Other communication procedures: In addition, it shall be the responsibility of each school to select one or more of the following communication procedures for communicating 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 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 any changes in school tobacco policy and enforcement at staff meetings, such as 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 about how staff can 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/PTK/PTKC or LSIC meeting.
- d. Include an article outlining the policy and implications of the policy in school newsletters and school or community newspapers.

4. Public/Community

- a. Post signs at all entrances to school property and on all vehicles owned by the school. Other places to post signs include gathering places, restrooms, loading areas, and stairwells.
- b. Remove all ashtrays from school property, especially those outside the entrances to school buildings if not previously removed.
- c. Announce the new policy at all athletic events, meetings, concerts and plays. Have students develop and/or deliver announcements.
- d. Train students, staff and community volunteers to politely ask community members to respect school policy and to avoid communicating in a way that sounds judgmental or would escalate conflict.
- e. Ask students, staff and community volunteers to assist in distributing informational flyers at school events.
- f. Communicate the policy to parent and business volunteers who are assisting in supervising youth on off-campus activities which might include field trips job shadowing or community service.
- g. Be aware of the difficulty for those who use tobacco and sensitive to their concerns, but enforce the policy on a consistent basis.
- h. Inform vendors who provide supplies, materials and services on a regular basis to the school about the policy. (Use an official memo, face-to-face communications or include a clause in the written contract agreement.)

5.14.3.1.3 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 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 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 Schools funds shall be coordinated with other prevention education efforts and meet guidelines and stipulations set forth in Marshall County Drug Free Schools grant.

5.14.3.1.4 Cessation Support Education

All schools in the county will be provided with a list of available cessation programs to refer staff and students interested in cessation. **Cessation support education shall not be used as a 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 on-going 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 billeting boards per individual school strategy.

c. Schools may send individuals to a cessation support education training with county professional development funds in accordance with county policy for requisitions of these funds provided that the program meets the basic definition for a cessation support education program as provided above.

d. Schools may elect to provide a cessation support education program for students if staff or appropriate individuals from community agencies agree to provide the program for a minimum of one year.

5.14.4 Enforcement

5.14.4.1 County sanctions for violations should 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:

5.14.4.2 For Students:

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

School/Community Service: All students shall be given the option of a school or community service assignment prior to police 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: All student violators 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 student violators to attend mandatory cessation programs.

Parent/Guardian Notification: School policy will address 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 services assignments, the Marshall County Board of Education can choose to notify police and have a warrant issued (fine) 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, school administrators may impose a suspension of 1-3 days. It is highly recommended that conference with the parent or guardian suggest treatment and/or in combination with referral to a cessation program at the cost of the parent or guardian. Suspension should always be accompanied by counseling from the guidance counselor or other school health service or psychological service personnel, if applicable.

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

- a. contact parent or legal guardian
- b. referral of student to the guidance counselor
- c. referral to education program on tobacco
- d. community or school service assignment
- e. notify the police of this violation and a warrant be issued (fine).

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

- a. contact parent or legal guardian
- b. referral of student to the guidance counselor
- c. referral to education program on tobacco
- d. community or school serviced assignment
- e. notify the police of this violation and a warrant be issued (fine).
- f. in-school suspension/detention
- g. after school detention/education program

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

- a. contact parent or legal guardian
- b. referral of student to the guidance counselor
- c. referral to education program on tobacco
- d. community or school service assignment
- e. notify the police of this violation and a warrant be issued (fine).

- f. in-school suspension/detention
- g. after school detention/education program
- h. suspensions for 1-3 days

Repeated violations will result in the one or more of the following:

- a. contact parent or legal guardian
- b. referral of student to the guidance counselor
- c. community or school service assignment
- d. notify the police of this violation and a warrant be issued (fine).
- e. in-school suspension/detention
- f. after school detention/education program
- g. suspensions for 1-3 days
- h. expulsion after continuous violations

2. For Staff

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

Employee Evaluation/Record: All staff violations require documentation on staff evaluation forms and work records.
Mandatory Education Session: 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 include one or more of the following:

- a. conference with supervisor
- b. required to submit improvement plan
- c. written reprimand
- d. referral to Marshall County Board of Education for further evaluation.
- e. attendance at education session on tobacco or employee provided with information regarding the addiction process and cessation options.

In accordance with due process, **second** violations of this policy will include a written reprimand in the employee personnel file, a conference with supervisor, submission of an improvement plan by the staff member, and may include one or more of the following:

- a. referral to local authorities, subject to a fine
- b. suspension without pay for 1-3 days
- c. referral to the Marshall County Board of Education for additional disciplinary action. Employee violations will be considered insubordination and subject to disciplinary action.
- d. attendance at education session on tobacco or employee provided with information regarding the addiction process and cessation options.

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

- a. referral to local authorities, subject to a fine
- b. suspension without pay for 3-7 days
- c. referral to the Marshall County Board of Education for termination. Employee violations will be considered insubordination and subject to disciplinary action.

Employees violating the policy more than three times shall be suspended for a minimum of 5 days and/or referred to the Marshall County Board of Education for additional disciplinary action which may include termination. Employee violations will be considered insubordination and subject to disciplinary action.

5. For the Public:

Public sanctions shall involve the following:

- d. request to individual to stop and refer to school policy
- e. if person refuses to stop, request for individual to leave site of school function and refer to policy
- f. if person refuses to leave or is a repeated violator, refer to local authorities, subject to fine

5.14.5 Policy Review

This policy will be reviewed every two years and appropriate modifications made at the advice of school administrators, Faculty Senates and LSIC groups.