

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Board of Education TITLE NUMBER: 126
RULE TYPE: Legislative; CITE AUTHORITY WV Code 16-9A-1 - 16-9A-2
16-9A-3 - 16-9A-4
AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: 66 (Policy 2422.5A)

TITLE OF RULE BEING PROPOSED: Tobacco Control

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON December 11, 1991 AT 5:00 p.m. ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

Mrs. Lenore Zedovsky, Ass't. Dir.
Office of Educ. Support Services
WV Dept. of Education
Room B-309, Bldg. #6
Capitol Complex
Charleston, WV 25305

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.

Barbara L. Estep
September 18, 1991

ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

2.70

EXECUTIVE SUMMARY

Tobacco Control Policy

Purpose:

The purpose of this policy is to protect the health of students and school personnel by prohibiting the use of tobacco products on school property.

Background:

West Virginia Code 16-9A-1 through 16-9A-4 prohibits the possession or use of any tobacco products by children under the age of 18. In addition, it prohibits the use of tobacco products in any portion of school buildings that are used for instructional purposes. The law does allow for the use of tobacco products in faculty lounges or offices not used for instructional purposes.

Since the passage of WV Code 16-9A-1 - 16-9A-4, many school personnel have called the state department of education to request a more restrictive tobacco policy. These individuals are exposed to second hand tobacco smoke in lounges and offices. In addition, students complain about smoke in hallways and offices.

The health hazards of tobacco use are well documented.

- Cigarette smoking is the number one preventable cause of death in this country.
- Two-thirds of all smokers begin before the age of 18. Eighty-five percent of smokers would like to quit.
- Smokeless tobacco use is now linked to oral cancer and other mouth diseases. Second hand smoke can trigger asthma attacks and causes lungs to be more sensitive for days.
- Children exposed to second hand smoke have significantly higher incidences of upper respiratory infections than children in smoke free environments.
- School personnel are seen as role models by school children.
- Policies that emphasize the importance of good health practices send a positive message to students.

For the above stated reasons, a strong no tobacco use policy needs to be established by the State Board.

WEST VIRGINIA LEGISLATIVE RULE
DEPARTMENT OF EDUCATION
CHAPTER 16
Policy 2422.5A
Series 66

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Title: Tobacco Control

Section 1. GENERAL

- 1.1 Scope. This policy sets the requirement for schools in West Virginia to be tobacco free.
- 1.2 Authority. West Virginia Code 16-9A-1 through 16-9A-4.
- 1.3 Filing Date.
- 1.4 Effective Date. January 1, 1992.
- 1.5 Replaces Policy. None.

Section 2. PURPOSE

The purpose of these regulations is to prohibit the use of tobacco products in school buildings and on school grounds in order to improve the health of West Virginia students and school personnel by preventing them from being exposed to second hand smoke and by prohibiting the use of tobacco products that have a direct linkage to numerous health problems. In addition, educators should provide a positive role model for students by refraining from the use of tobacco products which have been proven to be hazardous to one's health.

Section 3. APPLICATION

- 3.1 This policy shall apply to any building or other property owned or operated by a county board of education, Regional Education Service Agency or state department of education. This policy shall apply for any private building, automobile, or other vehicle when used for school activities.
- 3.2 No tobacco product shall be used at any time by any person in any area defined in Section 3.1 of this policy.
- 3.3 School personnel supervising students off the school grounds are prohibited from using any tobacco products while in the presence of students or any time while engaged in any activities directly involving students.

Section 4. ENFORCEMENT

School personnel who violate this policy will be subject to penalties based on county personnel policies.

Students who violate WV Code 16-9A-1-4, and/or this policy, will be subject to disciplinary procedures outlined by Policy 4373, Student Code of Conduct, as well as possible referral to law enforcement authorities for appropriate action.

Section 5. COUNTY IMPLEMENTATION

County boards of education shall have in place a Tobacco Control Policy by January 1, 1992. County policies shall contain, at a minimum, the restrictions in this policy. County policies may impose additional restrictions in this area.

COMMENT LOG
Tobacco Control Policy
Proposed Policy 2422.5A
Series 66

Directions: Please use this form in commenting by section on the proposed Tobacco Control Policy.

NAME OF INDIVIDUAL/ORGANIZATION _____

ADDRESS _____

Policy	
Purpose	
Components	

Please submit written comments by October 28, 1991 to:

West Virginia Department of Education
Lenore Zedosky, Assistant Director
Office of Educational Support Services
1900 Kanawha Boulevard, East, Room B-309
Charleston, West Virginia 25305

IMPACT STATEMENTS

Instructional

The health education program of study includes learning objectives related to the hazards of tobacco use. In addition, the federally funded Drug Free Schools and Communities Act clearly includes the requirement to teach about the harmful effects of tobacco. Students will recognize the importance of these lessons when their schools become tobacco free.

Leadership

The West Virginia Task Force on School Health recommended that all public schools become tobacco free. Modeling of health behaviors by adults is critical in helping students to understand the importance of their own behaviors. Since West Virginia is setting a national precedent related to comprehensive school health programs, this policy will be viewed as an example of the commitment toward better health.

According to statistics from William Weiss of Seattle University, it costs an employer \$4,611 more annually to employ a smoker than a non-smoker. Cost savings could be substantial in reduced absenteeism, insurance rates and cleaning costs.

Staff Development

Assistance with smoking cessation programs is available in the state from the American Lung Association of West Virginia, the American Cancer Society and the Mary Babb Randolph Cancer Center. Funds from the Drug Free Schools and Communities Act have already been used to support tobacco education for coaches and other county personnel.

Administration

County administrators will be responsible for enforcing this policy with students and staff. Drug Free Schools coordinators, school nurses, health teachers and counselors can offer assistance related to tobacco education and cessation programs.

The Public Employees Insurance Agency is exploring the possibility of reimbursing the cost of smoking cessation programs for employees who have remained tobacco free for at least six months.

WEST VIRGINIA STATE BOARD OF EDUCATION POLICY

POLICY 2422.5A

Title: Tobacco Control Policy

Proposed Policy 2422.5A

The West Virginia Board of Education is concerned about the health of the students in our schools and the staff working with these students. The purpose of this policy is to assist in the protection of the health of students and staff of West Virginia public schools by preventing them from being exposed to second hand smoke and by prohibiting the use of tobacco products that have a direct linkage to numerous health problems. The policy will also reduce the negative role models students see and frequently imitate.

The West Virginia Board of Education has therefore established regulations to improve the health of students and staff in our public schools. These regulations apply to any building or other property owned or operated by a county board of education, RESA or state department of education, the surrounding grounds of the agencies, and the personnel and students of those agencies.