

EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION

POLICY NUMBER AND TITLE: Policy 2422.5A
Tobacco Control

PUBLIC COMMENT PERIOD ENDS: September 19, 1997 **ADOPTED:** _____

BACKGROUND:

Revisions for Policy 2422.5A, Tobacco Control, reflect changes necessary to comply with new federal standards and meet identified needs and concerns of school administrators, the West Virginia Department of Education's Office of Healthy Schools, and the Safe and Drug-Free Schools Peer Advisory Committee. In 1996 the WV Prevention Research Center surveyed over 400 individual schools to identify areas where state policy revisions could assist county and school policy effectiveness.

Policy 2422.5A has been revised to comply with established federal regulations by clarifying effective measures for compliance and provision of tobacco-free environments for students, staff and visitors. In addition, a set of policy implementation guidelines has been developed to accompany this policy. These guidelines were requested by 83% of principals surveyed by the WV Prevention Research Center and provide additional details and options to counties regarding implementation of Policy 2422.5A.

PURPOSE:

The purpose of these regulations is to protect the health of West Virginia students and school personnel by prohibiting the distribution and use of tobacco products in school buildings, on school grounds, in school-owned vehicles, and at all school-affiliated functions. 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 also endeavors to provide positive role modeling for students in West Virginia public schools. The policy is intended to promulgate a positive, pro-active approach to tobacco control.

Due to the addictive nature of tobacco products, county sanctions for violations should begin with an educational process and proceed, as a last resort, to punitive measures. Suspension rarely helps addiction or academic performance and should be considered only when absolutely necessary. County policy should consider cessation education and support programs, counseling, school/community service, parent/guardian communication and/or police notification prior to suspension for all students.

FISCAL IMPACT:

Each county board of education and RESA will need to compare its current policy to this policy and make necessary revisions. County school systems may need to discuss enforcement with local law enforcement and magistrate court officials or other community entities as they deem necessary to implement Policy 2422.5A. In addition, each county and RESA should examine the availability of cessation education and support programs and provide information on these programs to students and staff.

126CSR66
TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION

SERIES 66
TOBACCO CONTROL (2422.5A)

FILED

AUG 19 3 46 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§126-66-Section1. General.

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

1.2. Authority. W.Va. Constitution, Art. XII, § 2 and W.Va. Code § §16-9A-4 and 18-2-5.

1.3. Filing Date.

1.4. Effective Date. January 1, 1998.

~~4.5. Replaces Policy. None.~~ This is a revision of the policy originally effective January 1, 1992.

§126-66-Section2. Purpose.

2.1. The purpose of ~~these regulations~~ this policy is to prohibit the use or distribution of tobacco products in school buildings, ~~and on school grounds, in school owned vehicles, and at all school affiliated functions~~ 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~~ Minors may not possess any tobacco product at any time. ~~†The use of tobacco products that have~~ 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, educators school personnel should provide a act as positive role models for students by refraining from the not distributing or using~~ of tobacco products which have been proven to be hazardous to one's health.

§126-66-Section 3. Application.

3.1. This policy shall apply to any building, ~~or other property including automobiles or other vehicles~~ owned or operated by a county board of education, a Regional Education Service Agency (RESA), the State Department of Education or the State 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 are present.

3.2. ~~No tobacco product person shall be distribute or used at any time by any person tobacco product~~ in any area defined in Section 3.1. of this policy at any time. In addition, minors may not possess any tobacco product at any time as outlined in W.Va. State Code §§16-9A-1 through 16-9A-4.

3.3. ~~School personnel~~ Individuals supervising students off ~~the~~ 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, county, RESA or state publication may be used for advertising of any tobacco product.

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.~~

§126-66-Section 54. COUNTY Implementation.

4.1. All County boards of education, schools and RESAs shall have in place a tobacco control policy that meets the stipulations of this policy and adheres to the following guidelines by January 1, 1992 January 1, 1998. County policies shall contain, at a minimum, the restrictions in this policy. County policies may impose additional restrictions in this area. A copy of the county policy should be submitted to the Office of Student Services and Assessment in the West Virginia Department of Education.

4.1.1. Administration: The tobacco control policy should make reference to:

a. the responsibility of school administration to implement provisions of this policy, specifically education, communication and enforcement provisions; and

b. maintenance of an environment for students, staff and visitors that presents no physical harm, discomfort or unsanitary condition resulting from tobacco product use.

4.1.2. Communication: The tobacco control policy must include, at a minimum, procedures for communicating the policy to students, school staff, parents or families, visitors and the community at large. This policy must be communicated through, at a minimum, the following mechanisms:

a. staff development;

b. employee and student handbooks;

c. parent/guardian notification; and

d. general public notification (e.g. signs, announcements)

4.1.3. Prevention Education: The tobacco control policy should reference, at a minimum, required K-12 tobacco prevention education as outlined in the following:

a. Policy 2520 Health Education; and

b. Safe and Drug-Free Schools guidelines.

4.1.4. Cessation Support Education: The tobacco control policy must address how the RESA, county or school plans to:

a. provide or refer to cessation education and support programs; and

b. provide information about available programs to all 7-12 grade students and staff on a regular basis.

4.2. Board Action: All county boards of education, schools, RESAs and the State Department of Education must develop procedures to assure compliance with the stipulations of this policy.

4.2.1. Enforcement provisions for students, staff and the public should be included in policy.

a. Such action for students may include, but is not limited to: counseling, school/community service, parent guardian notification, mandatory education sessions, and police notification.

b. Such action for staff may include, but is not limited to: referral to Employee Assistance Program (EAP), conference with supervisor, and disciplinary actions consistent with county, RESA or State Board of Education personnel policy.

c. Such action for the public may include, but is not limited to: request to stop use or leave premises, and police notification.

4.2.2. Enforcement measures should be 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, Tobacco Usage Restrictions.

4.2.3. In addition, the policy should include referral to law enforcement authorities for appropriate action on violations of W.Va. Code §§16-9A-1 through 16-9A-4 in accordance with measures outlined in individual school, county or RESA policies.

4.3. Policy Review: The tobacco control policy should include provisions to review the policy every two years and make appropriate modifications as necessary.

RESPONSE

Policy 2422.5A: Tobacco Control

Directions: Please use this form to comment on the proposed policy and regulations on Tobacco Control Policy 2422.5A.

Individual/Organization: _____

Address: _____

Phone: _____

TOBACCO CONTROL

§126-66-2. PURPOSE:

§126-66-3. APPLICATION:

3.1. _____

3.2. _____

3.3. _____

3.4. _____

FISCAL NOTE WORKSHEET

(Submit 4 Copies)

HD NO _____ DRAFT NO _____ BILL NO _____ RESOLUTION NO _____

SUBJECT Tobacco Control Policy 2422.5A FUND _____

SOURCE OF REVENUE: GENERAL FUND SPECIAL OTHER (SPECIFY) _____

COST OF ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

INCOME ESTIMATE BASED ON: AN ORIGINAL ESTIMATE BUDGET BILL OTHER (SPECIFY) _____

SHOW OVER-ALL EFFECT IN ITEMS 1 AND 2 & GIVE EXPLANATION OF BREAKDOWN BY FISCAL YEAR INCLUDING LONG-RANGE EFFECT

EFFECT OF PROPOSAL	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
1. ESTIMATED TOTAL COST	\$0.00	\$0.00	\$ 0.00	\$ 0.00	\$0.00
PERSONAL SERVICES CURRENT EXPENSES REPAIRS/ALTERATIONS EQUIPMENT OTHER	\$ 0.00	\$ 0.00	\$0.00	\$ 0.00	\$0.00
2. ESTIMATED TOTAL REVENUES	\$0.00	\$0.00	\$ 0.00	\$0.00	\$0.00

3. EXPLANATION OF ABOVE ESTIMATES (INCLUDING LONG-RANGE EFFECT):

Federal Funding Summary:

Prevention education is funded by the WVDE, Office of Healthy Schools, through a cooperative agreement with the Centers for Disease Control and Prevention. These funds are focused on teacher training and implementation of WV Board of Education Policy 2520: Health Education.

Safe and Drug Free Schools funding provided to counties through the WVDE, Office of Student Services and Assessment, is available to support a variety of prevention education initiatives and programs.

DATE
8/19/97

AGENCY

West Virginia Department of Education

AUTHORIZED REPRESENTATIVE

