

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #5

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FILED

OCT 17 4 01 PM '97

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF AGENCY ADOPTION OF A PROCEDURAL OR INTERPRETIVE RULE
OR A LEGISLATIVE RULE EXEMPT FROM LEGISLATIVE REVIEW

AGENCY: West Virginia Board of Education TITLE NUMBER: 126

CITE AUTHORITY: W.Va. Const., Article XII, §2 and W.Va. Code §§16-9A-4 and 18-2-5.

RULE TYPE: PROCEDURAL _____ INTERPRETIVE _____

EXEMPT LEGISLATIVE RULE X

CITE STATUTE(S) GRANTING EXEMPTION FROM LEGISLATIVE REVIEW

W.Va. Code §§29A-3B-1, et seq.; W.Va. Board of Education v. Hechler
180 W.Va. 451; 376 S.E.2d 839 (1988)

AMENDMENT TO AN EXISTING RULE: YES X, NO _____

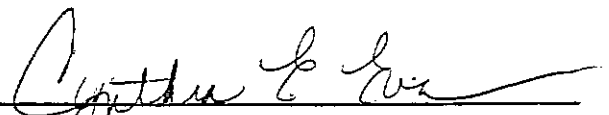
IF YES, SERIES NUMBER OF RULE BEING AMENDED: 66

TITLE OF RULE BEING AMENDED: Tobacco Control (2422.5A)

IF NO, SERIES NUMBER OF NEW RULE BEING ADOPTED: _____

TITLE OF RULE BEING ADOPTED: _____

THE ABOVE RULE IS HEREBY ADOPTED AND FILED WITH THE SECRETARY OF STATE. THE
EFFECTIVE DATE OF THIS RULE IS January 1, 1998.


Cynthia E. Evans
Director, Legal Services

EXECUTIVE SUMMARY
WEST VIRGINIA BOARD OF EDUCATION

POLICY NUMBER AND TITLE: Policy 2422.5A
Tobacco Control

PUBLIC COMMENT PERIOD ENDS: September 19, 1997 **ADOPTED:** October 9, 1997

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-leased or -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, police notification and/or prosecution 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.

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**TITLE 126
LEGISLATIVE RULE
BOARD OF EDUCATION**

**SERIES 66
TOBACCO CONTROL (2422.5A)**

§126-66-1. 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. -- October 17, 1997.

1.4. Effective Date. -- January 1, 1998.

§126-66-2. 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 West Virginia 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.

§126-66-3. Application.

3.1. This policy shall apply at all times to any building, property or vehicle leased, 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 or staff are present.

3.2. No person shall distribute or use any tobacco product in any area defined in Section 3.1. of this policy at any time. In addition, students under the age of 21 may not possess any tobacco product at any time as outlined in W.Va. Code §§16-9A-1 through 16-9A-4.

3.3. Individuals supervising students off school grounds are prohibited from distributing or using any tobacco product 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.

3.5. Groups using areas described in Section 3.1. shall 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.

§126-66-4. Implementation.

4.1. All county boards of education, schools and RESAs must have a tobacco control policy that meets the stipulations of this policy and adheres to the following guidelines by January 1, 1998. A copy of the county policy should be submitted to the Office of Student Services and Assessment in the West Virginia Department of Education for approval.

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;
- b. clear procedures for identification, intervention and referral of students with tobacco-related problems; and
- c. 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. State Board of Education 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, 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; 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. Compliance is mandatory.

4.2.1. Enforcement provisions for students, staff and the public are to 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, police notification, and/or prosecution.

- 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. State Board of Education Policy 4373, Student Code of Conduct;

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b. State Board of Education Policy 5310, Personnel Staff Evaluation: Professional Responsibilities and Performance Standards;

c. State Board of Education 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.

TOBACCO CONTROL POLICY (2422.5A)
COMMENT LOG SUMMARY:

A total of nineteen (19) sets of comments were received. Overall response was positive and supportive of proposed changes. Many respondents favored the increased specificity of the language in the policy as a positive feature of the revision process. Changes were made based on public comment as follows:

- ▶ Due to numerous concerns that the word "minor" would not include students over 18, the wording in Section 2. and Section 3.2. was changed to read "students under age 21".
- ▶ To assure compliance with the U.S. Department of Education guidelines minor wording changes were made in language in Section 2.1., Section 3.1., Section 4.1., Section 4.1.1.b, Section 4.2, and Section 4.2.1. (see underlines in these sections).
- ▶ Additional changes in Sections 2.1, 3.1 and 4.2.1.a. were made per public comments. These minor changes, in combination with addition of Section 3.5., assure clarity in policy nomenclature and application.
- ▶ Two changes have been made in Section 4.1.4.a. Language includes a reference to provide or refer, if available, and provides a more detailed explanation of what is meant by cessation support education. Current collaboration between the WVDE and the WV Prevention Research Center should increase the availability of such programs in the near future. We recommend that the policy be considered for revision to remove the "if available" clause in two years if warranted.

TOBACCO CONTROL
POLICY 2422.5A

COMMENT LOG

June 1997

DATE	INDIVIDUAL/ORGANIZATION AND ADDRESS	COMMENT
Sept. 16, 1997	Alvin Huff, CDSSAP Potomac Highlands Guild 21 Central Avenue Petersburg, WV 26847	Good wording of purpose - glad you stressed positive role model example.
Sept. 16, 1997	Safe and Drug Free Peer Committee Office of Student Services and Assessment B-057	Define minors. All students shall not possess any tobacco product at any time? School personnel should act as positive role models by not "publicly" possessing, using or distributing. Pro Children's Act says "tobacco free".
Sept. 17, 1997	Mary Jane Kerwood B-057	The term "minors" - typically means children under 18 yrs. of age. The law says that those under 21 may not use or possess. We have students in school up to 21 years of age.
Sept. 17, 1997	Connie Harper/Melody Reed P. O. Box 120 Clay, WV 25043	
Sept. 17, 1997	Carol M. Hall Rt. 2 Box 230-A Lewisburg, WV 24901	Very direct and I like pro-active approach.

DATE	INDIVIDUAL/ORGANIZATION AND ADDRESS	COMMENT
Sept. 17, 1997	Susanna Villers Wetzel County Schools 333 Foundry Street New Martinsville, WV 26155	The word minors implies under the age of 18. The laws for tobacco products go to 21 years of age.
Sept. 17, 1997	Geri Dino Prevention Research Center West Virginia University P. O. Box 9005 Morgantown, WV 26506-9005	Great!
Sept. 17, 1997	Don Griffin, President WV Prevention Alliance 285 Rock Cliff Drive Martinsburg, WV 25401	I support the proposed changes/additions.
Sept. 17, 1997	Carlene Frederick, Coordinator Tobacco Control Coalition - Calhoun County P. O. Box 442 Grantsville, WV 26147	I agree whole hardly - any adult while supervising youth/children should set a positive example by not using tobacco products.

DATE	INDIVIDUAL/ORGANIZATION AND ADDRESS	COMMENT
Sept. 17, 1997	Patrick A. Leggett Gilmer County High School 300 Pine Street Glennville, WV 26351	This is where we have brought a new proposed policy via committee to date. The committee has been composed of the HS administrators, the AD of the HS, the GCEA, the AFT, the local Babe Ruth Little League Commissioner, the local little league FB Commissioner, the DFS coordinator, myself and the local CDSSAP. Of interest, one principal felt all responsibility of implementation was to be the Faculty-Senate President's. One said he was against any policy like this. Two said (to the effect), "it looks great." The Babe Ruth Commission thought it was great. The FB Commission didn't feel he had any say as he just used the properties..... A couple of administrators felt section 5.6 of the proposed Gilmer County Policy was unconstitutional. One felt uncomfortable being the person to ask others to stop smoking in front of the school or to not rub/spit in school. I feel the need to keep students in school is <u>primo!</u> I do not feel suspension/expulsion for tobacco is excusable ... or permissible if you look at the Teacher's Code ... (as "we are responsible to make learning the main goal" ...). How can we assure they are going if they are out of school, out of class ... and likely involved in other risky behaviors ...
Sept. 19, 1997	Carolyn Rice Putnam County Schools 9 Courthouse Drive Winfield, WV 25213	2.1. "Minor" will not cover all students in school.
Sept. 19, 1997	Thornton Cooper 3015 Ridgeview Drive South Charleston, WV 25303	OK
Sept. 22, 1997	Linda Rollins Mason County Schools 307 8th Street Point Pleasant, WV 25550	"Students" may not possess rather than "minors"?? School personnel should act as positive role models for students by not possessing, using or distributing.....Need definition of tobacco products.

DATE	INDIVIDUAL/ORGANIZATION AND ADDRESS	COMMENT
Sept. 24, 1997	Nathan Crescenzi Marion County 200 Gaston Avenue Fairmont, WV 26554	Excellent
Sept. 29, 1997	Ripley High ACT Ripley High School School Street Ripley, WV 25271	We felt that this revision was highly significant and stated its purpose well. We agree that suspension does not significantly reduce addiction.
Sept. 29, 1997	Roane County Tobacco Free Teens P. O. Box 30 Spencer, WV 25276	We agree with all of the revisions of this policy. As a group, we feel the changes pose a strong statement about tobacco issues in our school systems.

DATE	INDIVIDUAL/ORGANIZATION AND ADDRESS	COMMENT
Sept. 29, 1997	Misty Starr & 22 Teens Teen Advisory Council Rep. Randolph County Student Coalition Against Tobacco	<p>We, the undersigned, stand in agreement with the purpose of the policy to improve the health of WV students and personnel but we, the undersigned, do not agree with the implementation plans for enforcement. Elkins High School and other Randolph County secondary schools with a smokers' clinic for rehab for offenders, DOES NOT WORK!! Youth tobacco users tolerate clinic, counseling, community service and even parents being called IF it keeps them from punishment.</p> <p>We believe punishment is necessary in this youth enforcement policy. We ask you NOT TO MOVE TOO QUICKLY on this plan until you have provided every secondary school with trained facilitators, to lead YOUTH cessation support groups. Peer non-users, like SCAT teens, can be added support.</p> <p>We believe schools that have already implemented policy that is effective and working in their own communities should be allowed to continue (OURS IS WORKING). Notification of enforcement procedure and community support from Boards of Education and Magistrate Office together keep youth from using on school grounds (only five to date have been punished opposed to "tens" in clinic last year.</p>

DATE	INDIVIDUAL/ORGANIZATION AND ADDRESS	COMMENT
Sept. 28, 1997	Misty Starr & 19 Teens Teen Advisory Council Rep. Randolph County Student Coalition Against Tobacco	<p>We, the undersigned, stand in agreement with the purpose of the policy to improve the health of WV students and personnel but we, the undersigned, do not agree with the implementation plans for enforcement. Elkins High School and other Randolph County secondary schools with a smokers' clinic for rehab for offenders, DOES NOT WORK!! Youth tobacco users tolerate clinic, counseling, community service and even parents being called IF it keeps them from punishment.</p> <p>We believe punishment is necessary in this youth enforcement policy. We ask you NOT TO MOVE TOO QUICKLY on this plan until you have provided every secondary school with trained facilitators, to lead YOUTH cessation support groups. Peer non-users, like SCAT teens, can be added support.</p> <p>We believe schools that have already implemented policy that is effective and working in their own communities should be allowed to continue (OURS IS WORKING). Notification of enforcement procedure and community support from Boards of Education and Magistrate Office together keep youth from using on school grounds (only five to date have been punished opposed to "tens" in clinic last year.</p>

TOBACCO CONTROL - POLICY 2422.5A
 COMMENT LOG
 June 1997

DATE	INDIVIDUAL/ORGANIZATION AND ADDRESS	COMMENT
Sept. 29, 1997	Misty Starr & 4 Teens Teen Advisory Council Rep. Randolph County Student Coalition Against Tobacco	<p>We, the undersigned, stand in agreement with the purpose of the policy to improve the health of WV students and personnel but we, the undersigned, do not agree with the implementation plans for enforcement. Elkins High School and other Randolph County secondary schools with a smokers' clinic for rehab for offenders, DOES NOT WORK!! Youth tobacco users tolerate clinic, counseling, community service and even parents being called IF it keeps them from punishment.</p> <p>We believe punishment is necessary in this youth enforcement policy. We ask you NOT TO MOVE TOO QUICKLY on this plan until you have provided every secondary school with trained facilitators, to lead YOUTH cessation support groups. Peer non-users, like SCAT teens, can be added support.</p> <p>We believe schools that have already implemented policy that is effective and working in their own communities should be allowed to continue (OURS IS WORKING). Notification of enforcement procedure and community support from Boards of Education and Magistrate Office together keep youth from using on school grounds (only five to date have been punished opposed to "tens" in clinic last year.</p>
SECTION 3: APPLICATION		
3.1		
Sept. 16, 1997	Alvin Huff, CDSSAP Potomac Highlands Guild 21 Central Avenue Petersburg, WV 26847	Good.

**TOBACCO CONTROL - POLICY 2422.5A
COMMENT LOG**

June 1997

DATE	INDIVIDUAL/ORGANIZATION AND ADDRESS	COMMENT
Sept. 16, 1997	Safe & Drug Free Peer Committee Office of Student Services and Assessment B-057	Should apply to trainings for personnel not on school property. Tobacco use should not be allowed in training sessions where other employees are required to attend.
Sept. 17, 1997	Carol M. Hall Rt. 2 Box 230-A Lewisburg, WV 24901	Very clear language throughout. Better than former policy.
Sept. 17, 1997	Geri Dino Prevention Research Center West Virginia University P. O. Box 9005 Morgantown, WV 26506-9005	Great!
Sept. 17, 1997	Don Griffin, President WV Prevention Alliance 285 Rock Cliff Drive Martinsburg, WV 25401	I recommend adding rented/leased vehicles to the list. All other changes are supported.
Sept. 17, 1997	Carlene Frederick, Coord. Tobacco Control Coalition - Calhoun County P. O. Box 442 Grantsville, WV 26147	I agree. The place shall not make a difference. They should not use in the presence of students, period.
Sept. 19, 1997	Thornton Cooper 3015 Ridgeview Drive South Charleston, WV 25303	Add to first sentence, after the word "apply", the words "at all times."

TOBACCO CONTROL - POLICY 2422.5A
COMMENT LOG
 June 1997

DATE	INDIVIDUAL/ORGANIZATION AND ADDRESS	COMMENT
Sept. 22, 1997	Linda Rollins Mason County Schools 307 8th Street Point Pleasant, WV 25550	This policy shall apply to any private building, or other property including automobiles or other vehicles used for school activities when students or staff are present.
Sept. 24, 1997	Nathan Crescenzi Marion County 200 Gaston Avenue Fairmont, WV 26554	More profound and clearer. Change/Add - This policy shall apply to any private building, PRIVATE VEHICLE, or other property used for school activities when students are present.
3.2		
Sept. 16, 1997	Alvin Huff, CDSSAP Potomac Highlands Guild 21 Central Avenue Petersburg, WV 26847	Good.
Sept. 16, 1997	Safe & Drug Free Peer Committee Office of Student Services and Assessment	"Students" rather than "minors" should not possess?
Sept. 17, 1997	Mary Jane Kerwood B-057	Believe that the term minor is misleading and confusing even if referenced in code.
Sept. 17, 1997	Don Griffin, President WV Prevention Alliance 285 Rock Cliff Drive Martinsburg, WV 25401	I support the proposed changes/additions.

TOBACCO CONTROL - POLICY 2422.5A
 COMMENT LOG
 June 1997

DATE	INDIVIDUAL/ORGANIZATION AND ADDRESS	COMMENT
Sept. 17, 1997	Carlene Frederick, Coord. Tobacco Control Coalition Calhoun County P. O. Box 442 Grantsville, WV 26147	We all know adults and students give tobacco products to minors - this way, if caught, could be reprimanded.
Sept. 19, 1997	Thornton Cooper 3015 Ridgeview Drive South Charleston, WV 25303	3.5. Outside areas owned by a board of education, such as football fields, soccer fields, softball fields, and baseball fields, shall contain conspicuous signs informing adults and minors that use of tobacco is prohibited at all times on such property.
Sept. 22, 1997	Linda Rollins Mason County Schools 307 8th Street Point Pleasant, WV 25550	"Students" rather than minors.
Sept. 24, 1997	Nathan Crescenzi Martin County 200 Gaston Avenue Fairmont, WV 26654	Excellent
3.3		
Sept. 16, 1997	Alvin Huff, CDSSAP Potomac Highlands Guild 21 Central Avenue Petersburg, WV 26847	Good.

TOBACCO CONTROL - POLICY 2422.5A
COMMENT LOG
 June 1997

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Sept. 16, 1997	Safe & Drug Free Peer Committee Office of Student Services and Assessment	School personnel should not "publicly possess" if positive role models. Provides for a sanitary environment. Address staff possession in light of Pro Children's Act.
Sept. 17, 1997	Mary Jane Kerwood B-057	All staff would also appreciate a tobacco free environment even if students are not present.
Sept. 17, 1997	Don Griffin, President WV Prevention Alliance 285 Rock Cliff Drive Martinsburg, WV 25401	I support the proposed changes/additions.
Sept. 17, 1997	Carlene Frederick, Coord. Tobacco Control Coalition Calhoun County P. O. Box 442 Grantsville, WV 26147	Agree.
Sept. 19, 1997	Thornton Cooper 3015 Ridgeview Drive South Charleston, WV 25303	3.6. Groups using areas described in 3.5 shall sign agreements with the 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.
Sept. 22, 1997	Linda Rollins Mason County Schools 307 8th Street Point Pleasant, WV 25550	they should act as positive role models by not possessing (in plain view) tobacco products?? School personnel engaged in work activities off school grounds are prohibited from using tobacco products in the presence of other employees such as in training sessions or meetings.

TOBACCO CONTROL - POLICY 2422.5A
COMMENT LOG
 June 1997

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Sept. 24, 1997	Nathan Crescenzi Marion County 200 Gaston Avenue Fairmont, WV 26554	Great
3.4		
Sept. 16, 1997	Alvin Huff, CDSSAP Potomac Highlands Guild 21 Central Avenue Petersburg, WV 26847	Good.
Sept. 16, 1997	Safe & Drug Free Peer Committee Office of Student Services and Assessment B-057	Need definitions.
Sept. 17, 1997	Don Griffin, President WV Prevention Alliance 285 Rock Cliff Drive Martinsburg, WV 25401	I support the proposed changes/additions.
Sept. 17, 1997	Carlene Frederick, Coord. Tobacco Control Coalition Calhoun County P. O. Box 442 Grantsville, WV 26147	Totally agree.

TOBACCO CONTROL - POLICY 2422.5A
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Sept. 24, 1997	Nathan Crescenzi Marion County 200 Gaston Avenue Fairmont, WV 26554	Excellent
SECTION 4. IMPLEMENTATION		
4.1 Guidelines/Stipulations		
Sept. 16, 1997	Alvin Huff, CDSSAP Potomac Highlands Guild 21 Central Avenue Petersburg, WV 26847	We need to do all of this because the Federal Regulations will require it - your state CDSSAP's have the resources to assist in the education.
Sept. 16, 1997	Safe & Drug Free Peer Committee Office of Student Services and Assessment B-057	4.1. Does this include State Board of Ed. Also 4.1.4 Define cessation education & support programs cessation education - needs to be voluntary/research based?? 4.1.2 a - b Does this include whole policies or summaries. 4.1.4 Info only to 7 - 12 grade students?? 4.1.4 will state provide more info on cessation ed. and info re: available programs. Define regular basis. Does county pay for cessation programs?
Sept. 17, 1997	Mary Jane Kerwood B-057	New accreditation standards state that policies must be approved - who is to approve these policies? 4.1.1 - enforcement provisions must be very specific to meet USDOE guidelines.
Sept. 17, 1997	Carol M. Hall Rt. 2 Box 230-A Lewisburg, WV 24901	Spells out policy very clearly.

TOBACCO CONTROL - POLICY 2422.5A
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DATE	INDIVIDUAL/ORGANIZATION AND ADDRESS	COMMENT
Sept. 17, 1997	Susanna Villers Wetzel County Schools 333 Foundry Street New Martinsville, WV 26155	4.1.4 a - the wording implies that the county will fund such programs. It is unrealistic to expect this.
Sept. 17, 1997	Geri Dino Prevention Research Center West Virginia University P. O. Box 9005 Morgantown, WV 26506-9005	☺ (Smile)
Sept. 17, 1997	Don Griffin, President WV Prevention Alliance 285 Rock Cliff Drive Martinsburg, WV 25401	I support the proposed changes/additions.
Sept. 17, 1997	Carlene Frederick, Coord. Tobacco Control Coalition Calhoun County P. O. Box 442 Grantsville, WV 26147	Not only have a policy, but enforce it. I'm glad you added 4.1.2. We have been too lax with tobacco policies and many times they are not even read - this way no excuse. Also agree that we should help those who want to quit.
Sept. 19, 1997	Carolyn Rice Putnam County Schools 9 Courthouse Drive Winfield, WV 25213	4.1.4. Cessation Support Education. After several years of using the cessation approach, I have come to realize it <u>doesn't work</u> . What does make an "impact" is a "responsibility approach". I suggest this portion be "carefully written" and based on current program evaluations.

TOBACCO CONTROL - POLICY 2422.5A
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Sept. 19, 1997	Thornton Cooper 3015 Ridgeview Drive South Charleston, WV 25303	OK
Sept. 22, 1997	Linda Rollins Mason County Schools 307 8th Street Point Pleasant, WV 25550	4.1.2. Does the entire policy need to be in the student/employee handbook. Can a summary suffice. 4.1.3. Could you specifically reference what is outlined in Policy 2520, SDFS so it can be referenced in the county policies?
Sept. 24, 1997	Nathan Crescenzi Marion County 200 Gaston Avenue Fairmont, WV 26554	Excellent
4.2 Board Action		
Sept. 16, 1997	Alvin Huff, CDSSAP Potomac Highlands Guild 21 Central Avenue Petersburg, WV 26847	Good - Boards of Education need to be strongly encouraged to adopt and give these policies teeth to enforce those who break the law.
Sept. 16, 1997	Safe & Drug Free Peer Committee Office of Student Services and Assessment B-057	4.1.3. Unclear as outlined in the following: Policy 2520 SDFS guidelines. 4.2.2 Will all these policies need to be redone if tobacco is not referenced in them. Need statement "Compliance is mandatory" 4.2.1 Should be or shall be included
Sept. 17, 1997	Mary Jane Kerwood B-057	The wording "compliance is mandatory" must be in this policy. Nothing less is acceptable by USDOE. 4.1.4 - Define cessation education and support? Who is responsible for identifying resources?

TOBACCO CONTROL - POLICY 2422.5A
COMMENT LOG
June 1997

DATE	INDIVIDUAL/ORGANIZATION AND ADDRESS	COMMENT
Sept. 17, 1997	Connie Harper/Melody Reed P. O. Box 120 Clay, WV 25043	The state must also develop procedures to assure county compliance with the stipulations of the policy. Unless county's are monitored, this policy is no stronger than the last. When administrators and board members use tobacco products they are not willing to enforce policies. Any thing can be put in writing but it does not mean it will be enforced.
Sept. 17, 1997	Carol M. Hall Rt. 2 Box 230-A Lewisburg, WV 24901	Naming the segments of society who do or may enter (a) school is very explicit plus the ways info will be disseminated.
Sept. 17, 1997	Geri Dino Prevention Research Center West Virginia University P. O. Box 9005 Morgantown, WV 26506-9005	Fine!
Sept. 17, 1997	Don Griffin, President WV Prevention Alliance 285 Rock Cliff Drive Martinsburg, WV 25401	I support the proposed changes/additions.
Sept. 17, 1997	Carlene Frederick, Coord. Tobacco Control Coalition Calhoun County P. O. Box 442 Grantsville, WV 26147	I'm glad to see that suspension is not a part of this policy. I believe some student would welcome being kicked out. Students need to stay in school. Violators need to do a community service, take tobacco awareness classes etc. Also I'm glad to see staff that violate the policy dealt with comparable to students. Students object to being treated more harshly than adults. I believe if adults don't stop using in the presence of students we can do all the education we want, but we'll just be spinning our wheels. Youth will do what they see.

TOBACCO CONTROL - POLICY 2422.5A
 COMMENT LOG
 June 1997

DATE	INDIVIDUAL/ORGANIZATION AND ADDRESS	COMMENT
Sept. 19, 1997	Carolyn Rice Putnam County Schools 9 Courthouse Drive Winfield, WV 25213	4.2.1. "Police Notification" is not adequate. This needs to be done within the legal system's current process; i.e., file a legal complaint etc. Notification might be interpreted as call a police officer --- and nothing more.
Sept. 22, 1997	Linda Rollins Mason County Schools 307 8th Street Point Pleasant, WV 25550	4.1.4. Could you send guidelines on how to address, provide and refer to cessation education and support programs? Can you define these? could be helpful. 4.2.1. Enforcement provisions for students, staff and the public should be?? or shall be?? Police notification as option for staff?? 4.2.2. If they are to be aligned with those policies do those policies (some) need to be changed if they don't reference to tobacco (i.e. our Drug-Free Workplace Policy does not mention tobacco as it is in a separate policy)??
Sept. 24, 1997	Nathan Crescenzi Marion County 200 Gaston Avenue Fairmont, WV 26554	Very good
4.3 Policy Review		
Sept. 16, 1997	Alvin Huff, CDSSAP Potomac Highlands Guild 21 Central Avenue Petersburg, WV 26847	Yes
Sept. 17, 1997	Carol M. Hall Rt. 2 Box 230-A Lewisburg, WV 24901	All in all a strong policy and one which, I think, all schools, principals and parents will agree with and uphold.

TOBACCO CONTROL - POLICY 2422.5A
COMMENT LOG
 June 1997

DATE	INDIVIDUAL/ORGANIZATION AND ADDRESS	COMMENT
Sept. 17, 1997	Geri Dino Prevention Research Center West Virginia University P. O. Box 9005 Morgantown, WV 26506-9005	Excellent inclusion!
Sept. 17, 1997	Don Griffin, President WV Prevention Alliance 285 Rock Cliff Drive Martinsburg, WV 25401	I support the proposed changes/additions.
Sept. 17, 1997	Carlene Frederick, Coord. Tobacco Control Coalition Calhoun County P. O. Box 442 Grantsville, WV 26147	I agree.
Sept. 22, 1997	Linda Rollins Mason County Schools 307 8th Street Point Pleasant, WV 25550	4.2.3. ?
Sept. 29, 1997	Ripley High ACT Ripley High School School Street Ripley, WV 25271	We felt that revisions to the policy every two years would be appropriate and also be modified as necessary.

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.

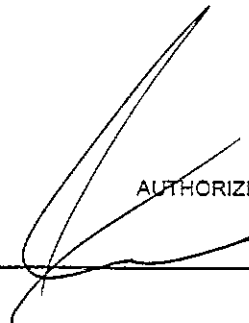
Safe and Drug Free Schools funding provided to counties through the WVDE, Office of Student Services and Assessment, is available to support a variety of prevention education initiatives and programs.

DATE
8/19/97

AGENCY

West Virginia Department of Education

AUTHORIZED REPRESENTATIVE



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

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STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K

1900 Kanawha Blvd., East
Charleston, WV 25305-0770

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Nov 5 9 27 AM '97

WILLIAM H. HARRINGTON
Chief of Staff

JUDY COOPER
Director, Administrative Law

PENNEY BARKER
Supervisor, Corporations

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

(Plus all the volunteer
help we can get)

TO: Jennifer Valentini
VIRGINIA HARRIS

AGENCY: EDUCATION

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: October ~~28~~²⁹, 1997

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 66 TITLE: 126 EDUCATION

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Sam B. Valentine

TITLE OF PERSON SIGNING: Coordinator

DATE: 11-3-97

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.