

Policy 5512: Prohibition on Tobacco, Tobacco-Derived Products, Alternative Nicotine Products and Vapor Products

Purpose:

The Morgan County Board of Education is committed to providing students, staff, and visitors with a tobacco free environment, free of both smoke and smokeless products, including such items as vapor and e-cigarette products for which this policy is directed. Some such products allow students to inhale flavored vapor containing nicotine or other harmful substances, often without detection. The purpose of this policy is to provide measures for prohibiting the use or distribution of such products.

For purposes of this policy, "use of tobacco" means to chew or maintain any substance containing tobacco, including smokeless tobacco, in the mouth to derive the effects of tobacco, as well as all uses of tobacco or tobacco-derived product or substitutes, including cigarettes, cigars, cigarillos, little cigars, pipe tobacco, chewing tobacco, snuff, snus, or any other matter or substances that contain tobacco, in addition to papers used to roll cigarettes and/or the smoking of electronic, "vapor," or other substitute forms of cigarettes, clove cigarettes or other lighted smoking devices for burning tobacco or any other substance.

A "tobacco-derived product" includes electronic cigarettes or similar devices, alternative nicotine products, and vapor products. "Tobacco-derived product" does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

"Alternative nicotine product" means any non-combustible product containing nicotine that is intended for human consumption, whether chewed, absorbed, dissolved, or ingested by any other means.

"Alternative nicotine product" does not include any vapor product, or product regulated as a drug or device by the United States Food and Drug Administration under Chapter V of the Food, Drug, and Cosmetic Act.

"Vapor product" means any non-combustible product that employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape and size that can be used to produce vapor. "Vapor product" includes any electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, Juul, or similar product or device, and any vapor cartridge or other container of a solution or other form that is intended to be used with or in an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, or similar product or device. "Vapor product" does not include any product that is regulated by the United States Food and Drug Administration under Chapter V of the Food, Drug and Cosmetic Act.

The Board does not condone, in the educational environment, the use of tobacco-derived products, alternative nicotine products, or vapor products. The Board prohibits student possession and/or use of all these products in school buildings, on school grounds, on school buses, at bus stops, and at any school-sponsored function. The Board prohibits employees, visitors and spectators from using any of these products while on school grounds.

This policy shall also apply at all times to any building, property or vehicle leased, owned or operated by the Board. 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.

An exception shall be made by the Superintendent to allow possession/use of an approved nicotine replacement product for tobacco cessation. West Virginia State Board of Education policy 2422.8 - Medication Administration must be followed in order for students to use such products on school property or at school sponsored events.

Individuals supervising students off school grounds, including employees and volunteers, are prohibited from distributing or using any such products while in the presence of students or at any time while engaged in any activities directly involving students.

If the Board discovers that an employee has sold or furnished such products to students, the Board may dismiss such employee for cause. Any such discharge shall be considered as "gross misconduct" for the purposes of determining the discharged employee's eligibility for unemployment benefits. If the Board discovers that an employee has used such a product in violation of this policy, disciplinary action will be taken subject to due process.

Groups using areas described in this policy shall sign agreements with the Board agreeing to comply with this policy and to inform students, parents, and spectators by public address systems, if available, that this policy remains in force on evenings, weekends, and other times that school is not in session.

Enforcement provisions for the public may include, but are not limited to: request to stop use or leave premises, deny access to school property and/or police notification.

Student Offenses and Consequences for Tobacco, Tobacco-Derived Products, Alternative Nicotine Products and Vapor Products:

First Offense: It shall be defined as the initial time a student of the school system is charged and proven to be in possession and/or use of a tobacco-derived product, alternative nicotine product, or vapor product.

- Following a due process hearing and a conference at the school which shall include the parents/guardians, building principal and other staff members or persons involved, a three-day suspension shall be served.

Second Offense: See description of First Offense. However, this second offense is related to the entire school tenure of that student, not just one school year or term.

- Following a due process hearing and a conference at the school which shall include the parents/guardians, building principal and other staff members or persons involved, a five-day out-of-school suspension from school classes, and all other activities on school grounds or other grounds involving school students in a scheduled activity.

Third Offense: See description of Second Offense. However, this third offense is related to the entire school tenure of that student, not just one school year or term.

- Following a due process hearing and a conference at the school which shall include the parents/guardians, building principal and other staff members or persons involved, a seven-day out-of-school suspension from school classes, and all other activities on school grounds or other grounds involving school students in a scheduled activity.

Fourth Offense: See description of Third Offense. However, this fourth offense is related to the entire school tenure of that student, not just one school year or term.

- Following a due process hearing and a conference at the school which shall include the parents/guardians, building principal and other staff members or persons involved, a ten-day out of-school suspension from school classes, and all other activities on school grounds or other grounds involving school students in a scheduled activity.
- The Student may be recommended for expulsion, not to exceed 365-days, pursuant West Virginia State Board of Education Policy 4373.

Student Offenses and Consequences for Cannabis and/or Distribution:

If a student is found to be in possession in school buildings, on school grounds, at a bus stop, or at any school-sponsored function of any such product that contains cannabis, the student will be subject to Level 4 offense and procedures as outlined in West Virginia State Board of Education Policy 4373. Possession means the presence of such products or paraphernalia, in any amount, on the person or body, in a school locker or backpack or in or on any other item owned or under the general direction or control of any individual.

If a student is found to be distributing in school buildings, on school grounds, at a bus stop, or at any school-sponsored function any tobacco-derived product, alternative nicotine product or vapor product, the student will be subject to Level 4 offense and procedures as outlined in West Virginia State Board of Education Policy 4373. Distributing means sale, giving, transferring, delivering, trading or exchanging in any manner.

Preventative Education:

Age appropriate instructional goals and objectives included in Health Education for every grade level, K-12, with regard to tobacco, vapor products, alcohol, and drug use, listed in WV State Board of Education Policy 2520, Health Education. Objectives contained in this policy address knowledge, skills, and behaviors that relate to preventing the use of tobacco, tobacco products and vapor products. Teachers in all disciplines shall be encouraged and directed to include discussion of the social and physical risks associated with these substance abuses in appropriate classroom presentations.