

PROHIBITION ON TOBACCO-DERIVED PRODUCTS, ALTERNATIVE NICOTINE PRODUCTS, AND VAPOR PRODUCTS

Purpose:

The Grant 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.

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 containing nicotine 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 from nicotine in a solution or other form. "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 nicotine in 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 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.

The Board reserves the right to have the vapor product tested by law enforcement to determine the actual contents. Therefore, consequences may be subject to change after the initial offense.

Student Offenses and Consequences:

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 in-school suspension.

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 three-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 **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.

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.

- ❖ **A fourth violation is an indication of unwillingness on the part of the offender to accept counseling and assistance and shall result in a 10-day out-of-school suspension.**

- 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 to the Board Policy 3010 and WV State Board of Education Policy 4373.

- ❖ **In all four violations, proof of counseling and attendance in a tobacco cessation program shall be submitted to the superintendent before admittance back to the classroom.**
- ❖ **In all four violations, a report will be made to the Grant County Sheriff's Office, for consideration of charges pursuant to §16-9A-3 and §16-9A-4.**
- ❖ **In all four violations, every person who shall smoke a cigarette or cigarettes, pipe, cigar or other implement of any type or nature, designed, used or employed for smoking any tobacco or tobacco product; or who shall use any tobacco product, whether chewing tobacco, snuff or otherwise, in any building or part thereof used for instructional purposes, in any school of this state, as defined in §18-1-1 of this code, or on any lot or grounds actually used for instructional purposes of any such school of this state while such school is occupied for school purposes, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be punished for each offense by a fine of not less than one nor more than five dollars.**

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 Board Policy 3010 and WV 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 Board Policy 3010 and WV State Board of Education Policy 4373. Distributing means to sale, giving, transfer, delivery, trade or exchange 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.

Legislation passed in 2017 requires that school systems put more emphasis on their Drug, Alcohol and Tobacco Education programs. Everyone is sensitive to the opioid crisis in the state and the legislature recommends school systems make sure that students in grades 6-12 receive the attention required in the newer legislation.

AUTHORITY: WVBOE Policy 4373, GCBOE Policy 3010

ADOPTED: _____