

SUBSTANCE ABUSE AND TOBACCO CONTROL

1. Scope

This policy sets the requirements for students in Barbour County Schools to be educated in an alcohol, tobacco and drug free climate that supports student academic achievement and personal-social development.

2. Purpose.

2.1 The purpose of this policy is to provide preventive and protective measures for addressing substance abuse and prohibiting the use or distribution of alcohol, tobacco and other drugs within school settings and activities. This policy is intended to promulgate a positive, pro-active approach to the control of alcohol, tobacco and other drugs.

3. Application.

3.1 These regulations apply to any person present in or upon any property owned, leased or operated by Barbour County Schools, the West Virginia Department of Education, West Virginia Board of Education, or a Regional Education Service Agency (hereinafter RESA); to any person present at any education-sponsored event; to any person present on a school bus or other vehicle used for a school related event or other school/county or RESA function; to any person present at any school-sponsored activity or event, whether the activity or event is held on school grounds, in a building or other property used or operated by a county board of education, RESA or the West Virginia Department of Education, West Virginia Board of Education, or in any other facility or upon any other property being used by any of these agencies.

3.2 No person shall at any time possess, distribute or use any alcohol product or illegal substance in any area defined in Section 2.1 of this policy.

3.3 No person shall, at any time, possess drug paraphernalia as defined in W. Va. Code 47-19-3, in any area defined in Section 2.1 of this policy. In addition, students shall not, at any time, possess tobacco paraphernalia in areas defined in Section 2.1 of this policy.

3.4 No person shall at any time distribute or use any tobacco product in any area defined in Section 2.1 of this policy. In addition, students shall not possess at any time any tobacco product in areas or situations defined in Section 2.1 or at any school or county sponsored event or school-related event.

3.5 Individuals supervising students off school grounds are prohibited from distributing or using alcohol, tobacco products or illegal substances in the presence of students and/or at any time while engaged in activities directly involving students

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3. Application (Continued):

- 3.6 No school or board of education property, as defined in Section 2.1 of this policy, or school or county publication may be used for the advertisement of any tobacco or alcohol product.
- 3.7 Groups using areas described in Section 2.1 shall sign agreements with the county board of education agreeing to comply with this policy and to inform students, parents and spectators by public address systems that this policy remains in force on evenings, weekends and any other time that school is not in session. A summary of this policy shall be attached to all requests for use of school facilities.
- 3.8 Students who behave in a manner that does not promote a nurturing, orderly and safe environment conducive to learning or who violate the terms of this policy will be subject to the disciplinary actions as outlined in Barbour County Policy 8400.
- 3.9 This policy does not supersede any rights granted to special education students by federal or state law or other West Virginia Board of Education policies.

4. Definitions.

- 4.1 *Alcohol* means any substance containing an intoxicating element.
- 4.2 *ATOD* means Alcohol, Tobacco and Other Drugs. ATOD is used to refer to the use of all substances including, but not limited to, alcohol, tobacco, inhalants, marijuana, cocaine, LSD, PCP, amphetamines, heroin, steroids, look-alikes and/or any other of those substances commonly referred to as designer drugs.
- 4.3 *Controlled Substance* is defined in 60A-01-101 of West Virginia Code.
- 4.4 *Distribution* means the sale, giving, transfer, delivery, trade or exchange in any manner of any ATOD.
- 4.5 *Drug* means any substance that acts on the central nervous system to alter behavior(s) and/or thought processes.
- 4.6 *Illegal substance* means any drug which is not legally obtained and/or any drug being used by a person other than the person for whom it was prescribed and/or for a purpose contrary to which the drug was intended for medical therapy and/or against the recommendation(s) of the manufacturer.
- 4.7 *Paraphernalia* means drug paraphernalia as defined by W. Va. Code '47-19-3 and any item, thing or device used for the facilitation or administration of tobacco products or other illegal substances.

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4. Definitions (Continued).

- 4.8 *Possession* means the presence of ATOD or paraphernalia, in any amount, on the person or body, or under the general direction or control, of an individual found in or upon the premises described in Section 2.1. Possession shall include, but is not limited to, presence of ATOD or paraphernalia in a school locker or backpack or in or on any other item owned or under the general direction or control of any individual found in or upon the premises described in Section 2.1.
- 4.9 *Public* means any individual accessing school property or programs for business, activities, conferences, visitation or other activities as defined in Section 2.1.
- 4.10 *School* means any building, ground(s) or other property including automobiles or other vehicles owned or operated by the county board of education, RESA, West Virginia Department of Education or West Virginia Board of Education.
- 4.11 *School staff* means those individuals employed full time, part time or on contract with any county board of education, RESA, West Virginia Department of Education or West Virginia Board of Education.
- 4.12 *Student* means anyone who is enrolled in public school or enrolled in an educational program on board of education property.
- 4.13 *Tobacco product* means any items containing the leaves of cultivated tobacco plants, in any form or amount, dried and processed. Products include, but are not limited to cigarettes, cigars, snuff, spit tobacco, smokeless tobacco or pipe tobacco.
- 4.14 *Use* means ingestion, injection, absorption or inhalation of an illegal substance or being under the influence of said substance.

5. Implementation.

- 5.1 Every school and administrative department in the county shall meet the stipulations of this policy and adhere to the following guidelines. This policy serves as school policy except where the need for school-level procedures or measures is indicated. Compliance is mandatory. Schools may impose additional strategies and restrictions not outlined in county policy provided they meet the tenets and intent of the county policy.
- 5.2 **Administration:** Administrative procedures for dealing with the substance abuse and tobacco control policy are the responsibility of all county and school administrators as follows:

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5. Implementation (Continued).

- 5.2.1 It is the responsibility of each administrator to implement provisions of this policy within their school or administrative department, specifically education, communication, and enforcement provisions as outlined in this policy.
 - 5.2.2 It is the responsibility of each school administrator to develop clear procedures for identification, intervention, and referral of students with substance abuse problems.
 - 5.2.3 It is the responsibility of each administrator to maintain an environment for students, staff and visitors that presents no physical harm, discomfort or unsanitary conditions resulting from use or abuse of ATOD.
- 5.3 Communication:** The substance abuse and tobacco control policy shall be communicated to students, school staff, parents/guardians, visitors, and the community at large. This policy shall be communicated through the following:
- 5.3.1 staff Development
 - 5.3.2 staff and student/parent handbooks
 - 5.3.3 parent/Guardian notifications, and
 - 5.3.4 general public notifications (e.g., signs, announcements) and
 - 5.3.5 attaching a summary of this policy to all requests for school facility use.
- 5.4 Prevention Education:** School administrators, Local School Improvement Councils and school curriculum teams shall assure that prevention education efforts are comprehensive, coordinated and age appropriate. Examples include: developmental guidance, advisor-advisee programs, peer involvement, after school programs and integration into instructional objectives. Substance abuse prevention education shall be taught, at a minimum, through the Barbour County Schools K – 12 health education program and shall meet the requirements found in:
- 5.4.1 West Virginia Board of Education Policy 2520.5, Health Content Standards and Objectives for West Virginia Schools, and
 - 5.4.2 Safe and Drug Free Schools' guidelines.

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4. Implementation (Continued).

5.5 Support Programs: County Administrators may:

- 5.5.1 Provide any information to or refer any student or staff member to voluntary support programs (such as a local mental health provider or tobacco cessation program or hotline program) that address the physical, psychological and social issues associated with addiction and provide on-going support and reinforcement necessary for desired behavior change, and
- 5.5.2 Provide information on a regular basis about available programs to all students in grades 4 – 12 and staff.

6. Enforcement.

- 6.1 Each county administrator shall observe the following procedures to assure compliance with the stipulations of this policy. Compliance is mandatory.
- 6.2 **Student Violations:** Student violations of this policy are addressed in the Student Code of Conduct; Barbour County Policy 8400.
- 6.3 **Staff Violations:**

5.3.1 Staff Alcohol/Drug Violations: Refer to Barbour County Schools Policy 6120

5.3.2 Staff Tobacco Violations: The following enforcement procedures deal only with staff tobacco violations. Staff violations of this policy will be cumulative over the employee's work history with the school system. All employee violations shall be considered insubordination and subject to disciplinary action. Any reported violation of this policy shall result in a conference with the employee and his/her immediate supervisor. Documentation of the conference shall be kept on file by the immediate supervisor. If the employee has been given his/her due process rights in accordance with State law and a violation of this policy has been determined, the following disciplinary sanctions shall be imposed on the employee:

5.3.2.a First Staff Tobacco Offense: The immediate supervisor shall place documentation of the conference and written reprimand in the

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6. Enforcement (Continued).

6.3 Staff Violations (Continued).

6.3.2.a Staff Tobacco Violations (Continued):

employee's personnel file. The immediate supervisor shall recommend to the Superintendent that the employee be suspended without pay for one day under provisions of Chapter 18A of the West Virginia Code. The immediate supervisor may also recommend to the Superintendent that the employee be referred to the county board of education for further disciplinary action.

6.3.2.b Second Staff Tobacco Offense: The immediate supervisor shall place documentation of the conference and written reprimand in the employee's personnel file and along with the employee develop a plan to correct the offense. The immediate supervisor shall recommend to the Superintendent that the employee be suspended without pay for three days under provisions of Chapter 128A of the West Virginia Code. The immediate supervisor may also recommend to the Superintendent that the employee be referred to the county board of education for further disciplinary action.

6.3.2.c Third and Subsequent Staff Tobacco Offenses: The immediate supervisor shall place documentation of the conference and written reprimand in the employee's personnel file and along with the employee develop a plan to correct the offense. The immediate supervisor shall recommend to the Superintendent that the employee be suspended without pay for five days under provisions of Chapter 128A of the West Virginia Code. The immediate supervisor may also recommend to the Superintendent that the employee be referred to the county board of education for further disciplinary action.

6.4 Public Violations. Public sanctions shall include the following:

- 6.4.1 A request that the individual stop. Refer the individual to the county policy.
- 6.4.2 If the individual refuses to stop, request that the individual leave the premises. Refer the individual to the county policy.
- 6.4.3 If the person refuses to leave or is a repeated violator, refer to the appropriate law enforcement agency. The violator may be subject to a fine.

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6. Enforcement (Continued).

6.5 Barbour County Schools shall provide training and technical assistance in researched-based and effective models for prevention education in the areas of alcohol, tobacco, and illegal substances. Training, technical assistance and support shall also be provided in the effective use of student assistance teams to identify students who are at risk and to develop interventions to assure school success for these students.

7. Policy Review.

7.1 This policy shall be reviewed every two years and appropriate modifications made as necessary.

8. Severability.

8.1 If any provision of this rule or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this rule.

Authority: W. Va. Constitution, Article XII, W. Va. ' 2, W. Va. Code ' ' 16-9A-4, 16-9A-9, 18-2-5, 18-2-5a, 18-2-7b, 18-2-9, 18-5-13, 18A-1-1, 18A-5-1, 18A-5-1a, 60A-1-101, and 61-7-2.

Adopted: 07/01/98

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