

# KANAWHA COUNTY BOARD OF EDUCATION POLICY

## Tobacco/Nicotine Control

Series: C44

Reference: W. Va. Code §§16-9A-4; 18-2-5; 126 CSR 44E

Issued: 03.17.1988

Revised: 12.18.1997

Revision Number: 2

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**44.01 Application.** This policy shall apply at all times to any building, property or vehicle, leased owned or operated by the Kanawha County Board of Education. This policy shall apply to any private buildings, or other property including automobiles or other vehicles used for school activities when students and staff are present.

**44.02 Prohibitions.** No person shall distribute or use any substance containing tobacco and/or nicotine, including, without limitation, e-cigarettes, or any paraphernalia intended for the manufacture, sale and/or use of tobacco/nicotine products in any area defined in Section 44.01 of this policy at any time. Students may not possess any substance containing tobacco and/or nicotine products at any time as outlined in State Board Policy 4373.

Individuals who supervise students off school grounds are prohibited from distributing or using tobacco and/or nicotine containing products while in the presence of students or any time while engaged in activities directly involving students.

No Kanawha County School Board property or publication may be used to advertise tobacco and/or nicotine containing products.

**44.03 Property Use Agreements.** Groups that are permitted to use areas defined in Section 44.01 of this policy shall sign agreements that contain language that requires compliance with this policy and that imposes a responsibility to inform students, parents and spectators that this policy remains in force on evenings, weekends, and other times that school is not in session.

**44.04 Implementation.** School principals are charged with the responsibility with the implementation of this policy, including its education, communication and enforcement provisions. Such responsibility shall also include observance of the student code of conduct procedures, including the identification, intervention and referral of students with tobacco/nicotine-related problems. School principals are further charged with the responsibility of maintaining an environment for students, staff and visitors that presents no physical harm, discomfort or unsanitary condition resulting from tobacco and/or nicotine product use.

**44.05 Communication.** This policy shall be communicated through: staff development, including employee orientation; employee and student handbooks; parent/guardian notification; and, general public notification through signs and announcements.

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**44.06 Prevention Education.** K-12 curriculum shall include required prevention education components as identified in State Board of Education Policy 126 CSR 44E, Next Generation Health Education Standards and Objectives.

**44.07 Cessation Support Education.** In addition to the required cessation support activities set forth in the student code of conduct, the Human Resources Department shall publish and make available to students and staff on a regular basis information concerning voluntary cessation education and support programs that address the physical, psychological and social issues associated with nicotine addiction and that provides on-going support and reinforcement necessary for desired behavior change.

**44.08 Enforcement.** Student enforcement activities shall be undertaken in a manner consistent with the student code of conduct. Enforcement that involves members of the public, including requests to stop use or leave the premises, shall be the responsibility of the ranking administrator on the school premises.

**44.09 Employee Violations.** Any employee who violates this policy shall be subject to disciplinary action. A first violation shall be reflected in a written reprimand that is lodged in the employee's personnel file. The employee shall also be required to participate in an appropriate cessation clinic at his or her expense. A second violation shall result in a three- (3) day suspension, without pay. A third violation shall result in termination of employment. Second and third violations will also result in the initiation of criminal complaints. The Human Resources Division shall provide periodic written notification of the consequences of tobacco/nicotine policy violations to all employees.

**44.10 Periodic Policy Review.** The Superintendent shall cause a review of this policy to be undertaken on each two-year anniversary from the date of passage. If appropriate, the Superintendent shall recommend necessary modifications.