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

Purpose:

The Clay 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.

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:

(All offenses will accumulate throughout one school year.)

First Offense:

- Following an informal hearing which shall include the parents/guardians, building administrator and other staff members or persons involved, a three-day suspension from school classes and all other activities on school grounds or other grounds involving school students in a scheduled activity. At the informal hearing, the administrator shall explain the reasons for the proposed suspension and allow the student the opportunity to explain why he/she should not be suspended. **Cessation assistance will be provided by school.**

Second Offense:

- Following an informal hearing which shall include the parents/guardians, building administrator and other staff members or persons involved, a five-day suspension from school classes and all other activities on school grounds or other grounds involving school students in a scheduled activity. At the informal hearing, the administrator shall explain the reasons for the proposed suspension and allow the student the opportunity to explain why he/she should not be suspended. **In coordination with the school and parents/guardians, the school will provide the student a cessation program.**

Third Offense:

- Following an informal hearing which shall include the parents/guardians, building administrator and other staff members or persons involved, a ten-day suspension from school classes and all other activities on school grounds or other grounds involving school students in a scheduled activity. At the informal hearing, the administrator shall explain the reasons for the proposed suspension and allow the student the opportunity to explain why he/she should not be suspended. The administrator shall submit a letter to the superintendent explaining the reasons for the suspension and any recommendation for further action.

The superintendent shall meet with the student and parents to discuss the consequences of the student's alleged offense with the possibility of recommending expulsion to the Board of Education.

If expulsion is to be recommended, a student hearing shall be scheduled for the student to be heard before the Board of Education on the alleged violation. The student may request a closed hearing.

- The Student may be recommended for expulsion, not to exceed 365-days, pursuant to WV State Board of Education Policy 4373.

With all three violations, a report will be made to the Clay County Sheriffs Office, for consideration of charges pursuant to §16-9A-3 and §16-9A-4.

At any level of offense, consequences that are not followed, the administrator may discipline the student for insubordination and further consequences may be given, in accordance with State 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 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 WV State Board of Education Policy 4373. Distributing means to sell, give, transfer, deliver, trade, or exchange in any manner.

During expulsion the student will meet requirements set forth by the superintendent and the Board of Education, which includes, but is not limited to informational trainings, prevention classes, etc., before the student returns to school.

Medical Cannabis

Upon proper notice from parent/guardian that a student has qualified for a medical cannabis identification card from the Department of Health and Human Resources and an authorized caregiver has been designated, medical cannabis may be administered to a student by the caregiver during school hours, school activities and on school grounds, pursuant to the provisions of the Medical Cannabis Act, W. Va. Code § 16A-1-1, et seq., and West Virginia Board of Education Policy 2422.7. No student shall be disciplined solely for the lawful use of medical cannabis.

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 are 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.