

GOVERNANCE**SUBSTANCE ABUSE AND TOBACCO CONTROL****A. APPLICATION:**

1. These regulations apply to any person present in or upon any property owned, leased or operated by the West Virginia Department of Education, West Virginia Board of Education, the Ohio County Board of Education or RESA VI; 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 the Board of Education, RESA VI 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.
2. No person shall, at any time, possess, distribute or use any alcohol product or illegal substance in any area defined in Section A.1.
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 A.1. In addition, students shall not, at any time, possess tobacco paraphernalia in areas defined in Section B.6. of this policy.
4. No person shall, at any time, distribute or use a tobacco product in any area defined in Section A.1. or at any school- or county-sponsored event or school-related event.
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.
6. No Ohio County School or Board of Education property, as defined in Section A.1. or school, county, RESA VI or state publication may be used for the advertisement of any tobacco or alcohol product.

7. Groups using areas described in Section A.1. shall sign agreements with Ohio County Board of Education or RESA VI 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.
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 the Expected Behavior in Safe and Supportive Schools Policy and Regulation.
9. This policy does not supercede any rights granted to special education students by federal or state law or other West Virginia Board of Education policies.

B. DEFINITIONS:

1. "Alcohol" means any substance containing an intoxicating element.
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*.
3. "Distribution" means the sale, giving, transfer, delivery, trade or exchange in any manner of any ATOD.
4. "Drug" means any substance that acts on the central nervous system to alter behavior(s) and/or thought processes.
5. "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.

6. "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.
7. "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 A.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 A.1.
8. "Public" means any individual accessing Ohio County Schools' property or programs for business, activities, conference, visitation or other activities as defined in Section A.1.
9. "School" means any building, ground(s) or other property including automobiles or other vehicles owned or operated by the Ohio County Board of Education, RESA VI, the West Virginia Department of Education or the West Virginia Board of Education.
10. "School staff" means those individuals employed full time, part time or on contract with the Ohio County Board of Education, RESA VI, the West Virginia Department of Education or the West Virginia Board of Education.
11. "Student" means anyone who is enrolled in public school or enrolled in an educational program on Board of Education property.
12. "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. **E-Cigarettes, although not a tobacco product, do contain nicotine and are not permitted on school property. All intervention strategies, reprimands, and disciplinary actions will be enforced as if it is a tobacco product.**
13. "Use" means ingestion, injection, absorption or inhalation of an illegal substance or being under the influence of said substance.

C. IMPLEMENTATION:

1. This policy and these regulations are effective August 1, 2005.
2. Upon determination by the Principal and staff that a student has been under the influence and/or in possession, or in possession for the purpose of selling, a controlled substance or alcohol, the following shall occur:
 - 2.1 When the Principal deems personal search necessary, every attempt will be made to have voluntary student cooperation. If a student does not wish to cooperate, contact of parents and authorities will be made.
 - 2.2 Where there is strong and supportive evidence that a pupil or person other than a pupil is using, selling, distributing, or transferring controlled substances within the school premises, or outside the school but where students are or may be affected by such action, the authorities must be notified and all known facts turned over to them for subsequent action.
 - A. An in-school drug conference with the student and parent shall be conducted by the administrative staff and the guidance department.
 - B. The student and a parent will be required to make direct contact with an appropriate, certified agency for a designated drug counseling program. The drug counseling program shall be composed of a minimum of six (6) sessions. At least one additional session will be conducted with the student's school counselor prior to the student being readmitted to the school body.
 - C. Further disciplinary action will occur for the following:
 1. Refusal to participate in drug counseling will lead to additional suspension from school.

2. Three (3) suspensions regarding use of, possession of, or possession for the purpose of selling any controlled substance or alcohol will lead to the recommendation of expulsion to the Superintendent of Ohio County Schools.
- 2.3 Each school shall develop a plan for maintenance of an environment for students, staff and visitors that presents no physical harm, discomfort or unsanitary condition resulting from use or abuse of ATOD.
- 2.4 Each school shall develop procedures for communicating the policy to students, school staff, parents or families, visitors and the community at large through:
 - A. staff development;
 - B. employee and student handbooks;
 - C. parent/guardian notification;
 - D. general public notification (e.g., signs, announcements; and
 - E. attaching a summary of this policy onto all requests for school facility use.
3. Each school shall implement the appropriate preventive education, as outlined in Policy 2520.5 coordinated with Safe and Drug-Free School (Goals and Objectives) to provide a comprehensive kindergarten through 12th grade substance abuse prevention curriculum for all children. 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.
4. Each school shall develop a plan determining the manner in which to provide or make referral to voluntary support programs (such as a local mental health provider or tobacco cessation program or hotline programs); address

the physical, psychological and social issues associated with addiction; provide on-going support and reinforcement necessary for desired behavior change and provide information about available programs to all 4th through 12th grade students and staff on a regular basis.

5. Enforcement provisions for students, staff and the public are as follows:
 - 5.1. Enforcement provisions for students may include, but are not limited to: counseling, school/community service, voluntary cessation programs, parent/guardian notification, mandatory education sessions, alternative-to-suspension programs, plan for behavior improvement, policy notification, and/or prosecution.
 - 5.2. Enforcement provisions for staff may include, but are not limited to referral to an Employee Assistance Program, conference with supervisor and disciplinary actions consistent with county, RESA, or W.Va. 126CSR162, West Virginia Board of Education Policy 5902; Employee Code of Conduct.
 - 5.3. 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.
 - 5.4. In taking action against a student for violation of this policy, the school/county or RESA administration shall follow appropriate due process procedures. If the student is an "Eligible Handicapped Student" according to W.Va. 126CSR16, West Virginia Board of Education Policy 2419: Regulations for the Education of Exceptional Students, (hereinafter Policy 2419), any action taken against the student must comply with and must not be in violation of Policy 2419. All disciplinary action taken against the student shall be in accordance with local, state and federal law.
 - 5.5. All identified responses and/or interventions shall be consistent with the levels specified in Policy 4373 to address violations. The specific procedures as outlined in this substance abuse and

tobacco policy are to be followed when any staff member observes any violations of policy or county-approved procedures.

- 5.6. The West Virginia Department of Education, RESAs and the Board of Education shall provide training and technical assistance in research-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.

D. Policy Review:

Ohio County Schools shall review its substance abuse and tobacco control policy every two years and make appropriate modifications as necessary.

E. Severability

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.

REGULATION REVIEWED: October 24, 2013

REGULATION REVIEWED: November 10, 2010

REGULATION REVISED: June 27, 2005

REGULATION ADOPTED: December 9, 1991

OHIO COUNTY BOARD OF EDUCATION