

<p>PRESTON COUNTY BOARD OF EDUCATION</p> <p>FILE: 11 - STUDENTS</p> <p>File: 11-18 Substance Abuse and Tobacco Control</p>	<p>Last Reviewed: 8-9-10</p> <p>Next Review: 7-1-12</p>
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The Preston County Board of Education concurs with the State Board of Education that it has a responsibility to foster a program that addresses the health and safety of all students.

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.

The regulations set forth in this policy apply to any person present in or upon any property owned, leased or operated by the Preston County Board of Education. All regulations apply 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; 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 Preston County Board of Education or in any other facility or upon any other property being used by the school system. General guidelines for employees, students, and the public at large include the following:

- ❖ No person shall at any time possess, distribute or use any alcohol product or illegal substance in any area defined above.
- ❖ No person shall, at any time, possess drug paraphernalia as defined in WVC §47-19-3, in any area defined above. In addition, students shall not, at any time, possess tobacco paraphernalia in these areas.
- ❖ No person shall at any time distribute or use any tobacco product in any area defined above. In addition, students shall not possess at any time any tobacco product in these areas or at any school or county sponsored event or school-related event.
- ❖ 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.
- ❖ Neither school or board of education property, as defined above, nor a school or Board of Education publication may be used for the advertisement of any tobacco or alcohol product.
- ❖ Groups using areas described above shall sign agreements with the Board 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.
- ❖ 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 SBP Policy 4373.
- ❖ 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.

The Preston County Board of Education will permit the use of prescription medications if a licensed physician prescribes such in writing to a student attending school. The parents of such student must make the necessary arrangements with the building administrator as per Preston County *File: R 11-32-2 Administering Medicines and Specialized Health Care to Students Procedures*. Only designated school personnel shall be authorized to administer non-prescription medication (aspirin, cough syrup, etc.).

(WVC §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, and 61-7-2; and SBP 2422.5)

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R 11-18-1 Definitions:

- ❖ **"Alcohol"** means any substance containing an intoxicating element.
- ❖ **"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, pyrovalerone, look-alikes and/or any other of those substances commonly referred to as designer drugs.
- ❖ **"Distribution"** means the sale, giving, transfer, delivery, trade or exchange in any manner of any ATOD.
- ❖ **"Drug"** means any substance that acts on the central nervous system to alter behavior(s) and/or thought processes including those defined in *File: R 11-13-5 Violations of the Student Code of Conduct*.
- ❖ **"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.
- ❖ **"Paraphernalia"** means drug paraphernalia as defined by WVC §47-19-3 and any item, thing or device used for the facilitation or administration of tobacco products or other illegal substances.
- ❖ **"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 the policy. 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 the policy.
- ❖ **"Public"** means any individual accessing school property or programs for business, activities, conferences, visitation or other activities as defined in the policy.
- ❖ **"School"** means any building, ground(s) or other property including automobiles or other vehicles owned or operated by the Board.
- ❖ **"School staff"** means those individuals employed full time, part time or on contract with the Board.

- ❖ **"Student"** means anyone who is enrolled in a Preston County school or enrolled in an educational program on board of education property.
- ❖ **"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.
- ❖ **"Use"** means ingestion, injection, absorption or inhalation of an illegal substance or being under the influence of said substance.

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R 11-18-2. Maintaining a Safe and Healthy ATOD Free Environment

Responsibilities of Administrators:

School administrators have the following responsibilities in the implementation of these regulations:

- ❖ Implement provisions of these regulations, specifically education, communication and enforcement provisions;
- ❖ Develop clear procedures for identification, intervention and referral of students with tobacco-related problems; and
- ❖ Maintain an environment for students, staff and visitors that present no physical harm, discomfort or unsanitary condition resulting from tobacco product use.

Communication of Regulations to Constituents:

These regulations will be communicated to students through student handbooks, other school publications, announcements, student groups, classroom discussions, bulletin boards, etc. They will be communicated to employees through staff development, announcements, bulletin boards, employee handbooks, and other school publications. They will be communicated to parents or families, visitors, and the community at large through school newsletters, signs, announcements at school events, sharing a summary of the policy and regulations with persons or groups utilizing school facilities, and through student/parent handbooks.

Prevention Education:

Age appropriate instructional goals and objectives are included in Health Education for every grade level, K-12, with regard to tobacco, alcohol, and drug use, as listed in *SBP 2520.5, 21st Century Health Education 5-12 Content Standards and Objectives for West Virginia Schools*. Objectives contained in this policy address knowledge, skills, and behaviors that relate to preventing the use of tobacco and tobacco products. Teachers in all disciplines shall be encouraged and directed to include discussion of the social and physical risks associated with the ATOD abuse as appropriate in classroom presentations. All Safe and Drug-Free Schools program guidelines will be followed.

As appropriate, the principal and staff at each school shall draw upon resources such as the curriculum team, faculty senate, Local School Improvement Council, the developmental guidance program, advisor-advisee programs, peer tutoring, and after school programs as a means to foster an ATOD free school environment.

Student Drug and Alcohol Counseling Services:

Helping students overcome the many challenges they face in life is always a team effort; therefore, the Board encourages all school personnel to report suspected drug use and/or abuse to the principal who in turn should inform the counseling department. The counselor and principal will confer with the student's parents, additional staff members, law enforcement agency, and local medical officials if conditions warrant. Counseling for both elementary and secondary students is available by knowledgeable staff members, school psychologists, County Health Department and Valley Mental Health Services. All students have the option of selecting private professional counselors if this kind of service is needed. Any student registered in the Preston County Schools found in violation of the above must be referred to Valley Mental Health Services.

(SBP 2510)

Cessation Support Program:

Any student or employee who desires it will be provided an opportunity to participate in a voluntary cessation education and support program which addresses the physical, psychological and social issues associated with nicotine addiction. S/he will be provided ongoing support and reinforcement necessary for desired behavioral change.

Preston County Schools will offer cessation services to any student self-referred, referred by another peer or staff member or family member, or otherwise identified. The referral may be made to a school counselor, administrator, or any staff member. Referral may also be made through the Student Assistant Program. Information concerning the voluntary cessation programs will be communicated to all 7-12th grade students and staff on a regular basis, and shall be included in all handbooks for students in grades 7-12 and all employee handbooks.

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R 11-18-3 Enforcement Provisions for Student Violation of the Drug and Alcohol Provisions of this Policy

According to state law and State Board of Education policy no person under the legal age may possess or consume alcoholic beverages. State and Federal laws and State Board policy likewise declare that no person may legally have an "illegal drug" in his/her possession unless obtained by prescription. It is the expectation of the Preston County Board of Education that all students will comply with the regulations set forth in this policy and the procedures put in place to implement it. Penalties are provided for the violation of these procedures, and school officials are duty bound to observe and enforce them.

General Definitions:

- ❖ Prescription medication shall mean medication prescribed for a particular individual by a person licensed to prescribe.
- ❖ Non-prescription medication shall mean any form of medicine that can be purchased without the order of a licensed physician.
- ❖ Suspension shall mean the act of being temporarily excluded from school and school activities for a stated number of days.
- ❖ Expulsion shall mean a long-term suspension stated in school days, school months, or school term.
- ❖ Use SHALL include ingestion, injection, or inhalation of said drugs.

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 using alcohol or illegal drugs during any school activity or extracurricular activity.

- ❖ Following a due process hearing and a conference at school which shall include the parents/guardians, building principal, counselor and other appropriate staff members or persons involved, the following action must take place:
 - Three days suspension from school classes, and all other activities on school grounds or other grounds involving school students in a scheduled activity (i.e., club, trip, or sports meet at another location);
 - Suspension from sports activity (i.e., interschool competition of football, basketball, baseball, etc.) for the remainder of the semester or school term. The suspension may be reduced if the student elects to enter the referral process through an approved health agency and receives a recommendation supporting the reduction after a period of treatment, and if the parents, student and appropriate school personnel agree with the recommendation. The Preston County Board of Education must approve any recommendation for a reduction in the suspension.
 - Suspension from clubs and other "extra school" activities (i.e., choir, band, and other school groups not required as a condition of graduation). The suspension may be reduced if the student meets the same conditions outlined regarding sports activities above. Other conditions as determined by the local/regional law enforcement agencies.

Second Offense: See description in First Offense. However, this second offense is related to the entire school tenure of that student, not just one school year or term.

- ❖ Just as in the First Offense, a due process hearing shall be held, but it will be held in the Superintendent's office. Following the hearing, a conference will be held with the parents/guardians and appropriate school officials.
 - A minimum of five days suspension from school classes and other activities.

- The student will be required to participate in treatment and counseling. Valley Counseling Mental Health Services will serve as the treatment provider or will make referrals as required. Return to school will be based on the recommendation of the Valley Counseling Mental Health Services and agreement of the student, parents, and appropriate school personnel.
- Other conditions as determined by the local/regional law enforcement agencies.

Third Offense: See description in First Offense above; however, this Third Offense is related to the entire school tenure of that student, not just one school year or term.

- ❖ Following due process hearing and conference with parents/guardians in the Superintendent's Office with all concerned:
 - Expulsion from school for remainder of term/year. All course work to be completed will be assigned an incomplete, and the student shall be referred to the Preston County Alternative Educational Program appropriate to his/her needs.
 - Evidence must be submitted of an acceptable program of rehabilitation. If the expelled individual seeks the services of Valley Counseling Mental Health Services, follows the recommendations of that agency and completes any programs indicated by its staff, then the agency may assist school officials, parents, and the individual in an attempt to secure reinstatement to school the following term.
 - Other conditions or considerations as determined by the Preston County Board of Education.
 - Other conditions as determined by the local/regional law enforcement agencies.

NOTE: Students selecting the referral program through the Valley Mental Health Services must bear the expense of private counseling.

In addition to the penalties noted in the above procedures, the Safe Schools Act requires that students who sell a narcotic drug anywhere in the school environment will be subject to a mandatory 12 calendar-month expulsion. Disciplinary action taken against exceptional students shall be in compliance with SBP 2419.

(WVC 18-2-7b; 18-2-9; SBP 2419; 2422.5; and 4372)

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R 11-18-4 Enforcement Provisions for Student Violation of the Tobacco Provisions of this Policy

The use or possession of tobacco products by any person less than 18 years of age is prohibited by state law. In addition, State Board of Education Policy forbids the use of tobacco products in any part of a school building or school grounds, county owned vehicles, or other facilities used for school related activities.

(WVC 16-9A-4; SBP 2422.5A; 4372)

Offenses and Consequences:

Student violation of the tobacco regulations set forth in this policy shall be reported to the appropriate administrator who will administer the school discipline plan.

- ❖ A first violation will result in a one-day in-school suspension and a referral to the school's voluntary cessation education and support program.
- ❖ A second violation will result in three days out-of-school suspension and a second referral to a tobacco cessation program.
- ❖ A third violation will result in five days out-of-school suspension and a third referral to a tobacco cessation program.
- ❖ 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.
- ❖ In all cases, charges will be filed with the Magistrate's Court under WVC §16-9A-3 and §16-9A-4.

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R 11-18-5 Enforcement Provisions for School Employees

Drugs and Alcohol

Employees who are in violation of the provisions of the Drug-Free Workplace Act and the provisions of Preston County Board of Education ATOD policies shall be subject to disciplinary action up to and including dismissal and/or may be required to satisfactorily participate in a drug rehabilitation or assistance program. Rehabilitation will be provided according to the guidelines of the Public Employees Insurance Agency.

Disciplinary actions shall be in accordance with the disciplinary procedures outlined in *File: 8-24 Employee Suspension and Dismissal*. When an offense is of a magnitude to warrant it, an employee may be suspended without pay or may be dismissed from employment. Suspension may be effective immediately, and a recommendation for dismissal may ensue. In all cases, action shall be taken within ten workdays of knowledge of the offense.

Tobacco

The use or possession of tobacco products by any person less than eighteen years of age is prohibited by state law. In addition, State Board of Education Policy forbids the use of tobacco products in any part of a school building or school grounds, county owned vehicles, or other facilities used for school related activities.

(WVC §16-9A-4; SBP 2422.5A; 4372)

Employees who deliberately violate tobacco regulations are subject to disciplinary action up to and including dismissal.

- ❖ A first offense shall result in a one-day suspension from duty without pay. A conference will be held with the immediate supervisor in which the offending employee will be advised of the remedial programs available to treat this problem. Further, the offending employee will be advised of the consequences of subsequent offenses.
- ❖ A second offense shall result in a 10 day suspension from duty without pay. The employee will once again be advised of remedial programs available to assist him/her in correcting the problem and will be encouraged to take advantage of treatment available.
- ❖ A third offense shall result in a recommendation by the Superintendent to the Board for termination of the employee for willful insubordination.
- ❖ Charges will be filed with Magistrate's Court under §16-9A-4.

Any employee who desires it will be provided an opportunity to participate in a voluntary cessation education and support program which addresses the physical, psychological and social issues associated with nicotine addiction. S/he will be provided ongoing support and reinforcement necessary for desired behavioral change.

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R 11-18-6 Enforcement Provisions for Members of the Public

Individuals or groups using any facility, grounds, or property of the Preston County Board of Education shall sign statements with the Board of Education agreeing to comply with these regulations and to inform students, parents, and spectators that they remain in force on evenings, weekends, and other times even when school is not in session. Spectators and patrons who attend activities sponsored by the school system shall also abide by the provisions of this policy. Individuals or groups who violate the provisions of this policy shall be requested to stop use or leave the premises.

In some cases, they may be denied further access to school activities. Law enforcement officials will be notified, as appropriate.

R 11-18-7 Policy Review

File: 11-18 Substance Abuse and Tobacco Control shall be reviewed every two years, and appropriate modifications will be made as required by the State Board of Education. A copy of the county regulations will be submitted to the office of Student Services and Assessment in the West Virginia Department of Education for approval.

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Adopted: March 8, 2004
Amended/Revised: August 9, 2010