

PERSONNEL

Use of Alcohol/Drugs and Tobacco P 5-24**A. On School Board Property**

The illegal use, possession of, or sale of alcohol, narcotics, hallucinogens, depressants, stimulants or marijuana on school board property shall be grounds for suspension or termination of employment. The use of tobacco products in any form within school buildings is prohibited at all times. The use of tobacco products in any form on school board property during school operating hours shall be grounds for discipline, including possible suspension or termination of employment.

B. Off School Board Property

The use of alcohol, narcotics, hallucinogens, depressants, stimulants or marijuana off school board property which affects an employee's ability to perform his or her duties, or which generates publicity or circumstances which adversely affect the school division or its employees, shall be grounds for discipline, including possible suspension or termination.

Legal Reference: (1994) *1994 amendments to 15.1-291.2 show in italics.*

Code of Va., § 4-78.1. Drinking or possession of alcoholic beverages in public schools or on school grounds.--"If any person in or upon the grounds of any free public elementary or secondary school, during school hours or school or student activities, shall take a drink of any alcoholic beverage or have in his possession any alcoholic beverage, he shall be guilty of a misdemeanor punishable by confinement in jail for not more than six months and a fine of not more than \$500, either or both." (1982)

Code of Va., § 4-112.4. Drinking or possession of beverages in public schools or on public school grounds.--"If any person, in or upon the grounds of any free public elementary or secondary school, during school hours or during school or student activities, shall take a drink of any beverage as defined in this chapter, or have in his possession any such beverage, he shall be guilty of a misdemeanor punishable by confinement in jail for not more than six months and a fine of not more than \$500, either or both." (1982)

Code of Va., § 18.2-255.2. Prohibiting the sale of drugs on or near certain properties.--
"A. It shall be unlawful for any person to manufacture, sell or distribute or possess with intent to sell, give or distribute any controlled substances, imitation controlled substance or marijuana at any time (i) intent upon the property, including buildings and grounds, of any public, private or parochial elementary, middle or high school; (ii) upon public property or any property open to public use within 1,000 feet of such school property; or (iii) while on any school bus as defined in § 46.2-100.

B. Violation of this section shall constitute a separate and distinct felony. Any person violating the provisions of this section shall, upon conviction, be imprisoned for a term of

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not less than one year nor more than five years and fined not more than \$100,000. However, if such person proves that he sold such controlled substance or marijuana only as an accommodation to another individual and not with intent to profit thereby from any consideration received or expected nor to induce the recipient or intended recipient of the controlled substance or marijuana to use or become addicted to or dependent upon such controlled substance or marijuana, he shall be guilty of a Class 1 misdemeanor.

C. If a person commits an act violating the provisions of this section, and the same act also violates another provision of law that provides for penalties greater than those provided by this section, then nothing in this section shall prohibit or bar any prosecution or proceeding under that other provision of law or the imposition of any penalties provided for thereby." (1990)

Code of Va., § 15.1-291.1. Definitions.--"As used in this chapter unless the context requires a different meaning: . . .

'Education facility' means any building used for instruction of enrolled students, including, but not limited to, any day-care center, nursery school, public or private school, college, university, medical school, law school, or vocational school

'Smoke' or "smoking" means the carrying or holding of any lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting, inhaling or exhaling of smoke from a pipe, cigar, or cigarette of any kind" (1994)

Code of Va., § 15.1-291.2. Statewide regulation of smoking.--". . . B. Smoking shall be prohibited in (i) elevators, regardless of capacity; except in any open material hoist elevator, not intended for use by the public; (ii) public school buses; (iii) *the interior of common areas in any public elementary, intermediate, and secondary school; provided, however, that smoking may be allowed by a local school division in a designated area which is not a common area, including but not limited to, a classroom, library, hallway, restroom, cafeteria, gymnasium after regular school hours so long as all student activities in the building have been concluded,* (iv) hospital emergency rooms; (v) local or district health departments; (vi) polling rooms; and (vii) indoor service lines and cashier lines. . . .

D. The proprietor or other person in charge of any educational facilities, except any public elementary, intermediate, or secondary school, health care facility, or a retail establishment of 15,000 square feet or more serving the general public, including, but not limited to, department stores, grocery stores, drug stores, clothing stores, and shoe stores, shall designate reasonable no-smoking areas, considering the nature of the use and the size of the building.

E. The proprietor or other person in charge of a space subject to the provisions of this

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chapter shall post signs stating 'Smoking Permitted' or 'No smoking' and in restaurants signs conspicuous to ordinary public view at or near each public entrance stating 'No Smoking Section Available.' Any person failing to post such signs may be subject to a civil penalty of not more than twenty-five dollars.

F. No person shall smoke in a designated no-smoking area and any person who continues to smoke in such area after having been asked to refrain from smoking may be subject to a civil penalty of not more than twenty-five dollars." (1996)

Adopted by School Board: June 19, 1973

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Revised by School Board: June 15, 1993