

### **Use of Tobacco, Alcohol or Drugs**

Student substance abuse, possession, use, distribution or sale of tobacco products or inhalant delivery systems, alcohol or unlawful drugs, including drug paraphernalia or any substance purported to be an unlawful drug, on or near any public charter school grounds, including parking lots, or while participating in public charter school-sponsored activities is prohibited and will result in disciplinary action. If possession, use, distribution or sale occurred near public charter school grounds, disciplinary action may include removal from any or all extracurricular activities and/or denial or forfeiture of any school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.). If possession, use, distribution or sale occurred on public charter school grounds, at public charter school-sponsored activities or otherwise while the student was under the jurisdiction of the public charter school, students will be subject to discipline up to and including expulsion. Denial and/or removal from any or all extracurricular activities and/or forfeiture of any school honors or privileges may also be imposed. A student may be referred to law enforcement officials. Parents will be notified of all violations involving their student and subsequent action taken by the school.

A referral to community resources and/or cessation programs designed to help the student overcome tobacco product, inhalant delivery system, alcohol or unlawful drug use may also be made. The cost of such programs are the individual responsibility of the parent and the private health-care system.

Clothing, bags, hats and other personal items used to display, promote or advertise tobacco products, inhalant delivery systems, alcohol or unlawful drugs are prohibited on all public charter school grounds, including parking lots, at public charter school-sponsored activities and in public charter school vehicles.

Any person under age 18 possessing a tobacco or inhalant delivery system product is in violation of state law and is subject to a court-imposed fine.

Any person who distributes, sells or allows to be sold, tobacco products or any substance sold for the purpose of being smoked, vaporized or aerosolized, in any form, a tobacco-burning or inhalant delivery system device, to a person under 18 years of age is in violation of state law and is subject to a court-imposed fine.

An “unlawful drug” is any drug as defined by the Controlled Substances Act including, but not limited to, marijuana, cocaine, opiates, amphetamines and phencyclidine (PCP). As used in this policy, an “unlawful drug” also means possession, use, sale or supply of prescription and nonprescription drugs in violation of Board policy and any accompanying administrative regulations.

Unlawful delivery of a controlled substance to a student or minor within 1,000 feet of school property is a Class A felony, as provided by ORS 475.904.

END OF POLICY

**Legal Reference(s):**

[ORS 153.018](#)  
[ORS 161.605](#)  
[ORS 161.625](#)  
[ORS 163.575](#)  
[ORS 167.400](#)  
[ORS 336.067](#)  
[ORS 336.222](#)  
[ORS 336.227](#)  
[ORS 338.115\(a\)\(w\)](#)

[ORS 339.240](#)  
[ORS 339.250](#)  
[ORS 339.883](#)  
[ORS 431.840](#)  
[ORS 431.845](#)  
[ORS 433.835 to -433.990](#)  
[ORS Chapter 475](#)  
  
[OAR 581-021-0050 to -0075](#)

[OAR 581-021-0110](#)  
[OAR 581-022-0413](#)  
[OAR 581-053-0230\(9\)\(s\)](#)  
[OAR 581-053-0330\(1\)\(m\)-\(o\)](#)  
[OAR 581-053-0430\(12\)-\(14\)](#)  
[OAR 581-053-0531\(11\)-\(13\)](#)  
[OAR 581-053-0630](#)  
[OAR 584-020-0040](#)

Controlled Substances Act, 21 U.S.C. § 812; Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11 - 1308.15 (2006).  
Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2006).  
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).