

**Malheur Education
Service District**

Code: **JFCI**
Adopted: 9/20/05
Readopted: 7/15/14
Orig. Code(s): JFCI

Substance/Drug Abuse**

Substance abuse or the possession, use, sale or supply of any unlawful drug, including drug paraphernalia, or any substance purported to be an unlawful drug on or near the ESD premises or at any ESD-sponsored programs and activities is prohibited.

The following definitions apply to this policy:

“Substance abuse” means the use of any substance with abuse potential which is toxic, corrosive, an irritant, a strong sensitizer, flammable, combustible, generates or is used to generate pressure, if such substance or mixture of substances is used in a manner that may cause substantial personal injury or severe illness when induced by any means into the human body.

“Unlawful drug” means 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, unlawful drug also means possession, use, sale or supply of prescription and nonprescription drugs in violation of Board policy JHCD - Administering Noninjectable Medicines to Students, JHCDA - Administering Injectable Medicine to Students and any accompanying administrative regulations.

“Drug paraphernalia” means all equipment, products and materials of any kind which are marketed for the use or designed for the use in manufacturing, compounding, producing, processing, preparing, analyzing, packaging, storing, containing, concealing, injecting, ingesting, inhaling or otherwise inducing a controlled substance or intoxicant into the human body.

If possession or use occurred on ESD grounds or while participating in ESD-sponsored programs or activities, students will be subject to discipline up to and including expulsion. If possession or use occurred near ESD grounds, disciplinary action may include removal from any or all extracurricular activities and forfeiture of any school honors or privileges. Appropriate health and law enforcement agencies may be involved in at least a consultative and investigative capacity. Parents will be notified. Unlawful delivery of a controlled substance to a student or minor within 1,000 feet of ESD property is a Class A felony, as provided by ORS 475.999.

END OF POLICY

Legal Reference(s):

[ORS 161.605](#)
[ORS 161.625](#)
[ORS 334.125\(7\)](#)
[ORS 336.067](#)
[ORS 336.222](#)
[ORS 336.227](#)
[ORS 339.240](#)

[ORS 339.250](#)
[ORS Chapter 475](#)

[OAR 581-021-0050 to -0075](#)
[OAR 581-021-0110](#)
[OAR 581-022-0413](#)

[OAR 581-053-0230\(9\)\(s\),\(t\)](#)
[OAR 581-053-0330\(1\)\(n\),\(o\)](#)
[OAR 581-053-0430\(13\),\(14\)](#)
[OAR 581-053-0531\(12\),\(13\)](#)
[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).
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2006).

Cross Reference(s):

JFCH - Alcohol