

**Prohibited Use, Possession, Distribution or Sale of Tobacco
Products and Inhalant Delivery Systems****

The Board recognizes its responsibility to promote the health, welfare and safety of students, staff and others on MESD property and at MESD-sponsored activities. The Board wishes to establish a school and working environment that is free of smoke, aerosols and vapors containing inhalants. Student possession, use, distribution or sale of tobacco products or inhalant delivery systems, including any smoking or use of an inhalant delivery device, on MESD premises, at MESD-sponsored activities on or off MESD premises, in MESD-owned, rented or leased vehicles on all MESD grounds, including parking lots, or otherwise, while a student is under the jurisdiction of the MESD, is prohibited.

Use, distribution or sale of tobacco products or inhalant delivery systems by staff on MESD property, including parking lots, at MESD-sponsored events, in MESD-owned, rented or leased vehicles or otherwise, while on duty on or off MESD premises is prohibited. Use, distribution or sale of tobacco products or inhalant delivery systems by others on MESD property, in MESD vehicles or at MESD-sponsored events, on or off MESD premises, on all MESD grounds, including parking lots, is prohibited. Staff and/or all others authorized to use any private vehicle to transport MESD students to MESD-sponsored activities are prohibited from using tobacco products or inhalant delivery systems in those vehicles while students are under their care. Violation(s) of this policy shall result in discipline, up to and including dismissal.

For the purpose of this policy, “tobacco products” is defined to include, but not limited to, any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, spit tobacco, also known as smokeless, dip, chew or snuff, in any form. This does not include USFDA-approved tobacco products or other therapy products used for the purpose of cessation.

For the purpose of this policy, “inhalant delivery system” means a device that can be used to deliver nicotine or cannabinoids in the form of a vapor or aerosol to a person inhaling from the device or a component of a device; or a substance in any form sold for the purpose of being vaporized or aerosolized by a device whether the component or substance is sold or not sold separately. This does not include USFDA-approved tobacco products or therapy products used for the approved purpose.

Clothing, bags, hats and other personal items used by staff and students to display, promote or advertise tobacco or inhalant delivery system products are prohibited on all MESD grounds, including parking lots, at MESD-sponsored activities or in MESD vehicles. Advertising is prohibited in all MESD-sponsored publications in all MESD buildings, on MESD grounds, including parking lots and at all MESD-sponsored events. MESD acceptance of gifts or funds from the tobacco product or inhalant delivery system industries is similarly prohibited.

Student violations of this policy will lead to disciplinary action up to and including expulsion. Students may also be subject to removal from any or all extracurricular activities and/or denial or forfeiture of school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, field trips, senior trip, prom, etc.). School and/or community service may be required. A referral to law enforcement shall be made. Parents shall be notified of all violations involving their student and action taken by the MESD.

When considering disciplinary action for a child with disabilities, the MESD must follow the requirements of Board policy JGDA/JGEA - Discipline of Students with Disabilities, including those involving functional behavioral assessment, change of placement, manifestation determination, and an interim alternative educational setting.

Staff violations of this policy will lead to disciplinary action up to and including dismissal.

Violations by others will result in appropriate sanctions as determined and imposed by the superintendent or Board.

Information about community resources and/or cessation programs to help staff and students will be provided.

The MESD will promote cessation resources and other positive alternatives to discipline. Tobacco use cessation programs may be established at MESD schools. Attendance or completion of tobacco use cessation programs by students may be allowed as a substitute to, or as a part of student discipline for possession, use, distribution or sale of tobacco products or inhalant delivery systems at the discretion of the principal. Attendance at cessation programs not offered by the ESD is voluntary and related costs are the individual responsibility of the staff member, student and his/her parent and private health care system.

As part of the MESD's prevention activities, the superintendent shall ensure that tobacco use instructional programs as recommended by the Oregon Department of Human Services, Health Services, Tobacco Prevention and Education Program and the Oregon Department of Education, are an integral part of its drug and alcohol prevention curriculum. Programs must be integrated within the health education program and age- and developmentally-appropriate instruction provided at every level, pre-kindergarten through grade 12, with particular emphasis on grades 6 through 8. It is the expectation of the Board that prevention concepts will be integrated into the instruction of other subject areas as practicable.

Staff responsible for teaching tobacco use prevention will be encouraged to collaborate with agencies and groups that conduct tobacco use prevention education and to participate in ongoing professional development activities that provide basic knowledge about the effects of use of tobacco products, effective instructional techniques and program-specific activities.

The superintendent shall consult with local officials to promote enforcement of law that prohibits the use or possession of tobacco products or inhalant delivery systems by minors on or off MESD grounds.

This policy shall be enforced at all times. The superintendent will develop administrative regulations as necessary to implement this policy, including provisions for notification of the MESD's policy, through such means as student/parent and staff handbooks, newsletters, inclusion on school event programs, signs

at appropriate locations; disciplinary consequences; and procedures for filing and handling complaints about violations of the ESD's policy.

The superintendent shall ensure that the ESD's prevention program, policies, curricula, training and cessation programs are evaluated at regular intervals. The input of students, staff, parents and others from the community will be encouraged.

END OF POLICY

Legal Reference(s):

[ORS 167.400](#)

[ORS 334.125](#)

[ORS 336.222](#)

[ORS 336.227](#)

[ORS 339.240](#)

[ORS 339.250](#)

[ORS 339.883](#)

[ORS 431.840](#)

[ORS 433.835 - 433.990](#)

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

[OAR 581-021-0110](#)

[OAR 581-022-0413](#)

[OAR 581-053-0230\(9\)\(s\)](#)

[OAR 581-053-0330\(1\)\(m\)](#)

[OAR 581-053-0430\(12\)](#)

[OAR 581-053-0531\(11\)](#)

[OAR 581-053-0630](#)

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2006).

Cross Reference(s):

JFCG/KGC/GBK - Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems

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