

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

It is the public charter school’s obligation to protect the health, welfare and safety of students. To be consistent with Oregon law and the school’s curriculum, student possession, use, distribution or sale of tobacco products or inhalant delivery systems in any form on or off public charter school premises, at public charter school-sponsored activities, on all school grounds, including parking lots, in public charter school-owned, rented or leased vehicles or otherwise, or while a student is under the jurisdiction of the public charter school is prohibited.

The use, distribution or sale of tobacco products or inhalant delivery systems by staff and all others is prohibited on public charter school premises, in any building or facility, on school grounds, including parking lots, in any vehicle owned, rented or chartered by the school or school district and at all school-sponsored or district-sponsored activities.

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 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 other therapy products marked and sold solely for the approved purpose.

Violation of this policy will lead to appropriate disciplinary action up to and including expulsion for students. When considering disciplinary action for a student with disabilities, the public charter school 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. Community or school service may be required. A referral to law enforcement may be made. Parents will be notified of all violations involving their student and subsequent action taken by the public charter school. Information about cessation support and/or tobacco education programs and how students can access these programs will be provided. At the discretion of the public charter school administrator, attendance and completion of such programs or successful completion of a behavior modification plan, may be allowed as a substitute for, or as part of student discipline.

Violation of this policy by nonstudents may result in the individual's removal from public charter school property. The public charter school reserves the right to restrict access to public charter school property by individuals who are repeat offenders.

The public charter school administrator will develop guidelines as needed to implement this policy.

END OF POLICY

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**Legal Reference(s):**

<a href="#">ORS 167.400</a>	<a href="#">ORS 339.883</a>	<a href="#">OAR 581-021-0110</a>
<a href="#">ORS 336.222</a>	<a href="#">ORS 431.840</a>	<a href="#">OAR 581-053-0230(9)(s)</a>
<a href="#">ORS 336.227</a>	<a href="#">ORS 433.835 to -433.990</a>	<a href="#">OAR 581-053-0330(1)(m)</a>
<a href="#">ORS 338.115(w)</a>		<a href="#">OAR 581-053-0430(12)</a>
<a href="#">ORS 339.240</a>	<a href="#">OAR 581-021-0050 to -0075</a>	<a href="#">OAR 581-053-0531(11)</a>
<a href="#">ORS 339.250</a>	<a href="#">OAR 581-022-0413</a>	<a href="#">OAR 581-053-0630</a>

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

**Cross Reference(s):**

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