

Use of Tobacco, Alcohol or Drugs

Student possession or use of tobacco, alcohol or unlawful drugs, including drug paraphernalia or any substance purported to be an unlawful drug, on or near school grounds or while participating in school sponsored activities is prohibited and will result in disciplinary action. Disciplinary action may include loss of or removal from any or all extracurricular activities, forfeiture of any school honors or privileges (e.g., valedictorian, salutatorian, student body class or club office positions, senior trip, prom, etc.) and/ or expulsion. The student's parent(s) or legal guardian(s) will be notified of the incident and disciplinary action to be taken. If appropriate, the student will be referred to law enforcement officials.

The following definitions apply to this policy:

1. "Substance abuse" means the use of any substance with abuse potential which is toxic, corrosive, and 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;
2. "Unlawful drug" means any drug not prescribed by a licensed medical practitioner;
3. "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.

Any person under age 18 possessing a tobacco product commits a Class D violation and is subject to a court-imposed fine up to \$100, as provided by ORS 167.400.

Any person who distributes, sells or causes to be sold, tobacco in any form or a tobacco-burning device, to a person under 18 years of age commits a Class A violation and is subject to a court-imposed fine of not less than \$100 and not exceeding \$600, as provided by ORS 163.575.

Unlawful delivery of a controlled substance to a student or minor within 1,000 feet of school property is a Class A felony. Punishment is a maximum of 20 years of imprisonment, \$300,000 fine or both, as provided by ORS 475.999.

Violation of this policy will result in the following and shall involve proper law enforcement agencies:

1. FIRST OFFENSE:

TOBACCO - Three (3) day in-school suspension and no participation in or attendance at any school event for 30 days.

ALCOHOL AND/OR CONTROLLED SUBSTANCES - Ten (10) day in-school suspension and no participation in or attendance at any school event for 30 days.

- a. Referral to proper law enforcement agency.
- b. Notify and request an immediate conference with the parent/guardian of the student.

2. SECOND OFFENSE:

TOBACCO- Minimum five (5) days in-school suspension and no participation or attendance at any school event for 30 days. Maximum-Expulsion.

ALCOHOL AND/OR CONTROLLED SUBSTANCES - 30 day expulsion

- a. Referral to proper law enforcement agency.
- b. Notify and request an immediate conference with the parent/guardian of the student.
- c. Suspend the student pending an expulsion hearing.
- d. At the expulsion hearing, the student will be expelled for a minimum of 30 calendar days* from the date of the infraction.
- e. The student is suspended from athletic participation for the remainder of the current sports season and the next sports season if this is the second tobacco, drug, or alcohol offense within twelve months.

* Calendar days will exclude vacation days.

END OF POLICY

Legal Reference(s):

[ORS 153.018](#)
[ORS 161.605](#)
[ORS 161.625](#)
[ORS 163.575](#)
[ORS 167.400](#)
[ORS 332.107](#)
[ORS 336.067](#)
[ORS 336.222](#)

[ORS 336.227](#)
[ORS 339.240](#)
[ORS 339.250](#)
[ORS 339.865](#)
[ORS 431.840](#)
[ORS 431.845](#)
[ORS 433.835 - 433.990](#)
[ORS Chapter 475](#)

[OAR 581-021-0050 to -0075](#)
[OAR 581-021-0110](#)
[OAR 581-022-0413](#)
[OAR 581-053-0015](#)
[OAR 581-053-0545\(4\)\(c\)\(R\)-\(T\)](#)
[OAR 581-053-0550\(5\)\(q\)-\(s\)](#)
[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).