

Use of Tobacco, Alcohol or Drugs

Student substance abuse, 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. If possession or use occurred on school grounds or while participating in school sponsored activities, students will be subject to discipline up to and including expulsion. If possession or use occurred near school grounds, disciplinary action will include removal from any or all extracurricular activities and/or forfeiture of any school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, senior trip, prom, etc.) A student shall be referred to law enforcement officials. Parents will be notified.

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.

An unlawful drug is any drug not prescribed by a licensed medical practitioner. 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, 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 Medicines to Students 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. Punishment is a maximum of 20 years of imprisonment, \$300,000 fine or both as provided by ORS 475.999

END OF POLICY

Legal Reference(s):

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| ORS 153.018 | OAR 581-021-0050 to -0075 |
| ORS 161.605 | OAR 581-021-0110 |
| ORS 161.625 | OAR 581-022-0413 |
| ORS 163.575 | OAR 581-053-0015 |
| ORS 167.400 | OAR 581-053-0545(4)(c)(R)-(T) |
| ORS 332.107 | OAR 581-053-0550(5)(q)-(s) |
| ORS 336.067 | OAR 584-020-0040 |
| 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 | |

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).