

**Willamette Education
Service District**

Code: **JFCG/JFCH/JFCI**
Adopted: 7/8/03
Readopted: 3/8/05; 7/13/10
Orig. Code(s): None

Use of Tobacco, Alcohol, or Drugs

Student substance abuse, possession, use, distribution, or sale of tobacco, alcohol, or unlawful drugs, including drug paraphernalia, or any substance purported to be an unlawful drug, on or near ESD grounds, or while participating in ESD-sponsored activities is prohibited and will result in disciplinary action.

If possession, use, distribution, or sale occurs near ESD grounds, disciplinary action may include removal from any or all extracurricular activities and/or denial or forfeiture of any school honors or privileges. If possession, use, distribution, or sale occurs on ESD grounds, at ESD-sponsored activities, or otherwise while the student is under the jurisdiction of the ESD, students will be subject to discipline, up to and including expulsion. Denial and/or removal from any or all extracurricular activities and/or forfeiture of any ESD honors or privileges may also be imposed. A student may also be referred to law enforcement officials. Parents will be notified.

A referral to community resources and/or cessation programs designed to help the student overcome any tobacco, alcohol, or unlawful drug use may also be made. The cost of such programs is the individual responsibility of the parent and the private health care system. Parents will be notified of all violations involving their student and subsequent action(s) taken by the ESD.

Clothing, bags, hats, and other personal items used to display, promote, or advertise tobacco, alcohol, or unlawful drugs are prohibited on ESD grounds, at ESD-sponsored activities, and in ESD vehicles.

Any person under age 18 possessing a tobacco product commits a Class D violation and is subject to a court-imposed fine 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 of any kind, to a person under 18 years of age commits a Class A violation and is subject to a court-imposed fine as provided by ORS 163.575.

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 ESD property is a Class A felony as provided by ORS 475.999.

END OF POLICY

Legal Reference(s):

[ORS 153.018](#)

[ORS 161.605](#)

[ORS 161.625](#)

[ORS 163.575](#)

[ORS 167.400](#)

[ORS 334.125\(7\)](#)

[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).