

**Linn Benton Lincoln  
Education Service District**

Code: **JFCH/JFCI/JFCG**  
Adopted: 6/12/2018

**Use of Tobacco Products, Alcohol, Drugs or Inhalant Delivery Systems\*\***

**Definitions:**

1. 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).
2. Substance Abuse refers to situations when a student used a tobacco product, inhalant delivery system, alcohol or an unlawful drug and then came to the ESD premises, or an ESD sponsored event under the influence.
3. Unlawful drug use means possession, use, sale or supply of prescription and nonprescription drugs in violation of Board policy and any accompanying administrative regulation.

Student substance abuse, possession, use, distribution or sale of tobacco products, inhalant delivery systems, alcohol or unlawful drugs, including drug paraphernalia or any substance purported to be an unlawful drug, on or near any ESD grounds, including parking lots, or while participating in ESD-sponsored programs and activities is prohibited and will result in disciplinary action. If possession or use occurred on ESD grounds or while participating in ESD-sponsored programs and activities, students will be subject to discipline up to and including expulsion. If possession or use occurred near ESD grounds, disciplinary action may include removal from any or all extracurricular activities and forfeiture of any school honors or privileges. A student may be referred to law enforcement officials. Parents will be notified.

Clothing, bags, hats and other personal items used to display, promote or advertise tobacco products, inhalant delivery systems, alcohol or unlawful drugs are prohibited on all ESD grounds, including parking lots, at ESD-sponsored activities and in ESD vehicles.

Any person under age 21 possessing a tobacco product or inhalant delivery system on ESD property, in an ESD facility or while attending an ESD-sponsored activity is in violation of state law and is subject to a court-imposed fine.

Any person who distributes, sells or allows to be sold, tobacco products or any substance sold for the purpose of being smoked, vaporized or aerosolized, in any form, a tobacco-burning or inhalant delivery system device, to a person under 21 years of age is in violation of state law and is subject to a court-imposed fine.

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 Oregon Revised Statute (ORS) 475.904.

\*\*As used in this policy the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005(4) and 125.300-125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining

residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000.

END OF POLICY

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**Legal Reference(s):**

<a href="#">ORS 153.018</a>	<a href="#">ORS 339.883</a>	<a href="#">OAR 581-053-0230(9)(s)</a>
<a href="#">ORS 161.605</a>	<a href="#">ORS 431.840</a>	<a href="#">OAR 581-053-0330(1)(m)-(o)</a>
<a href="#">ORS 161.625</a>	<a href="#">ORS 431.845</a>	<a href="#">OAR 581-053-0430(12)-(14)</a>
<a href="#">ORS 163.575</a>	<a href="#">ORS 431A.175</a>	<a href="#">OAR 581-053-0531(11)-(13)</a>
<a href="#">ORS 334.125(7)</a>	<a href="#">ORS 433.835 to -433.990</a>	<a href="#">OAR 581-053-0630</a>
<a href="#">ORS 336.067</a>	<a href="#">ORS Chapter 475</a>	<a href="#">OAR 584-020-0040</a>
<a href="#">ORS 336.222</a>		
<a href="#">ORS 336.227</a>	<a href="#">OAR 581-021-0050 to -0075</a>	SB 754 (2017)
<a href="#">ORS 339.240</a>	<a href="#">OAR 581-021-0110</a>	
<a href="#">ORS 339.250</a>	<a href="#">OAR 581-022-2045</a>	

Controlled Substances Act, 21 U.S.C. § 812 (2017); Schedules of Controlled Substances, 21 C.F.R. §§ 1308.11-1308.15 (2017).  
Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2017).  
Safe and Drug-Free Schools and Communities Act, 20 U.S.C. §§ 7101-7117 (2017).