

# Oregon School Boards Association Selected Sample Policy

Code: JFCG/KGC/GBK  
Adopted:

yes

## Prohibited Use, Possession, Distribution or Sale of Tobacco Products and Inhalant Delivery Systems (Version 2)

The Board recognizes its responsibility to promote the health, welfare and safety of students, staff and others on district property and at school-sponsored activities. The Board wishes to establish a school and working environment that is free of smoke, aerosols and vapors containing inhalants. Student possession, use, distribution or sale of tobacco products or inhalant delivery systems, including any smoking or use of an inhalant delivery device, on district premises, at school-sponsored activities on or off district premises, in district-owned, rented or leased vehicles, on all district grounds, including parking lots or otherwise, while a student is under the jurisdiction of the district, is prohibited.

The Use, distribution or sale of tobacco products or inhalant delivery systems by staff on district property, including parking lots, at district-sponsored events, in district-owned, rented or leased vehicles or otherwise while on duty on or off district premises is prohibited. Use, distribution or sale of tobacco products or inhalant delivery systems by all others on district property, in district vehicles or at district-sponsored events, on or off district premises, on all district grounds, including parking lots, is prohibited. Staff and/or all others authorized to use any private vehicle to transport district students to school-sponsored activities are prohibited from using tobacco products or inhalant delivery systems in those vehicles while students are under their care.

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 products that are USFDA-approved for sale as a tobacco cessation products or other therapy products used for the purpose of cessation or for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

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 products that are USFDA-approved for sale as a tobacco cessation products or other therapy products for any other therapeutic purpose, if marketed and sold solely for the approved purpose.

Clothing, bags, hats and other personal items used by staff and students to display, promote or advertise tobacco products or inhalant delivery systems products are prohibited on all district grounds, including parking lots, at school-sponsored activities or in district vehicles. Advertising is prohibited in all district- or school-sponsored publications, in all school buildings, on district grounds, including parking lots, and at all school-sponsored events. District acceptance of gifts or funds from the tobacco products and inhalant delivery system industries is similarly prohibited. [The district will not contract with other public or private alternative schools that allows student the use of tobacco products or inhalant delivery systems on campus.]

~~Student violations of this policy will lead to disciplinary action up to and including expulsion. Students may also be subject to removal from any or all extracurricular activities and/or denial or forfeiture of school honors or privileges (e.g., valedictorian, salutatorian, student body, class or club office positions, field trips, senior trip, prom, etc.). School and/or community service may be required. A referral to law enforcement [may] [shall] be made. Parents shall be notified of all violations involving their student and action taken by the school.~~

~~When considering disciplinary action for a child with disabilities, the district 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.~~

~~Staff violations of this policy will lead to disciplinary action up to and including dismissal.~~

~~Violations by all others will result in appropriate sanctions as determined and imposed by the superintendent or the Board.~~

~~Information about community resources and/or cessation programs to help staff and students [will] [may] be provided.~~

~~The district will promote cessation resources and other positive alternatives to discipline. Tobacco use cessation programs may be established at district schools. Attendance or completion of tobacco use cessation programs by students may be allowed as a substitute to, or as a part of student discipline for possession, use, distribution or sale of tobacco products or inhalant delivery systems at the discretion of the principal. Attendance at cessation programs not offered by the district is voluntary and related costs are the individual responsibility of the staff member, student and his/her parent and private health care system.~~

~~As part of the district's tobacco use prevention activities, the superintendent shall ensure that tobacco use instructional programs as recommended by the Oregon Health Authority, Public Health Division, Tobacco Prevention and Education Program and the Oregon Department of Education, are an integral part of its drug and alcohol prevention curriculum. Programs must be integrated within the health education program and age- and developmentally appropriate instruction provided at every level, pre-kindergarten through grade 12, with particular emphasis on grades 6 through 8. It is the expectation of the Board that prevention concepts will be integrated into the instruction of other subject areas as practicable.~~

~~Staff responsible for teaching prevention will be encouraged to collaborate with agencies and groups that conduct prevention education and to participate in ongoing professional development activities that provide basic knowledge about the effects of use of tobacco products, effective instructional techniques and program-specific activities.~~

~~The superintendent shall consult with local officials to promote enforcement of law that prohibits the use or possession of tobacco products or inhalant delivery systems by minors persons under 21 years of age on or off district grounds or at district-sponsored activities.~~

~~This policy shall be enforced at all times. The superintendent will develop administrative regulations guidelines as necessary to implement this policy, including provisions for notification of the district's~~

policy, through such means as ~~student/parent~~ and staff handbooks, newsletters, inclusion on school event programs, signs at appropriate locations; disciplinary consequences; and procedures for filing and handling complaints about violations of the district's policy.

~~The superintendent shall ensure that the district's prevention program, policies, curricula, training and cessation programs are evaluated at regular intervals. The input of students, staff, parents and others from the community will be encouraged.~~

END OF POLICY

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**Legal Reference(s):**

~~ORS 167.400~~  
~~ORS 332.107~~  
~~ORS 336.222~~  
~~ORS 336.227~~  
~~ORS 339.240~~  
~~ORS 339.250~~  
~~ORS 339.883~~

~~ORS 431.840~~  
~~ORS 431A.175~~  
~~ORS 433.835 to -433.990~~  
~~OAR 581-021-0050 to -0075~~  
~~OAR 581-021-0110~~  
~~OAR 581-022-2045~~

~~OAR 581-053-0015~~  
~~OAR 581-053-0230(9)(s)~~  
~~OAR 581-053-0330(1)(m)~~  
~~OAR 581-053-0430(12)~~  
~~OAR 581-053-0531(11)~~  
~~OAR 581-053-0630~~

Pro-Children Act of 1994, 20 U.S.C. §§ 6081-6084 (2006~~2017~~).