TOBACCO-FREE SCHOOLS POLICY RESOURCES

Resources and strategies to help Douglas County Schools develop, update, and implement comprehensive tobacco-free school policies

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Effects of Smoking

Smoking is the leading preventable cause of death in

the US

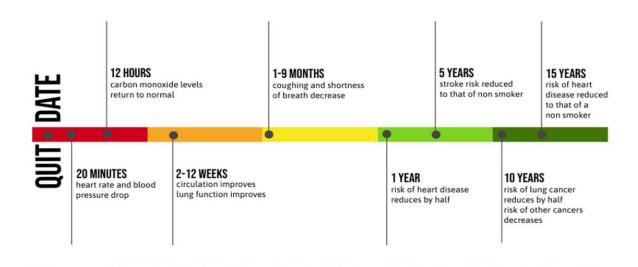
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Smoking harms nearly every organ of the body 03

Smoking shortens the average lifespan by 13-14 years 04

Cigarettes contain ~7,000 chemicals, over 70 can cause cancer

WHAT HAPPENS WHEN I QUIT?



TOBACCO and CANCER

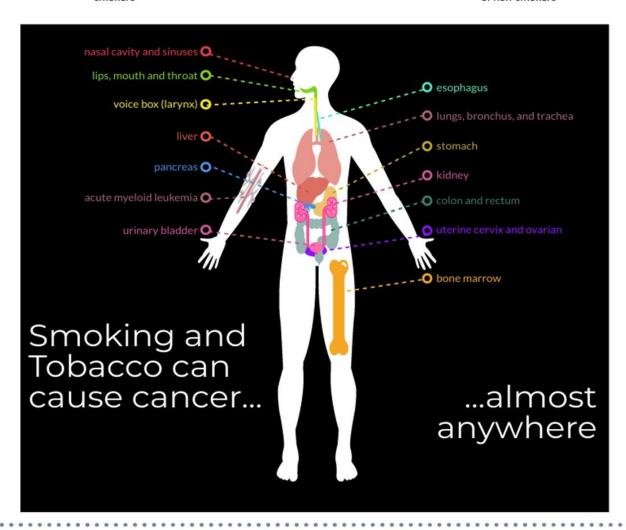


Smoking increases the risk of dying of lung cancer for men 23 times higher than of nonsmokers 33%

of cancer deaths are caused by smoking



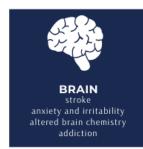
Smoking increases the risk of dying of lung cancer for women 13 times higher than of non-smokers



OTHER EFFECTS

OF TOBACCO

TOBACCO CAN CAUSE





EYES
cataracts
blindness
stinging and
excessive tearing





MOUTH sore throat impaired sense of taste bad breath



HAIR discoloration bad odor



NOSE reduced sense of smell chronic rhinosinusitis



EAR hearing loss ear infection







CHEST AND ABDOMEN peptic ulcers increased risk of breast cancer



arthritis



burn risk



HANDS poor circulation discoloration



SKIN psoriasis wrinkling early aging



LEGS AND FEET

leg pain gangrene deep vein thrombosis







DIABETES type 2 diabetes infections, ulcers, and amputation neuropathy



less sleep per night fatigue



cravings anger, frustration, irritability anxiety and depression dizziness and headaches

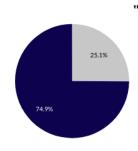


Douglas County Tobacco Use



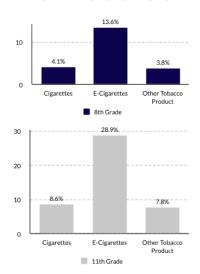


ADULTS TOBACCO USE

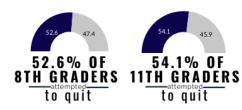


"25.1% of Adults in Douglas County smoke regularly. Over half of them started before they were 18"

YOUTH TOBACCO USE







- References:

 Oregon Health Authority. Behavioral Risk Factor Surveillance System, Annual, 2018
 Oregon Health Authority. Oregon Healthy Teens Survey 2019

Benefits for Tobacco-Free Policies in Schools

One hundred percent tobacco-free schools protect adolescents from the harmful effects of tobacco at school. The benefits of a smoke-free environment and positive role models for students are important, but there are many other reasons that a 100 percent Tobacco-Free School Policy benefits the entire school community.

1. One hundred percent tobacco-free schools provide positive role modeling by adult employees and visitors.

A 100 percent Tobacco-Free School Policy represents a firm commitment by school administration, teachers, and parents to prohibit tobacco use by students, employees, and visitors. Compliance with the 100 percent Tobacco-Free School Policy confirms this commitment and provides genuine opportunities for adults and peers to serve as role models by not using tobacco. A 2003 study found that students were more likely to smoke in a location where they saw other students and adults smoking. In addition, youth look to adults they respect, such as teachers and school staff, as role models. For these reasons, it is important that all school staff serve as positive role models for students and do not use any tobacco products in their presence.

2. Lessons learned in the classroom are reinforced with the 100 percent Tobacco-Free School Policy.

Educators consider tobacco-use prevention education to be an essential element of comprehensive school health programs. Curriculums often teach resistance skills to help adolescents learn to say no to offers of alcohol, tobacco, and other drugs. Coaches of athletic teams regularly prohibit tobacco use by team members. adolescents get a mixed message if they step outside their classrooms to view clusters of students and/or teachers using tobacco on school grounds. Schools that are not tobacco free send conflicting messages to students about tobacco use.

3. One hundred percent tobacco-free school districts provide a safe environment for students by reducing exposure to secondhand tobacco smoke.

Adolescents are especially sensitive to the effects of secondhand smoke, whether the smoke is indoors or outdoors, and even limited exposure can be harmful. Passing by an outdoor smoking area can trigger an asthma attack or worsen breathing problems for students with certain health conditions. As little as 30 minutes of exposure to secondhand smoke can affect coronary arteries of healthy, young nonsmokers. It causes acute and chronic respiratory disease, as well as ear and upper respiratory infections—all primary causes of school absences. These dangers do not meet the standard of a safe environment at school.

4. One hundred percent tobacco-free school policies protect adolescents from developing an addiction to a dangerous drug.

The U.S. Food and Drug Administration has classified nicotine, found in tobacco products, as a drug. School policies do not allow the use of other drugs, such as alcohol, marijuana, or cocaine on school grounds and at school-sponsored events. Why should an exception be made for nicotine and tobacco?

5. One hundred percent tobacco-free school policies comply with federal legislation prohibiting smoking inside school buildings.

The Pro Children Act of 1994 states: "No person shall permit smoking within any indoor facility utilized for services to kindergarten, elementary, or secondary education or library services to children." Children's services for routine health care or day care or early childhood development are also included. This applies to all schools and programs that are funded by the federal government or through state and local governments.

6. The 100 percent tobacco-free school model policy helps ensure compliance with state laws designed to limit access to tobacco by adolescents.

Existing state law prohibits the sale and distribution of tobacco products to people under age twenty-one. Schools can uphold the intent of the law to limit youth access to tobacco products by crafting policies that prohibit tobacco use by students, employees, and visitors at all times, in all school buildings, on all school grounds, and at all school-sponsored events. Additionally, schools can consistently enforce tobacco-use policies and can confiscate tobacco products and paraphernalia brought to school.

7. One hundred percent tobacco-free school policies prepare students for the reality of tobacco-free workplaces and communities.

One hundred percent tobacco-free school policies prepare students for an ever-increasingly tobacco-free world, where tobacco is prohibited in worksites, restaurants, airplanes, malls, and more. Employers are becoming more reluctant to hire smokers, due to increased absenteeism, health care costs, and possible disability. In a competitive job market and nonsmoking community environment, it is important that all students leave their school years without a smoking-related handicap.

8. One hundred percent tobacco-free school policies protect schools from the risk of future liability by prohibiting smoking on school premises.

Litigation related to tobacco addiction and exposure to environmental tobacco smoke is growing. Individuals have recovered damages in lawsuits because their employers failed to provide a safe, smokefree work environment. With the rise in the number of adolescents with asthma, there may be more cause for concern, particularly if an asthma attack or other respiratory problems are triggered because a child is exposed to tobacco smoke in a school setting.

9. Tobacco-free school reduces the risk of fires due to "smoking materials."

"Smoking material" fires are the leading cause of fire deaths in the United States. "Smoking materials" are lighted tobacco products, not lighters or matches. According to the National Fire Protection Association, almost 4,000 deaths were caused by fires in 2004. Lighted cigarettes can be easily tossed into school trash cans, especially in bathrooms, placing schools and school adolescents at increased risk of injury due to "smoking material" fires.

Relevant Oregon Revised Statutes

ORS 167.785 Possession of tobacco products or inhalant delivery systems by person under 18 years of age; penalty.

- (1) It is unlawful for a person under 18 years of age to possess tobacco products or inhalant delivery systems.
- (2) A person who violates this section commits a Class D violation. [Formerly 167.400]

ORS 167.755 Selling tobacco products or inhalant delivery systems to person under 21 years of age; penalties.

- (1) A person commits the offense of selling tobacco products or inhalant delivery systems to a person under 21 years of age upon the occurrence of one of the following:
- (a) The person knowingly distributes or sells, or allows to be sold, to a person under 21 years of age, tobacco products;
- (b) The person knowingly distributes or sells, or allows to be sold, to a person under 21 years of age, an inhalant delivery system;
- (c) If the person is a manager or other person who supervises the retail sale of tobacco products or inhalant delivery systems, the person is acting within the course and scope of the person's employment and the person has supervisory authority over a person who violates paragraph (a) or (b) of this subsection; or
- (d) If the person is an owner of a business that sells tobacco products or inhalant delivery systems at retail, a violation of paragraph
- (a) or (b) of this subsection occurs at the business.
- (2)(a) Violation of subsection (1)(a) or (b) of this section is a specific fine violation punishable by a fine not to exceed \$50.
- (b) Violation of subsection (1)(c) of this section is a specific fine violation punishable by a fine not to exceed:
- (A) \$250 for the first or second violation; or
- (B) \$500 for the third or subsequent violation.
- (c) Violation of subsection (1)(d) of this section is a specific fine violation punishable by a fine not to exceed:
- (A) \$500 for the first or second violation; or
- (B) \$1,000 for the third or subsequent violation. [2017 c.701 §2]

ORS 323.010 Definitions for ORS 323.005 to 323.482

As used in ORS 323.005 to 323.482, unless the context requires otherwise:

- (1) "Cigarette" means any product that contains nicotine, is intended to be burned or heated under ordinary conditions of use and consists of or contains:
- (a) Any roll of tobacco wrapped in paper or in any substance not containing tobacco;
- (b) Tobacco, in any form, that is functional in the product and that, because of its appearance, the type of tobacco used in the filler or its packaging and labeling, is likely to be offered to, or purchased by, consumers as a cigarette; or
- (c) Any roll of tobacco that is wrapped in any substance containing tobacco and that, because of its appearance, the type of tobacco used in the filler or its packaging and labeling, is likely to be

offered to, or purchased by, consumers as a cigarette described in paragraph (a) of this subsection.

- (2) "Cigarette activity in this state":
- (a) Means importing, storing or manufacturing cigarettes in this state, or exporting cigarettes out of this state, in order to sell the cigarettes either within or outside this state.
- (b) Does not include importing, storing, manufacturing or exporting of cigarettes that are to be consumed by the person doing the importing, storing, manufacturing or exporting.
- (3) "Contraband cigarettes" means cigarettes or packages of cigarettes:
- (a) That do not comply with the requirements of ORS 323.005 to 323.482 or 323.856 or the cigarette tax laws of another state or the federal government;
- (b) That bear trademarks that are counterfeit under ORS 647.135 or other state or federal trademark laws; or
- (c) That have been sold, offered for sale or possessed for sale in this state in violation of ORS 180.440.
- (4) "Department" means the Department of Revenue.
- (5) "Dealer" includes every person, other than a manufacturer or a person holding a distributor's license, who engages in this state in the sale of cigarettes.
- (6) "Exporting" means the act of carrying or conveying goods from a point of manufacture or storage in this state to a location outside this state and may be further defined by the department by rule.
- (7) "Importing" means the act of bringing goods to a point of storage in this state from a location outside this state and may be further defined by the department by rule.
- (8) "In this state" means within the exterior limits of the State of Oregon and includes all territory within these limits owned by or ceded to the United States of America.
- (9) "Manufacturer" means any person who makes, manufactures or fabricates cigarettes for sale.
- (10) "Package" means the individual package, box or other container in which retail sales or gifts of cigarettes are normally made or intended to be made.
- (11) "Person" includes any individual, firm, co-partnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, receiver, trustee, syndicate, this state, any county, municipality, district or other political subdivision of the state, or any other group or combination acting as a unit.
- (12) "Sale" includes any transfer of title or possession for a consideration, exchange or barter, in any manner or by any means whatsoever, but does not include the sale of cigarettes by a manufacturer to a distributor.
- (13) "Taxpayer" means a distributor or other person required to pay a tax under ORS 323.005 to 323.482, and includes a distributor required to prepay a tax under ORS 323.068.
- (14) "Transporter" means any person importing or transporting into this state, or transporting in this state, cigarettes obtained from a source located outside this state, or from any person not licensed as a distributor under ORS 323.005 to 323.482. It does not include a licensed distributor, a common carrier to whom is issued a certificate or permit by the United States Surface Transportation Board to carry commodities in interstate commerce, or to a carrier of federal tax-free cigarettes in bond, or any person transporting no more than 199 cigarettes at any one time.
- (15) "Untaxed cigarette" means any cigarette that has not yet been distributed in such manner as to result in a tax liability under ORS 323.005 to 323.482.

- (16) "Use or consumption" includes the exercise of any right or power over cigarettes incident to the ownership thereof, other than the sale of the cigarettes or the keeping or retention thereof for the purpose of sale.
- (17) "Wholesaler" means any dealer who engages in the sale of cigarettes to any other dealer for purposes other than use or consumption. [1965 c.525 §§3,4,5,9,10,12,13,14,15,16,17; subsection (12) enacted as 1967 c.193 §2; 2001 c.5 §1; 2003 c.804 §§1,1a]

ORS 323.500 Definitions

As used in ORS 323.500 to 323.645, unless the context otherwise requires:

- (1) "Business" means any trade, occupation, activity or enterprise engaged in for the purpose of selling or distributing tobacco products in this state.
- (2) "Cigar" means a roll for smoking that is of any size or shape and that is made wholly or in part of tobacco, irrespective of whether the tobacco is pure or flavored, adulterated or mixed with any other ingredient, if the roll has a wrapper made wholly or in greater part of tobacco and if 1,000 of these rolls collectively weigh more than three pounds. "Cigar" does not include a cigarette, as defined in ORS 323.010.
- (3) "Consumer" means any person who purchases tobacco products in this state for the person's use or consumption or for any purpose other than for reselling the tobacco products to another person.
- (4) "Contraband tobacco products" means tobacco products or packages containing tobacco products:
- (a) That do not comply with the requirements of ORS 323.500 to 323.645;
- (b) That do not comply with the requirements of the tobacco products tax laws of the federal government or of other states;
- (c) That bear trademarks that are counterfeit under ORS 647.135 or other state or federal trademark laws; or
- (d) That have been sold, offered for sale or possessed for sale in this state in violation of ORS 180.486.
- (5) "Department" means the Department of Revenue.
- (6) "Distribute" means:
- (a) Bringing, or causing to be brought, into this state from without this state tobacco products for sale, storage, use or consumption;
- (b) Making, manufacturing or fabricating tobacco products in this state for sale, storage, use or consumption in this state;
- (c) Shipping or transporting tobacco products to retail dealers in this state, to be sold, stored, used or consumed by those retail dealers;
- (d) Storing untaxed tobacco products in this state that are intended to be for sale, use or consumption in this state;
- (e) Selling untaxed tobacco products in this state; or
- (f) As a consumer, being in possession of untaxed tobacco products in this state.
- (7) "Distributor" means:
- (a) Any person engaged in the business of selling tobacco products in this state who brings, or causes to be brought, into this state from without the state any tobacco products for sale;
- (b) Any person who makes, manufactures or fabricates tobacco products in this state for sale in this state;

- (c) Any person engaged in the business of selling tobacco products without this state who ships or transports tobacco products to retail dealers in this state, to be sold by those retail dealers;
- (d) Any person, including a retail dealer, who sells untaxed tobacco products in this state; or
- (e) A consumer in possession of untaxed tobacco products in this state.
- (8) "Manufacturer" means a person who manufactures tobacco products for sale.
- (9) "Moist snuff" means:
- (a) Any finely cut, ground or powdered tobacco that is not intended to be smoked or placed in a nasal cavity; or
- (b) Any other product containing tobacco that is intended or expected to be consumed without being combusted.
- (10) "Place of business" means any place where tobacco products are sold or where tobacco products are manufactured, stored or kept for the purpose of sale or consumption, including any vessel, vehicle, airplane, train or vending machine.
- (11) "Retail dealer" means any person who is engaged in the business of selling or otherwise dispensing tobacco products to consumers. The term also includes the operators of or recipients of revenue from all places such as smoke shops, cigar stores and vending machines, where tobacco products are made or stored for ultimate sale to consumers.
- (12) "Sale" means any transfer, exchange or barter, in any manner or by any means, for a consideration, and includes and means all sales made by any person. It includes a gift by a person engaged in the business of selling tobacco products, for advertising, as a means of evading the provisions of ORS 323.500 to 323.645, or for any other purpose.
- (13) "Taxpayer" includes a distributor or other person required to pay a tax imposed under ORS 323.500 to 323.645.
- (14) "Tobacco products" means cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, moist snuff, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco and other kinds and forms of tobacco, prepared in such manner as to be suitable for chewing or smoking in a pipe or otherwise, or both for chewing and smoking, but shall not include cigarettes as defined in ORS 323.010.
- (15) "Untaxed tobacco products" means tobacco products for which the tax required under ORS 323.500 to 323.645 has not been paid.
- (16) "Wholesale sales price" means the price paid for untaxed tobacco products to or on behalf of a seller by a purchaser of the untaxed tobacco products. [1985 c.816 §15; 2001 c.982 §2; 2003 c.804 §31; 2009 c.717 §1]

ORS 336.222 District policy and plan; content.

In accordance with rules adopted by the State Board of Education in consultation with the Oregon Health Authority and the Alcohol and Drug Policy Commission, each district school board shall adopt a comprehensive alcohol and drug abuse policy and implementation plan, including but not limited to:

- (1) Alcohol and drug abuse prevention curriculum and public information programs addressing students, parents, teachers, administrators and school board members;
- (2) The nature and extent of the district's expectation of intervention with students who appear to have drug or alcohol abuse problems;
- (3) The extent of the district's alcohol and other drug prevention and intervention programs; and

(4) The district's strategy to gain access to federal funds available for drug abuse prevention programs. [1989 c.1076 §1; 2009 c.595 §208; 2011 c.673 §6]

ORS 339.240 Rules of student conduct, discipline, and rights; duties of state board and district school boards

- (1) The State Board of Education in accordance with ORS chapter 183 shall adopt rules setting minimum standards for pupil conduct and discipline and for rights and procedures pertaining thereto that are consistent with orderly operation of the educational processes and with fair hearing requirements. The rules shall be distributed by the Superintendent of Public Instruction to all school districts.
- (2) Every district school board shall adopt and attempt to give the widest possible distribution of copies of reasonable written rules regarding pupil conduct, discipline and rights and procedures pertaining thereto. Such rules must comply with minimum standards adopted by the State Board of Education under subsection (1) of this section.
- (3) Every district school board shall enforce consistently and fairly its written rules regarding pupil conduct, discipline and rights. This subsection does not apply to a pupil who is eligible for special education as a child with a disability under ORS 343.035. [1971 c.561 §\$2,3; 1993 c.45 §123; 1999 c.726 §1; 2007 c.70 §97]

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<u>ORS 339.250</u> Duty of student to comply with rules; policies on discipline, suspension, expulsion, threats of violence or harm, firearms and physical force, student handbook or code of conduct; enforcement of policies

- (1) Public school students shall comply with rules for the government of such schools, pursue the prescribed course of study, use the prescribed textbooks and submit to the teachers' authority.
- (2) Each district school board shall adopt written policies for the discipline, suspension or expulsion of any refractory student. The policies:
- (a) May allow discipline, suspension or expulsion for conduct that includes, but is not limited to:
- (A) Willful disobedience;
- (B) Open defiance of the authority of a school employee;
- (C) Possession or distribution of tobacco, alcohol, drugs or other controlled substances;
- (D) Use or display of profane or obscene language;
- (E) Willful damage or injury to school property;
- (F) Use of threats, intimidation, harassment or coercion against a student or a school employee;
- (G) Assault of a school employee or another student; or
- (H) Intentional attempts, by word or conduct, to place a school employee or another student in fear of imminent serious physical injury.
- (b) Must require consideration of the age of a student and the past pattern of behavior of a student prior to imposing the suspension or expulsion of a student.
- (c) Must limit the use of expulsion to the following circumstances:
- (A) For conduct that poses a threat to the health or safety of students or school employees;
- (B) When other strategies to change student conduct have been ineffective, except that expulsion may not be used to address truancy; or
- (C) When the expulsion is required by law.

- (d) In addition to any limitations imposed by paragraph (c) of this subsection, for a student who is in fifth grade or lower, must limit the use of out-of-school suspension or of expulsion to the following circumstances:
- (A) For nonaccidental conduct causing serious physical harm to a student or school employee;
- (B) When a school administrator determines, based upon the administrator's observation or upon a report from a school employee, that the student's conduct poses a direct threat to the health or safety of students or school employees; or
- (C) When the suspension or expulsion is required by law.
- (e) When an out-of-school suspension is imposed as provided under paragraph (d) of this subsection, must require the school district to take steps to prevent the recurrence of the behavior that led to the out-of-school suspension and return the student to a classroom setting so that the disruption of the student's academic instruction is minimized.
- (f) Must be limited so that:
- (A) The duration of an expulsion may not be more than one calendar year.
- (B) The duration of a suspension may not be more than 10 school days.
- (g) Notwithstanding ORS 336.010, may require a student to attend school during non-school hours as an alternative to suspension if the total number of hours does not exceed the equivalent of 10 school days.
- (3) Pursuant to the policies adopted as provided by subsection (2) of this section, each school district shall develop a student handbook, code of conduct or other document that:
- (a) Defines and helps create a learning environment that students respect;
- (b) Defines acceptable norms of behavior for students and the types of behavior that are subject to discipline;
- (c) Establishes procedures to address behavior or circumstances that pose a threat to the safety of students or employees of the school;
- (d) Establishes a system of consequences that are designed to correct student misconduct and promote behavior within acceptable norms; and
- (e) Makes the system of consequences known to the school community through the dissemination of information to students, parents, legal guardians and school district employees.
- (4) Each district school board shall adopt written policies on managing students who threaten violence or harm in public schools. The policies adopted by a district school board under this section shall include all of the following:
- (a) Staff reporting methods.
- (b) Provisions that allow an administrator to consider and implement any of the following options:
- (A) Immediately removing from the classroom setting any student who has threatened to injure another person or to severely damage school property.
- (B) Placing the student in a setting where the behavior will receive immediate attention, including, but not limited to, the office of the school principal, vice principal, assistant principal, counselor or a school psychologist licensed by the Teacher Standards and Practices Commission or the office of any licensed mental health professional.
- (C) Requiring that a school obtain an evaluation of a student by a licensed mental health professional before allowing the student to return to the classroom setting. A student who is removed from the classroom setting for an evaluation may not be removed for more than 10 school days unless the administrator is able to show good cause that an evaluation could not be completed in that time period. The policy must describe the circumstances under which the

district school board may enter into contracts with licensed mental health professionals to perform any evaluations required under this subparagraph.

- (c) The requirement that an administrator provide to the parent or legal guardian of the student notification that describes the student's behavior and the school's response.
- (d) A provision for the allocation of any funds necessary for the school district to implement the policies described in this subsection.
- (5) In establishing and enforcing discipline, suspension and expulsion policies, a district school board shall ensure that the policy is designed to:
- (a) Protect students and school employees from harm;
- (b) Provide opportunities for students to learn from their mistakes;
- (c) Foster positive learning communities;
- (d) Keep students in school and attending class;
- (e) Impose disciplinary sanctions without bias against students from a protected class, as defined in ORS 339.351;
- (f) Implement a graduated set of age-appropriate responses to misconduct that are fair, nondiscriminatory and proportionate in relation to each student's individual conduct;
- (g) Employ a range of strategies for prevention, intervention and discipline that take into account a student's developmental capacities and that are proportionate to the degree and severity of the student's misbehavior;
- (h) Propose, prior to a student's expulsion or leaving school, alternative programs of instruction or instruction combined with counseling for the student that are appropriate and accessible to the student in the following circumstances:
- (A) Following a second or subsequent occurrence within any three-year period of a severe disciplinary problem with the student; or
- (B) When a parent or legal guardian applies for the student's exemption from compulsory attendance on a semiannual basis as provided in ORS 339.030 (2);
- (i) To the extent practicable, use approaches that are shown through research to be effective in reducing student misbehavior and promoting safe and productive social behavior; and
- (j) Ensure that school conduct and discipline codes comply with all state and federal laws concerning the education of students with disabilities.
- (6) Except for policies adopted under subsection (7) of this section, any policies adopted under this section must provide for the dissemination of information about alternative programs of instruction or instruction combined with counseling, as described in subsection (5)(h) of this section, in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, unless the information has changed because of the availability of new programs.
- (7) Each district school board shall adopt a written policy involving firearms, as defined in 18 U.S.C. 921. The policy shall:
- (a) Require expulsion from school for a period of not less than one year of any student who is determined to have:
- (A) Brought a firearm to a school, to school property under the jurisdiction of the school district or to an activity under the jurisdiction of the school district;
- (B) Possessed, concealed or used a firearm in a school, on school property under the jurisdiction of the school district or at an activity under the jurisdiction of the school district; or
- (C) Brought to or possessed, concealed or used a firearm at an interscholastic activity administered by a voluntary organization.

- (b) Allow exceptions:
- (A) For courses, programs and activities approved by the school district that are conducted on school property, including, but not limited to, hunter safety courses, Reserve Officer Training Corps programs, firearm-related sports or firearm-related vocational courses; and
- (B) Identified by and adopted by the State Board of Education by rule.
- (c) Allow a superintendent of a school district to:
- (A) Modify the expulsion requirement for a student on a case-by-case basis.
- (B) Propose alternative programs of instruction or instruction combined with counseling for a student that are appropriate and accessible to the student. If alternative programs are appropriate for a student, the superintendent shall ensure that information about programs of instruction or instruction combined with counseling is provided in writing to the student and the parent, legal guardian or person in parental relationship with the student at least once every six months, or at any time the information changes because of the availability of new programs.
- (d) Require a referral to the appropriate law enforcement agency of any student who is expelled under this subsection.
- (e) Require an annual reporting to the Department of Education of the name of each school that had an expulsion under this subsection and the number of students expelled from each school.
- (8) Each district school board shall adopt and disseminate written policies for the use of physical force upon a student. The policies must allow an individual who is a teacher, administrator, school employee or school volunteer to use reasonable physical force upon a student when and to the extent the application of force is consistent with ORS 339.285 to 339.303.
- (9)(a) The authority to discipline a student does not authorize the infliction of corporal punishment. Every resolution, bylaw, rule, ordinance or other act of a district school board, a public charter school or the Department of Education that permits or authorizes the infliction of corporal punishment upon a student is void and unenforceable.
- (b) As used in this subsection:
- (A) "Corporal punishment" means the willful infliction of, or willfully causing the infliction of, physical pain on a student.
- (B) "Corporal punishment" does not include:
- (i) The use of physical force authorized by ORS 161.205 for the reasons specified therein; or
- (ii) Physical pain or discomfort resulting from or caused by participation in athletic competition or other such recreational activity, voluntarily engaged in by a student.
- (10) For purposes of this section, calculations of the number of school days that a student is removed from a classroom setting shall be as follows:
- (a) As a half day if the student is out of school for half, or less than half, of the scheduled school day; and
- (b) As a full day if the student is out of school for more than half of the scheduled school day. [1965 c.100 §289; 1971 c.561 §1; 1975 c.665 §1; 1979 c.739 §1a; 1979 c.836 §2; 1981 c.246 §2; 1989 c.619 §2; 1989 c.889 §1; 1995 c.656 §2; 1996 c.16 §2; 1999 c.59 §86; 1999 c.576 §1; 1999 c.717 §4; 2001 c.810 §7; 2011 c.313 §20; 2011 c.665 §\$8,9; 2013 c.133 §3; 2013 c.267 §\$3,5; 2015 c.237 §1; 2015 c.238 §1; 2019 c.267 §8]

ORS 339.883 Possession of tobacco products or inhalant delivery systems by person under 21 prohibited at certain facilities

(1) As used in this section:

- (a) "Facility" means a public or private school, college, community college, university, career school, technical education school, youth correction facility or juvenile detention facility.
- (b) "Inhalant delivery system" has the meaning given that term in ORS 431A.175.
- (c) "Tobacco products" has the meaning given that term in ORS 431A.175.
- (2) A facility shall not permit a person under 21 years of age to possess tobacco products or inhalant delivery systems while the person is present on facility grounds or in facility buildings or attending facility-sponsored activities.
- (3) A facility must have a written policy prohibiting the possession of tobacco products and inhalant delivery systems by persons under 21 years of age under the conditions described in subsection (2) of this section. The facility must have a written plan to implement the policy.
- (4) This section does not apply to a person for whom a tobacco or nicotine product or a substance to be used with an inhalant delivery system has been lawfully prescribed. [Formerly 339.865; 2009 c.94 §9; 2015 c.158 §22; 2017 c.701 §14]

ORS 431A.175 Definitions.

(a)(A) "Inhalant delivery system" means:

- (i) 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
- (ii) A component of a device described in this subparagraph or a substance in any form sold for the purpose of being vaporized or aerosolized by a device described in this subparagraph, whether the component or substance is sold separately or is not sold separately.
- (B) "Inhalant delivery system" does not include:
- (i) Any product that has been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose, if the product is marketed and sold solely for the approved purpose; and
- (ii) Tobacco products.
- (b) "Tobacco products" means:
- (A) Bidis, cigars, cheroots, stogies, periques, granulated, plug cut, crimp cut, ready rubbed and other smoking tobacco, snuff, snuff flour, cavendish, plug and twist tobacco, fine-cut and other chewing tobaccos, shorts, refuse scraps, clippings, cuttings and sweepings of tobacco and other forms of tobacco, prepared in a manner that makes the tobacco suitable for chewing or smoking in a pipe or otherwise, or for both chewing and smoking;
- (B) Cigarettes as defined in ORS 323.010 (1); or
- (C) A device that:
- (i) Can be used to deliver tobacco products to a person using the device; and
- (ii) Has not been approved by the United States Food and Drug Administration for sale as a tobacco cessation product or for any other therapeutic purpose, if the product is marketed and sold solely for the approved purpose

ORS 433.835 Definitions.

As used in ORS 433.835 to 433.875:

- (1) "Cigar bar" means a business that:
- (a) Has on-site sales of cigars as defined in ORS 323.500;
- (b) Has a humidor on the premises;

- (c) Allows the smoking of cigars on the premises but prohibits the smoking aerosolizing or vaporizing of other inhalants on the premises;
- (d) Has been issued and operates under a full on-premises sales license issued under ORS 471.175;
- (e) Prohibits persons under 21 years of age from entering the premises and posts notice of the prohibition;
- (f) Does not offer video lottery games as authorized under ORS 461.217;
- (g) Has a maximum seating capacity of 40 persons;
- (h) Has a ventilation system that exhausts smoke from the business and is designed and terminated in accordance with the state building code standards for the occupancy classifications in use; and
- (i) Requires all employees to read and sign a document that explains the dangers of exposure to secondhand smoke.
- (2) "Enclosed area" means the entirety of the space between a floor and a ceiling that is enclosed on three or more sides by permanent or temporary walls or windows, exclusive of doors or passageways, that extend from the floor to the ceiling.
- (3) "Inhalant" means nicotine, a cannabinoid or any other substance that:
- (a) Is in a form that allows the nicotine, cannabinoid or substance to be delivered into a person's respiratory system;
- (b) Is inhaled for the purpose of delivering the nicotine, cannabinoid or other substance into a person's respiratory system; and
- (c)(A) Is not approved by, or emitted by a device approved by, the United States Food and Drug Administration for a therapeutic purpose; or
- (B) If approved by, or emitted by a device approved by, the United States Food and Drug Administration for a therapeutic purpose, is not marketed and sold solely for that purpose.
- (4)(a) "Place of employment" means an enclosed area under the control of a public or private employer, including work areas, employee lounges, vehicles that are operated in the course of an employer's business that are not operated exclusively by one employee, rest rooms, conference rooms, classrooms, cafeterias, hallways, meeting rooms, elevators and stairways.
- (b) "Place of employment" does not include a private residence unless it is used as a childcare facility as defined in ORS 657A.250 or a facility providing adult day care as defined in ORS 410.490.
- (5) "Public place" means an enclosed area open to the public.
- (6) "Smoke shop" means a business that is certified with the Oregon Health Authority as a smoke shop pursuant to the rules adopted under ORS 433.847.
- (7) "Smoking instrument" means any cigar, cigarette, pipe or other instrument used to smoke tobacco, marijuana or any other inhalant. [1981 c.384 §2; 2001 c.990 §1; 2007 c.602 §1; 2009 c.595 §684; 2011 c.601 §1; 2015 c.158 §14; 2017 c.21 §108; 2017 c.732 §1]

ORS 433.840 Policy.

The people of Oregon find that because exposure to secondhand smoke, certain exhaled small particulate matter or other exhaled toxins is known to cause cancer and other chronic diseases such as heart disease, asthma and bronchitis, it is necessary to reduce exposure to such smoke, matter or toxins by prohibiting the smoking, aerosolizing or vaporizing of inhalants in all public places and places of employment. [1981 c.384 §1; 2007 c.602 §2; 2015 c.158 §15]

ORS 433.845 Prohibition on aerosolizing, smoking or vaporizing in public place or place of employment.

- (1) A person may not smoke, aerosolize or vaporize an inhalant or carry a lighted smoking instrument in a public place or place of employment except as provided in ORS 433.850.
- (2) A person may not smoke, aerosolize or vaporize an inhalant or carry a lighted smoking instrument within 10 feet of the following parts of public places or places of employment:
- (a) Entrances;
- (b) Exits;
- (c) Windows that open; and
- (d) Ventilation intakes that serve an enclosed area.
- (3) A person may not smoke, aerosolize or vaporize an inhalant or carry a lighted smoking instrument in a room during the time that jurors are required to use the room. [1981 c.384 §3; 1985 c.752 §1; 2007 c.602 §3; 2015 c.158 §16]

ORS 433.850 Prohibition on aerosolizing, smoking or vaporizing in place of employment; exceptions; posting signs.

- (1) An employer:
- (a) Shall provide for employees a place of employment that is free of all smoke, aerosols and vapors containing inhalants; and
- (b) May not allow employees to smoke, aerosolize or vaporize inhalants at the place of employment.
- (2) Notwithstanding subsection (1) of this section:
- (a) The owner or person in charge of a hotel or motel may designate up to 25 percent of the sleeping rooms of the hotel or motel as rooms in which smoking, aerosolizing or vaporizing of inhalants is permitted.
- (b) Smoking of noncommercial tobacco products for ceremonial purposes is permitted in spaces designated for traditional ceremonies in accordance with the American Indian Religious Freedom Act, 42 U.S.C. 1996.
- (c) The smoking of tobacco products is permitted in a smoke shop.
- (d) The smoking of cigars is permitted in a cigar bar that generated on-site retail 33 sales of cigars of at least \$5,000 for the calendar year ending December 31, 2006.
- (e) A performer may smoke or carry a lighted smoking instrument that does not contain tobacco or marijuana, and may aerosolize or vaporize a substance that does not contain nicotine or a cannabinoid, while performing in a scripted stage, motion picture or television production if:
- (A) The production is produced by an organization whose primary purpose is producing scripted productions; and
- (B) The act of smoking, aerosolizing or vaporizing is an integral part of the production.
- (f) The medical use of marijuana is permitted in the place of employment of a licensee of a professional licensing board as described in ORS 475B.919.
- (3) An employer, except in those places described in subsection (2) of this section, shall post signs that provide notice of the provisions of ORS 433.835 to 433.875. [1981 c.384 §\$4,5; 2001 c.104 §161; 2001 c.990 §2; 2007 c.602 §4; 2011 c.234 §1; 2015 c.158 §18; 2017 c.21 §109]

Relevant Oregon Administrative Rules

OAR 581-021-0050 Minimum standards for student conduct and discipline

- (1) School district boards shall prepare written rules of pupil conduct and discipline that shall include, but not necessarily be limited to, the following topics:
- (a) Assembly of students;
- (b)Dress and grooming;
- (c)Motorized and nonmotorized vehicles;
- (d)Search and seizure;
- (e)Attendance;
- (f)Freedom of expression;
- (g)Alcohol, drugs, and tobacco;
- (h)Student records;
- (i)Discipline, suspension, and expulsion.
- (2) School district rules pertaining to these topics shall include statements on student rights, responsibilities, and conditions which create a need for these rules.

OAR 581-021-0055 Standards of Conduct

- (1) Students shall comply with the written rules of the school district board, pursue the prescribed course of study, submit to the lawful authority of teachers and school officials, and conduct themselves in an orderly fashion.
- (2) Students shall be liable to discipline, suspension, or expulsion for misconduct, including but not limited to:
- (a)Theft;
- (b)Disruption of the school;
- (c)Damage or destruction of school property;
- (d)Damage or destruction of private property on school premises or during a school activity;
- (e) Assault or threats of harm;
- (f)Unauthorized use of weapons or dangerous instruments;
- (g)Unlawful use of drugs, narcotics, or alcoholic beverages;
- (h)Persistent failure to comply with rules of the lawful directions of teachers or school officials.

OAR 581-021-0060 Discipline procedures, prohibition of corporal punishment

- (1) School district boards shall establish fair and reasonable procedures for discipline, suspension, or expulsion.
- (2) No student in Oregon shall be subjected to corporal punishment in any public elementary or secondary school. A school administrator is not authorized to waive the prohibition against corporal punishment based upon the request of a parent or guardian.

OAR 581-021-0110 Tobacco-Free Schools

(1) For the purpose of this rule "tobacco" is defined to include any lighted or unlighted cigarette, cigar, pipe, bidi, clove cigarette, and any other smoking product, and spit tobacco, also known as smokeless, dip, chew, and snuff, in any form.

- (2) No student, staff member, or school visitor is permitted to smoke, inhale, dip, or chew or sell tobacco at any time, including non-school hours
- (a) In any building, facility, or vehicle owned, leased, rented, or chartered by the school district, school, or public charter school; or
- (b) On school grounds, athletic grounds, or parking lots.
- (3) No student is permitted to possess a tobacco product:
- (a) In any building, facility, or vehicle owned, leased, rented, or chartered by the school district, school, or public charter school; or
- (b) On school grounds, athletic grounds, or parking lots.
- (4) By January 1, 2006, school districts must establish policies and procedures to implement and enforce this rule for students, staff and visitors.
- (5) For purposes of this rule, the term "school district" includes the Oregon School for the Deaf (OSD) and the Oregon School for the Blind (OSB). The Oregon School for the Deaf and the Oregon School for the Blind must establish, in cooperation with the Oregon Department of Education, policies and procedures to implement and enforce this rule for students, staff and visitors by June 30, 2006.

OAR 581-053-0230 (9, s) Rules pertaining to school bus drivers

(s) Not use tobacco on the school bus and shall not permit passengers to use tobacco on the bus;

OAR 581-053-0330 (1, m) Rules pertaining to type 10 drivers

(m) Not use tobacco on the vehicle and shall not permit passengers to use tobacco on the vehicle.

OAR 581-053-0430 (12) Rules pertaining to type 20 drivers

(12) Not use tobacco in the vehicle or the vicinity and shall not permit passengers to use tobacco on the vehicle.

OAR 581-053-0531 (11) Rules pertaining to type 21 drivers

(11) Not use tobacco in the vehicle and shall not permit passengers to use tobacco in the vehicle.

Sample Tobacco-Free Policy from the Oregon Health Authority

Oregon School Boards Association Selected Sample Policy

Code: GBK/JFCG/KGC

Adopted:

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.

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 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 USFDA-approved tobacco products or other therapy products used for the purpose of cessation.

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 USFDA-approved tobacco products or other therapy products marked 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 or inhalant delivery system products are prohibited on all district grounds, including parking lots, at school-sponsored activities or in district vehicles. Advertising is prohibited in all 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 allow student 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 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 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 Department of Human Services, Health Services, 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 on or off district grounds.

This policy shall be enforced at all times. The superintendent will develop administrative regulations 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

Legal Reference(s):

<u>ORS 167</u> .400	OAR 581-021-0050 to -0075
ORS 332.107	OAR 581-021-0110
ORS 336,222	OAR 581-022-0413
ORS 336.227	OAR 581-053-0015
ORS 339.240	OAR 581-053-0230(9)(s)
ORS 339.250	OAR 581-053-0330(1)(m)
ORS 339.883	OAR 581-053-0430(12)
ORS 431.840	OAR 581-053-0531(11)
ORS 433.835 to -433.990	OAR 581-053-0630

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

Policy Components

Oregon School Boards Association Selected Sample Policy

Code: GBK/JFCG/KGC

Adopted:

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.

Q: Why does a comprehensive tobacco-free policy include an explanation or rationale statement?

A: By detailing the explanation or rationale of a policy, the drafters are laying out the goals they have in mind for the policy. This statement explains why the policy is being created and why it is important to follow through with enforcement of the policy.

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.

Q: Why is there a separate section that just applies to students?

A: Students are separated out from other persons because of the word "possess" It is important to create the distinction that acknowledges the rights of administrators, staff, and visitors of legal age to possess tobacco products.

Q: Why not just say "school property"?

A: An expansive school property explanation ensures the policy can be enforced beyond the four walls of the school building(s). This language allows for the policy to include both inside and outside school buildings, all facilities, and vehicles. It also closes loop-holes for school events that occur off-campus.

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 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.

Q: Would this prohibit staff, administrators, and visitors from possessing these items?

A: No. Persons of legal age would be able to carry tobacco products or inhalant delivery systems, however they may use, consume, distribute, or sale those products while at listed locations.

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 USFDA-approved tobacco products or other therapy products used for the purpose of cessation.

Q: Why include a definition of 'tobacco products'

A: Although the description may seem long, it is important to include the full description and list of products so the reader can understand which products are included in the policy. Commercial tobacco and commercial tobacco products can take many forms. This description reflects products covered by relevant state statues while remaining broad enough to include new, not yet developed products.

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 USFDA-approved tobacco products or other therapy products marked and sold solely for the approved purpose.

Q: Why include a definition of 'inhalant delivery system'

A: Although the description may seem long, it is important to include the full description and list of products so the reader can understand which products are included in the policy. These devices represent an ever-evolving category of products that come in many shapes and forms, often visually different from cigarettes and other tobacco products. This definition can minimize confusion with interpreting which products are not allowed under this policy.

Clothing, bags, hats and other personal items used by staff and students to display, promote or advertise tobacco or inhalant delivery system products are prohibited on all district grounds, including parking lots, at school-sponsored activities or in district vehicles. Advertising is prohibited in all school-sponsored publications, in all school buildings, on district grounds, including parking lots, and at all school-sponsored events.

Q: Why is this provision necessary?

A: A truly tobacco-free environment limits exposure of any kind to tobacco or tobacco products. This provision extends the limit of exposure from physical products to messaging and advertisements, which are often targeted to youth.

District acceptance of gifts or funds from the tobacco products and inhalant delivery system industries is similarly prohibited.

Q: Why should a district not accept funding or materials from the tobacco industry?

A: Accepting gifts or funds from the tobacco industry sends a mixed message to youth. The tobacco industry historically targets youth. This targeting comes in many forms, including directed marketing campaigns and development of electronic smoking products that are easily disguised and fillable with product that taste like candy. Tobacco industry's youth smoking prevention programs are not designed to effectively prevent youth smoking. Materials provided by the tobacco industry have been shown to be ineffective and exist as more of a public relations campaign than truly designed to prevent youth smoking.

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 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.

Q: Why include information about student violations?

A: This section provides an opportunity for schools to holistically address the challenges of tobacco addiction and present enforcement options that are progressive in nature. Schools are encouraged to develop options that focus on education and counseling as opposed to suspension or police intervention when possible. Penalties that are purely punitive and do not attempt to address the commercial tobacco use will be limited in their effectiveness to deter future use.

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

Violations by 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 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.

Q: Why offer alternatives to discipline?

A: This provision provides an opportunity for schools to holistically address the challenges of tobacco addiction. Penalties that are purely punitive and do not attempt to address the commercial tobacco use will be limited in their effectiveness to deter future use. According to the Centers for Disease Control and Prevention, the most effective ways to help youth quit tobacco use are through counseling and education.

As part of the district's tobacco use prevention activities, the superintendent shall ensure that tobacco use instructional programs as recommended by the Oregon Department of Human Services, Health Services, 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 on or off district grounds.

This policy shall be enforced at all times. The superintendent will develop administrative regulations 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

Review Your Policy

The American Lung Association of Oregon published a Tobacco-free School Policy Profile Checklist and Grading Criteria to aid schools in reviewing their policy and identifying any potential weaknesses. Use the following charts to help your school review current policies to build awareness regarding content and consider updates or changes that could be made at the school-level or presented for consideration at the district level.



TOBACCO-FREE SCHOOL POLICY: Profile Checklist & Grading Criteria

ELEMENTS REQUIRED BY STATE RULE - OAR 581-021-0100	
Prohibitions against tobacco use by anyone on school property	
Prohibitions against tobacco use by anyone in school vehicles	
Prohibitions against tobacco use by anyone at school events	
Prohibitions against student possession of tobacco on school property or in school ve	hicles
Prohibitions against the sale of tobacco by anyone on school property or in school vel	hicles
☐ Complete definition of tobacco (all types of smoking products and all smokeless tobac	cco products)
☐ The policy remains in force at all times	
ADDITIONAL ELEMENTS OF A COMPREHENSIVE SCHOOL POLICY	
☐ Explanation or rationale for tobacco-free schools policy	
☐ Prohibitions against tobacco use by anyone at school-sponsored events off campus	
Requirement that students receive instruction on avoiding tobacco use	
Curriculum is research-based	
Consequences, sanctions or other disciplinary action for students are progressive	
Alternatives to suspension exist for at least the first offense	
Consequences or sanctions for tobacco use by staff	
Consequences or sanctions for tobacco use by visitors	
Prohibitions against tobacco advertising in school buildings	
Prohibitions against tobacco advertising at school functions	
Prohibitions against tobacco advertising in school publications	
Prohibitions against students exhibiting tobacco-related clothing, gear or paraphernalise	а
Prohibitions against tobacco industry sponsorship and marketing (e.g., no gift or fundi	ing)
Procedures for communicating the policy to students	
Procedures for communicating the policy to parents and families	
Procedures for communicating the policy to staff	
☐ Procedures for communicating the policy to visitors	
The following grading criteria has been developed and applied to the tobacco-free school polici. The "minimum standard" includes all seven of the elements outlined in OAR 581-021-0110.	ies submitted.
A+ Minimum standard plus all additional elements (17 total)	
A Minimum standard plus all additional elements except one (16) A- Minimum standard plus 11-15 additional elements	
B Minimum standard plus 6-10 additional elements	
B- Minimum standard plus 1- 5 elements	
C Minimum standard Incomplete The policy has not been submitted or is missing elements to meet the state sta	ndard.



Section 1: Tobacco-free Schools Written Policy Content

Tips for Completing

Section 1

- other written
- place an "X" in the

Elements Required By Sate Rule	red	By	Sate Rule
This section will assess whether your scho (OAR 581-021-0100	ool's writ	ten pol	This section will assess whether your school's written policies are consistent with Oregon's Tobacco-Free Schools Administrative Rule (OAR 581-021-0100
Written Policy Element	Yes	No	Notes
1. Prohibits tobacco use by anyone on school property			
2. Prohibits tobacco use by anyone in school vehicles			
3. Prohibits tobacco use by anyone at school events			
4. Prohibits student possession of tobacco on school property or in school vehicles			
5. Prohibits the sale of tobacco by anyone on school property or in school vehicles			
6. Includes complete definition of tobacco and inhalant delivery systems			
7. Distinguishes that the policy remains in force at all times			



Section 1: Tobacco-free Schools Written Policy Content

Additional Elements of a Comprehensive Policy This section will assess whether your school's written policies contain additional recommended elements to create a fully

Tips for Completing

Section 1

- place an "X" in the

comprehensive policy			
Written Policy Element	Yes	No	No Notes
8. Explanation or rationale for tobacco-free schools policy			
9. Prohibits tobacco use by anyone at school-sponsored events off campus			
10. Requirement that students receive instruction on avoiding tobacco use			
11. Instruction curriculum is research-based			
12. Consequences, sanctions or other disciplinary action for students are progressive			
13. Alternatives to suspension exist for students for at least the first offense			
14. Consequences or sanctions for tobacco use by staff			
15. Consequences or sanctions for tobacco use by visitors			



Section 1: Tobacco-free Schools Written Policy Content

Tips for Completing

Section 1

Include board policies, district & building other written

place an "X" in the

Additional Elen	nent	S	Additional Elements of a Comprehensive Policy
This section will assess whether your sch comprehensive policy	ool's writ	en pol	This section will assess whether your school's written policies contain additional recommended elements to create a fully comprehensive policy
Written Policy Element	Yes	No	No Notes
16. Prohibits tobacco advertising in school buildings			
17. Prohibits tobacco advertising at school functions			
18. Prohibits tobacco advertising in school publications			
19. Prohibits students from exhibiting tobacco-related			
20. Prohibits tobacco industry sponsorship and marketing (e.g. no gift or funding)			
21. Includes procedures for communicating the policy to students			
22. Includes procedures for communicating the policy to parents and families			



Section 1: Tobacco-free Schools Written Policy Content

Tips for Completing

Section 1

place an "X" in the

Additional Elements of a Comprehensive Policy

This section will assess whether your school's written policies contain additional recommended elements to create a fully comprehensive policy

In Policy Element Yes No Notes Indes procedures for micating the policy to staff Indes procedures for micating the policy to			
or to staff	Notes		
or to staff	No		
In Policy Element Indes procedures for micating the policy to staff tudes procedures for micating the policy to	Xes		
Writte 23. Inc commu 24. Inc commu visitors	Written Policy Element	23. Includes procedures for communicating the policy to staff	24. Includes procedures for communicating the policy to visitors

Reviewing Your Tobacco-Free Schools Policy Section 2: Tobacco Prevention Communication

Tips for Completing

Section 2

⇒ Seek input from a diverse group of partners at the school in the s

community level
Utilize the notes
section to document
current assessment
and plan additional
action steps

Best Practices for Communicating Tobacco Polices and Procedures

This section will assess actionable steps in support of your Tobacco-Free Schools Policy

tes				
Yes No Notes			N A	
N Se				
X.		a a		
School Level	Uses procedure for communicating school tobacco violations with parents or guardians	2. Statements in student/parent handbooks regarding tobacco use require parent/guardian signature	3. Athletic participation agreements include no-tobacco use requirements and require parent/guardian signature	4. Includes no-tobacco use agreements in contracts with outside vendors or groups (e.g. landscaping companies, construction companies,
I DASSESS		1 no 10 to 12 to	Los es Secus Volum AFT No.	

Reviewing Your Tobacco-Free Schools Policy Section 2: Tobacco Prevention Communication

Tips for Completing

Section 2

 Seek input from a diverse group of partners at the school district, and community level
Utilize the notes
section to document
current assessment
and plan additional

Best Practices for Communicating Tobacco Polices and Procedures

This section will assess actionable steps in support of your Tobacco-Free Schools Policy

School Level	Yes No Notes	No	Notes
5. Makes announcements at school events (e.g. sporting events, school plays, etc) to remind students, staff, and visitors of tobacco-free policy			
6. Has resources visibly available to encourage tobacco cessation for students, staff, visitors, and parents/guardians			

Reviewing Your Tobacco-Free Schools Policy Section 3: Tobacco Use Behavior and Enforcement

Tips for Completing

Section 3

⇒ Seek input from a diverse group of partners at the schoodistrict, and

and plan additiona action steps
⇒ Plan to conduct several reviews throughout the year

throughout the y to review this see and develop additional plans t

Translating Your Policy into Practice This section will assess actionable steps in support of your Tobacco-Free Schools Policy

Notes		1st violation:	2nd violation:	3rd violation:	Additional violations:
S _o					
Yes					
School Level	1. School enforces tobacco policy with students and utilizes clear procedures for handling violations	2. School utilizes a progressive discipline plan for students, including alternatives to suspension	**See pg. 41 for additional resources	in developing your discipline plan	

Reviewing Your Tobacco-Free Schools Policy Section 3: Tobacco Use Behavior and Enforcement

Tips for Completing

Translating Your Policy into Practice

This section will assess actionable steps in support of your Tobacco-Free Schools Policy

Section 3

⇒ Seek input from a diverse group of partners at the school district, and

action steps

Plan to conduct
several reviews
throughout the year
to review this sectio
and develop
additional plans to

5. Staff are identified to monitor

and enforce policy

School Level

3. School enforces tobacco policy with staff and utilizes clear procedures for handling violations

4. School enforces tobacco policy with visitors and utilizes clear procedures for handling violations

3. Tod Violation:

3. School enforces tobacco policy with visitors and utilizes clear procedures for handling violations

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Reviewing Your Tobacco-Free Schools Policy Section 3: Tobacco Use Behavior and Enforcement

Tips for Completing

Section 3

Seek input from a diverse group of

Utilize the notes section to documen current assessment and plan additional principles.

Plan to conduct several reviews throughout the ye to review this sec and develop additional plans to address problem areas

Where (location on/off campus) This section will assess actionable steps in support of your Tobacco-Free Schools Policy When (during school, Assessing Tobacco Use Behavior at lunch, after school, at school events, etc) No Yes tobacco on school property or tobacco on school property or tobacco at school-sponsored tobacco on school property . Students are seen using 3. Visitors are seen using 4. Students, staff, and/or 2. Staff are seen using visitors are seen using in school vehicles in school vehicles School Property

property (e.g. cigarette butts or packaging, chew tobacco

tins, etc)

5. There is evidence of

events

obacco use on school

Reviewing Your Tobacco-Free Schools Policy Section 4: Reviewing Signage

Signage Review Activity Tips for Completing Section 3

/ to

to imply signs are needed in all of these locations or where they may be Note: This activity is designed to help

	This section will assess actionable steps in support of your Tobacco-Free Schools Policy. Signs are a great way to communicate policy students, staff, visitors, and parent/guardians	acco-Free	Schools F	olicy. Signs are a great way to communicate policy
	Signs are clearly posted	Yes	No	Notes
	At main entrances to the building			
S	At perimeters of the school/district property			
	In parking lots			
	At major walkways			
	At all major entry ways			
10-	Near the main office			
20	In all auditoriums			
	In all gymnasiums			
	At all athletic fields, especially in the spectator area			
	At major student gathering places			
	In all restrooms			
	In loading areas			
	In major stairwells			
	In school or district vehicles/buses			
+-	Signs are posted in relevant additional languages			
	Other:			

Evidence-Based Curriculum For Student Instruction

Tobacco companies rely on youth and young adults to become "replacement smokers" for the adult smokers who quit tobacco use or die sue to tobacco related illnesses. Many companies in the tobacco industry have developed and marketed their own youth tobacco prevention curriculum. Studies have shown that these programs are not effective at preventing youth tobacco use. Instead, researchers have found that youth had more positive associations with cigarette companies after completing a course. Youth tobacco prevention curriculum developed by the tobacco industry tends to avoid the most powerful anti-tobacco themes including health effects and manipulation strategies of the industry.

With this in mind, it is important that curriculum presented to students be evidence-based. Evidence-based curriculums stive to present the most effective method of preventing new tobacco users and reducing current tobacco use among students.



One example, CATCH My Breath, an e-cigarette and JUUL prevention program, was developed by the Coordinated Approach to Child Health in partnership with researchers at Michael & Susan Dell Center for Health Living at The University of Texas Health Science Center at Houston School of Public Health. CATCH is based on the CDC Whole School, Whole Community, Whole Child model where health

education, school environment, and family/community involvement work together to support youth in a health lifestyle. This approach is the basis of the CATCH My Breath program. CATCH My Breath is an evidence-based program, designed with specific, age-appropriate lessons for grades 5-12. The program works to increase students' knowledge of the dangers of vaping and an increase in positive perceptions about choosing a vape-free lifestyle. Activities include learning about the dangers of tobacco, e-cigarettes and vaping, learning to say no, recognizing advertising strategies of the tobacco industry, and researching and developing suggestions for school, district, local, and state level tobacco related rules.

With many schools presenting tobacco education materials in health/wellness or physical education classes, optional supplemental activities designed with gross motor involvement are provided to promote overall physical health.

CATCH My Breath is designed around four lessons lasting approx. 30-40 minutes each. The program is free thanks to support from CVS Health and training is provided for instructors in the program, with teachers, tobacco prevention educators, counselors, nurses, or other public health advocates in mind.

Strategies for Enforcement

Enforcement with Students

An effective, comprehensive tobacco-free policy includes progressive discipline measures. Using suspension and expulsion to penalize prohibited tobacco use may not be reasonable considering the targeted marketing strategies used by the tobacco industry, the science of addiction, and long-term consequences associated with expulsion and suspension. School policies should attempt to address the underlying addiction to tobacco in lieu of punitive measures, which may exacerbate the problem, not deter future use. According to the CDC, the most effective approaches to helping youth quit tobacco use are through counseling and education.

The following are examples of consequence elements you may consider when building your progressive policy regarding student violations.

- Confiscation of tobacco products or devices
- Provide information on cessation
- Parent/guardian notification
- Participation in alternative to suspension tobacco education program*
 *see below
- Ineligibility to participate in extracurricular activities
- Community Service
- Notification of law enforcement
- Verbal warning
- Referral to guidance counselor or school nurse
- Conference with school administrator
- Academic assignments focusing on tobacco use
- In-school suspension
- Out of school suspension

Alternative to Suspension Programs



INDEPTH is an alternative to suspension program developed by the American Lung Association. INDEPTH stands for Intervention for Nicotine Dependence: Education, Prevention, Tobacco and Health. Designed for youth ages 14-19, the program can be presented in group or one-on-one settings over four sessions, each lasting approx. 50 minutes. INDEPTH is designed to raise awareness on the dangers of their tobacco use,

how to confront their own use, and ask questions to help them consider quitting.

Example Progressive Discipline Procedure for Students

First Offense	 Confiscate Tobacco Notify parent/guardian of infraction Hold conference with school administrator Refer to school counselor or nurse Provide information on cessation Recommend alternative to suspension program
Second Offense	 Confiscate Tobacco Notify parent/guardian of infraction Hold conference with school administrator Provide information on cessation Community Service or in-school suspension
Third Offense	 Confiscate Tobacco Notify parent/guardian of infraction Hold conference with school administrator Provide information on cessation In-school or out-of-school suspension

Enforcement with Staff

After consulting any relevant collective bargaining agreements, the following are examples of consequence elements you may consider when building your progressive policy regarding staff violations.

- Verbal Warning
- Education/support
- Enrollment in a tobacco education program
- Written warning
- Formal reprimand

Enforcement with Visitors

Effective signage or announcements at school events can aid in ensuring visitor compliance with a tobacco-free policy. The following are examples of consequence elements you may consider when building your progressive policy regarding visitor violations.

- Verbal request by an administrator or staff to stop using tobacco
- Printed request on a card referencing the tobacco-free policy
- If visitor will not comply, request they leave the premises
- If visitor will not comply, contact law enforcement, or school SRO.

Communication of Your Policy

Once you have developed your policy, or updated your current policy, and had it approved, it is important to communicate with students, staff, parents, and visitors. Adequately informing all relevant parties of the new policy, or any changes, makes it is more likely that your tobacco-free policy can be self-enforcing. Generally, people respect tobacco-free polices, as long as they know about them. Ensuring your message is clear, consistent, and positive will also help.

The following are general strategies for communicating your tobacco-free policy with all involved parties. Use the examples as a starting point when thinking about disseminating information and tailor them to fit best with your school or district

General Strategies for Communication

- Post an announcement about the policy on the school or district webpages, include posts on the athletic schedule's page
- Include statements on being tobacco-free in contracts with vendors and any groups that will be working on or using school facilities
- Announce the policy at school events, including athletic competitions, meetings, concerts and plays
- Add reminders in event bulletins, flyers, or programs
- Remove all ashtrays on and around school property
- Ensure messaging is about tobacco-free and not smoke-free to convey that all tobacco products are included in this policy
- Prominently display tobacco-free signs on district property

Communicating with Students

- Update the student handbook as soon as possible
- Verbally review the policy at orientation meetings
- Make announcements regarding the tobacco-free policy
- Include tobacco-free information at student health fairs or booths
- Include tobacco-free policy information in student-athlete participation forms

Communicating with Staff

- Include information about the tobacco-free policy in job applications and during interviews
- Include a copy of the policy in staff handbooks
- Post information or the policy in staff lounges or break rooms
- Remind staff that they are all role models and part of creating a healthy, tobacco-free learning environment

Communicating with Parents/Guardians

- Send a letter to explains the policy, rationale for the policy, and outlines the consequences for violations
- Discuss the policy at PTA, PTO, or similar meetings

- Include an article about the policy in parent newsletters
 Include parents/guardians if there is violation including their children

Quit Resources

Douglas County Tobacco Cessation Resources



Aviva Health

150 Kenneth Ford Dr Roseburg, OR 97470 541-672-9696 ext 430 https://aviva.health/

Freedom from Smoking

Aviva Health offers the Freedom from Smoking program, developed by the American Lung Association. Freedom from Smoking uses techniques and methods to help tobacco users understand and change their behavior to break addiction. Information is also provided about nicotine replacement therapy. Freedom from Smoking groups are open to the community



Community Cancer Center

Conference Rooms A & B 2880 NW Steward Pkwy #100 Roseburg, OR 97470 541-673-2267 ex 5104

https://cccroseburg.org/

Freshstart

The Roseburg Community Cancer Center is offering four-week classes held on Tuesday evenings including creating an individualized quit plan and preventing relapse. Group support sessions are also included.

https://cccroseburg.org/?nav=eventsNew&title=UPCOMING%20EVENTS&eventID=113

NextStep

Weekly support groups hosted by the Community Cancer Center that meet on Tuesday evenings from 4:00pm – 5:00pm. (Currently hosted through zoom)

https://cccroseburg.org/?nav=eventsNew&title=UPCOMING%20EVENTS&eventID=76



Roseburg VA

913 NW Garden Valley Blvd Roseburg, OR 97471 541-440-1000

https://www.roseburg.va.gov/

Services to Veterans

The Roseburg VA sponsors individual and group cessation groups available to Veterans. Additional nicotine replacement therapy is available from primary care physicians



Become an Ex

www.becomeanex.org

CHI Mercy Health has partnered with **Become an Ex** to provide interactive, self-paced, guided quit plans for individuals ready to quit tobacco. **Become an Ex** was developed through a partnership between Truth Initiative and the Mayo Clinic Nicotine Dependence Center



Quit For Life

1-866-QUIT-4-LIFE (1-866-784-8454)

www.quitnow.net

Umpqua Health has partnered with **Quit for Life** program, sponsored by the American Cancer Society. **Quit for Life** works with participants to develop individualized quit plans utilizing "The 4 Essential Practices to Quit for Life"



Adapt

621 W Madrone St, 2nd Floor Roseburg, OR 97470 541-492-0152

Adapt Crossroads

3099 NE Diamond Lake Blvd Roseburg, OR 97470 541-492-0206

Adapt

Adapt provides counseling in the clinical setting for current Adapt, Compass, and South River clients as part of their individual treatment plans

https://www.adaptoregon.org/addiction-treatment/tobacco-nicotine-dependence/

Adapt Crossroads

Adapt Crossroads provides residential treatment for substance use in a safe, secure, and therapeutic treatment environment

https://www.adaptoregon.org/addiction-treatment/adult-services/residential-care/

Oregon QuitLine



1-800-QUIT-NOW

https://www.quitnow.net/oregon

1-855-DEJELO-YA

https://www.quitnow.net/oregonsp

Smoke Free Oregon provides a free phone and web-based program providing 1-on-1 support to overcome urges, deal with withdrawal, and understand your habits to help stay tobacco free.

References

California Department of Education: Comprehensive Tobacco-Free School Policy Toolkit, 2017 Rocky Mountain Center for Health Promotion and Education: Tobacco-free Schools Policy Checklist Toolkit, 2010

Oregon Health Authority: Sample Tobacco-free School Policy, 2015

Public Health Law Center: Commercial Tobacco-free K-12 School Model Policy, Minnesota, 2019

Iowa Department of Public Health Tobacco Use Prevention and Control: Iowa Vape-free Schools Toolkit, 2020