

## **Business and Noninstructional Operations**

BP 3513.4 (a)

### **DRUG AND ALCOHOL FREE SCHOOLS**

The Governing Board recognizes the need to keep district schools free of drugs and alcohol in order to create a safe and healthy environment conducive to learning and promote student health and well-being. The Board prohibits the possession, use, or sale of drugs and alcohol at any time in district-owned or leased buildings, on district property, and in district vehicles, unless otherwise permitted by law.

*(cf. 1325 - Advertising and Promotion)*  
*(cf. 3513.3 - Tobacco-Free Schools)*  
*(cf. 4020 - Drug and Alcohol-Free Workplace)*  
*(cf. 4159/4259/4359 - Employee Assistance Programs)*  
*(cf. 5030 - Student Wellness)*  
*(cf. 5131.6 - Alcohol and Other Drugs)*  
*(cf. 5131.62 - Tobacco)*  
*(cf. 6142.8 - Comprehensive Health Education)*

The following substances are prohibited on all district property:

1. Any substance which may not lawfully be possessed, used, or sold in California
2. Cannabis or cannabis products (Health and Safety Code 11362.3; 21 USC 812, 844)

*(cf. 1330 - Use of School Facilities)*

Prescription medication, except for prescribed cannabis, may be administered at school in accordance with law, district policy and regulations, and written statements by the parent/guardian and the student's authorized health care provider as applicable.

*(cf. 5141.21 - Administering Medications and Monitoring Health Conditions)*

Information about the district's drug- and alcohol-free schools policy and the consequences for violations shall be communicated clearly to employees, parents/guardians, students, and the community.

### **Enforcement/Discipline**

The Superintendent or designee shall take appropriate action to eliminate the possession, use, or sale of alcohol and other drugs and related paraphernalia in district facilities, on district property, in district vehicles, or at school-sponsored activities. As appropriate, he/she may direct anyone violating this policy to leave school property and/or refer the matter to law enforcement.

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*(cf. 1250 - Visitors/Outsiders)*  
*(cf. 3515.2 - Disruptions)*  
*(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)*  
*(cf. 5145.12 - Search and Seizure)*

Students and employees who violate the terms of this policy may be subject to discipline and/or referred to assistance programs in accordance with law and Board policy.

*(cf. 4112.41/4212.41/4312.41 - Employee Drug Testing)*  
*(cf. 4112.42/4212.42/4312.42 - Drug and Alcohol Testing for School Bus Drivers)*  
*(cf. 4117.7/4217.7/4317.7 - Employment Status Reports)*  
*(cf. 4118 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 4218 - Dismissal/Suspension/Disciplinary Action)*  
*(cf. 5131 - Conduct)*  
*(cf. 5144 - Discipline)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5144.2 - Suspension and Expulsion/Due Process (Students with Disabilities))*  
*(cf. 6145 - Extracurricular and Cocurricular Activities)*  
*(cf. 6145.2 - Athletic Competition)*

*Legal Reference: (see next page)*

**DRUG AND ALCOHOL FREE SCHOOLS**

*Legal Reference:*

**EDUCATION CODE**

- 44940 *Compulsory leave of absence for certificated persons*
- 44940.5 *Procedures when employees are placed on compulsory leave of absence*
- 45123 *Employment after conviction of controlled substance offense*
- 45304 *Compulsory leave of absence for classified persons*
- 48900 *Suspension or expulsion (grounds)*
- 48900.5 *Suspension, limitation on imposition; exception*
- 48901 *Smoking or use of tobacco prohibited*
- 48901.5 *Prohibition of electronic signaling devices*
- 48902 *Notification of law enforcement authorities; civil or criminal immunity*
- 48909 *Narcotics or other hallucinogenic drugs*
- 48915 *Expulsion; particular circumstances*

**BUSINESS AND PROFESSIONS CODE**

- 25608 *Alcohol on school property; use in connection with instruction*

**GOVERNMENT CODE**

- 8350-8357 *Drug-free workplace*

**HEALTH AND SAFETY CODE**

- 11053-11058 *Standards and schedules*
- 11353.6 *Juvenile Drug Trafficking and Schoolyard Act*
- 11362.1 *Possession and use of cannabis, persons age 21 and over*
- 11362.3 *Limitations on possession and use of cannabis*
- 11362.79 *Limitations on medical use of cannabis*
- 104559 *Tobacco use prohibition*

**PENAL CODE**

- 13860-13864 *Suppression of drug abuse in schools*

**VEHICLE CODE**

- 13202.5 *Drug and alcohol related offenses by person under age of 21, but aged 13 or over;*

**UNITED STATES CODE, TITLE 20**

- 7101-7122 *Student Support and Academic Enrichment Grants*

**UNITED STATES CODE, TITLE 21**

- 812 *Schedules of controlled substances*
- 844 *Penalties for possession of controlled substance*

**UNITED STATES CODE, TITLE 41**

- 8101-8106 *Drug-Free Workplace Act*

**COURT DECISIONS**

- Ross v. RagingWire Telecommunications, Inc., 42 Cal. 4th 920 (2008)*