

(Attachment C) Use CSBA Sample with revisions – New Law(Prop64,2016)  
New CSBA Policy, no current policy

# CSBA Sample

## Board Policy

Business and Noninstructional Operations

BP 3513.4(a)

### DRUG AND ALCOHOL FREE SCHOOLS

**Note:** The following policy prohibits the possession, use, or sale of drugs or alcohol by any person on district property. For policy addressing the prevention and intervention of alcohol and drug use among students, see BP 5131.6 - Alcohol and Other Drugs. For policy prohibiting employees from possessing, using, or being under the influence of a controlled substance in the workplace, see BP 4020 - Drug and Alcohol Free Workplace.

**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**

**Note:** Although Health and Safety Code 11362.1, as amended by Proposition 64 (2016), authorizes persons age 21 years and older to possess and use specified amounts of cannabis, Health and Safety Code 11362.3 prohibits possession or use of cannabis by persons under age 21 and prohibits all persons from possessing, smoking, or ingesting cannabis or cannabis products on the grounds of a school, day care center, or youth center while children are present.

#### **2. Cannabis or cannabis products (Health and Safety Code 11362.3; 21 USC 812, 844)**

**Note:** Pursuant to Business and Professions Code 25608, it is a misdemeanor to possess, consume, sell, give, or deliver any alcoholic beverage to any person in a school building or on school grounds unless a specified exception applies. Such exceptions include, but are not limited to, alcohol served during a special event, pursuant to a license or permit obtained under the Alcohol Beverage Control Act, at district-owned facilities at a time when students are not present. Districts that do not allow any of the specified exceptions should revise item #3 accordingly. See AR 1330 - Use of School Facilities.

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3. **Alcoholic beverages, unless approved by the Superintendent or designee for limited purposes specified in Business and Professions Code 25608**

BP 3513.4(b)

**Comment [J1]:** Pacifica SD does not allow exemptions (AR 1330- Use of School Facilities)

## **DRUG AND ALCOHOL FREE SCHOOLS (continued)**

*(cf. 1330 - Use of School Facilities)*  
*(cf. 1330.1 - Joint Use Agreements)*

**Note:** Pursuant to various state laws, prescribed medication may be administered at school with written statements from the student's parent/guardian and authorized health care provider; see BP/AR 5141.21 - Administering Medication and Monitoring Health Conditions. However, Health and Safety Code 11362.79 prohibits a person who has been authorized for medical use of cannabis from smoking cannabis on the grounds of or within 1,000 feet of a school, recreation center, or youth center or on a school bus, and Health and Safety Code 11362.3 prohibits cannabis on district property while children are present as noted in item #2 above. In addition, federal law (21 USC 812, 844) continues to prohibit the possession of cannabis, even by medical users.

**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 each year as applicable.**

**Comment [J2]:** Per AR/BP 5141.21

*(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.**

*(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)*

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(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))

BP 3513.4(c)

## **DRUG AND ALCOHOL FREE SCHOOLS (continued)**

(cf. 6145 - Extracurricular and Cocurricular Activities)  
(cf. 6145.2 - Athletic Competition)

### **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)

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**Policy Reference UPDATE Service**

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