

Business and Noninstructional Operations

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

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

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 school's 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 Curricular 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

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BP 3513.4 (c)

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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)

Policy Adopted: 05-09-18

ORCUTT UNION SCHOOL DISTRICT
Orcutt, CA