

Understanding The Drug-Free Schools and Communities Act, Then And Now

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Defining what he called “Compliance U,” Peter Lake commented that “higher education has entered an era of rapidly increasing regulatory activity at both the federal and the state levels.” In this era of intensified responsibility for federal compliance, administrators struggle to balance the demands of implementing new and longstanding regulations. The Drug-Free Schools and Communities Act of 1989 (“DFSCA”) requires that administrators invest considerable energy in implementing substance abuse prevention programs, distributing written policies, and evaluating program outcomes. Ill enforced, the DFSCA slipped off the radar of many institutions in the decades following its enactment. For those institutions that remained vigilant, few resources exist from which to derive best practices in compliance. Complicating matters, existing interpretations of the law have changed over time. The Department of Education’s recent investigation of Pennsylvania State University provides timely insight into important issues of DFSCA compliance. Penn State, and many others, have been found to violate the DFSCA in the past five years resulting in fines of up to \$35,000. In this article, we conduct a comparative analysis of primary sources related to the DFSCA to offer higher education practitioners the best available advice on how to comply with the DFSCA.