

UNDERSTANDING THE DRUG-FREE SCHOOLS AND COMMUNITIES ACT, THEN AND NOW

BRADLEY D. CUSTER, ROBERT T. KENT*

Abstract

Higher education institutions are known to have been lax in their compliance with the Drug-Free Schools and Communities Act Amendments of 1989 (DFSCA), and until recently, the U.S. Department of Education did not seem to notice. Now, the Department regularly investigates colleges and issues hefty fines for violations. No case provides better insights into the pitfalls of DFSCA compliance than the Department's review of Penn State University published in 2016. In this article, we analyze the Penn State and other recent program reviews against the DFSCA's original statute, regulations, Department handbooks, and guidance letters. We find that over time, DFSCA compliance has grown increasingly complex, and the stakes for institutions are higher than ever. To higher education attorneys and administrators, we offer advice on how to improve compliance with the Drug-Free Schools and Communities Act.