

## **Students**

### **Search and Seizure**

#### **Breathalyzer Testing**

No student shall possess, use, be under the influence of, sell, or transfer any alcoholic beverage on school property, at any location of a school-sponsored activity, or en route to or from school or a school-sponsored activity.

Violation of this policy shall constitute reason for disciplinary action including suspension or expulsion from school and suspensions or dismissal from athletic teams.

When an administrator has reasonable suspicion that a student is under the influence of alcohol at school or a school-sponsored event, the student shall be given the option to take a Breathalyzer test. If screening results are negative, no action shall be taken. However, if the student tests positive or if the student declines to take the test when reasonable suspicion exists, he/she shall be subject to appropriate disciplinary action as set out in the District's disciplinary policies.

Reasonable suspicion shall refer to any of the following but not limited to:

1. Observed use or possession of alcohol;
2. Apparent physical state of impairment of motor functions;
3. Marked changes in personal behavior not attributable to other factors; or
4. Involvement in, or contribution to, an accident where the use of alcohol is reasonably suspected or student involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.

The Superintendent shall develop a process to reasonably ensure reliability of the screening instrument used, appropriate training for administrators, student privacy during the taking of the sample and security of the sample once obtained. Access to screening results shall be restricted on a need-to-know basis to those persons designated by the Superintendent.

Students who test positive on a confirmation alcohol test shall be subject to disciplinary action.

- (cf. 5114 – Suspension/Expulsion)
- (cf. 5131 – Conduct)
- (cf. 5131.6 – Drugs, Alcohol, Tobacco)
- (cf. 5131.8 – Out of School Misconduct)
- (cf. 5144 – Discipline/Punishment)
- (cf. 5145.11 Questioning and Apprehension)
- (cf. 5145.12 – Search and Seizure)

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Legal Reference: Connecticut General Statutes

10a-18 Programs to be offered on effects of drugs and alcohol.

10-19 Teaching about alcohol, nicotine or tobacco, drugs and acquired immune deficiency syndrome. Training of personnel.

10-154a Professional communications between teacher or nurse and student. Surrender of physical evidence obtained from students.

10-221d Boards of education to prescribe rules re; use, sale or possession.

21a-240 Definitions, dependency producing drugs.

21a-243 Regulation re schedules of controlled substances.

*New Jersey v. T.L.O.*, 469 325; 105 S.Ct. 733 (1985)

*Veronia School District 47J v. Acton*, 515 U.S. 646 (1995)

*Todd v. Rush County Schools*, 133F.3d 984 (7<sup>th</sup> Cir. 1998)

*Knox County Education Association v. Knox County Board of Education*, 158 F3d 361, 3885-386 (6<sup>th</sup> Cir. 1998)

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THOMASTON PUBLIC SCHOOLS  
Thomaston, Connecticut