

Students Policy #2351 - Alcohol Detection Testing

The Regional School District#18 Board of Education supports the use of both passive alcohol screening (“PAS”) devices and breathalyzers during the school day or at school-sponsored events on or off school grounds to deter the use of alcohol by students and to promote the health and safety of all students. The intent of this policy is deterrence. While it is not restricted to high school application, use at other levels should only be done with cause and consultation with the Superintendent.

This policy provides the basic structure for the use of PAS devices and breathalyzers in this District to detect/confirm alcohol consumption by students. Such instruments may be used by the District to 1) confirm a reasonable suspicion that a particular student has used or is under the influence of alcohol at school during the school day or while attending or participating in an extracurricular school-sponsored event or activity on or off school grounds; and/or 2) systematically screen students while attending or participating in extracurricular school-sponsored events or activities on or off school grounds for possible alcohol use.

The PAS device is a non-invasive high-speed breath alcohol-screening instrument which can be used as a “sniffer” for overt or covert alcohol detection. This device may be used to sample a student’s breath in order to detect alcohol use with results reported as either “positive” or “negative.” A breathalyzer is a device that detects and measures alcohol in expired air so as to determine the concentration of alcohol in a person’s blood.

Only designated school personnel and/or the school resource officer(s) will be trained in the use of the PAS device and/or breathalyzer test. Testing of students using these devices will be conducted in a separate area, to the extent practicable, to maintain student privacy.

Results from a PAS device or breathalyzer will be maintained in a confidential manner to the extent practicable and only released in accordance with District policy and state and federal law.

Testing to Confirm Reasonable Suspicion of Alcohol Use

If there is a reasonable suspicion that a student is under the influence of alcohol at school or while attending or participating in a school-sponsored event or activity on or off school grounds, the student shall be removed to a separate area for observation and questioning concerning alcohol consumption. The student will be informed as to how the device operates and testing will be conducted by trained personnel in a separate area, whenever possible, to maintain student privacy. Any student who tests positive will be asked to submit to a second test. If the student tests positive for a second time, the school will contact his/her parents/guardians. If necessary, the student will be brought to the school nurse for medical treatment during school hours and emergency medical protocols shall be followed. If necessary, if the school nurse is not available, school personnel shall seek emergency medical treatment (911).

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If the student tests positive on both tests, or if the student refuses to take the test when there is reasonable suspicion of alcohol use, the student may be subject to appropriate disciplinary action consistent with District policies and procedures.

Reasonable suspicion shall include, but not be limited to, any of the following:

1. Observed use or possession of alcohol;
2. Alcohol odor or the presence of an alcohol container;
3. Slurred speech, unsteady gait, lack of coordination, bloodshot or glazed eyes; or
4. Marked changes in personal or physical behavior not attributable to other factors.

Testing Without Reasonable Suspicion of Alcohol Use **Testing Procedures**

The Board also allows for the use of PAS devices and breathalyzers without the need for school personnel to first have reasonable suspicion of alcohol use in connection with students' participation in or attendance at extracurricular school-sponsored events and activities, including but not limited to athletics, whether occurring on or off school grounds. Such suspicionless testing will occur only if students are notified prior to the event or school-sponsored activity that a PAS device or breathalyzer may be used, and that they may be denied entry and/or removed from the event or activity for either refusing to submit to such testing or for testing positive for alcohol use. Students will be notified through such means as a student handbook, written notices, school announcements or similar notification.

When PAS devices and/or a breathalyzer will be used at a school-sponsored event on or off school grounds (i.e., school dances, proms, etc.), such devices shall be administered as follows:

1. All students participating in the activity or school-sponsored event may be asked to submit to a screening. The school principal or his/her designee will determine if such screening will be required of each student participating in the activity or school-sponsored event or if this screening will be done randomly.
2. If the device detects alcohol, the student shall be removed to a separate area for observation and questioning concerning alcohol consumption. The student will be asked to submit to another test to confirm the presence of alcohol.
3. Should the student test positive after the second test, school personnel will contact the student's parents/guardians, and the student shall be removed/denied entry to the activity or school-sponsored event and may face additional disciplinary actions.
4. Any student who refuses to submit to the test may be excluded or removed from the activity or school-sponsored event and may face additional disciplinary actions.
5. The District retains the right to contact local law enforcement officials at any time, as deemed appropriate, consistent with District practice and policy.

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Legal Reference:

Connecticut General Statutes

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.

10-221(d) Boards of education to prescribe rules, policies and procedures.

21a-240 Definitions. (Dependency-producing drugs).

21a-243 Regulations re: schedules of controlled substances.

New Jersey v. T.L.O., 469 U.S. 325 (1985).

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

Todd v. Rush County Schools, 43 F.3d 984 (7th Cir. 1998).

Knox County Education Association v. Knox County Board of Education, 158 F.3d 361, 385-386 (6th Cir., 1998).

Policy Adopted: February 2010

Lyme/Old Lyme Board of Education.