

Students

Search and Seizure

Breathalyzer Testing

This policy provides the basic structure for the use of passive alcohol sensors in this District to detect alcohol consumption by students.

The passive alcohol sensor 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.

The District does not consider the use of a passive alcohol-screening device as constituting a “search”; therefore the issue of trespass or intrusion into a student’s privacy is not a factor in the use of this device.

Administrators will use such a device only when reasonable suspicion exists that a student is under the influence or has used alcohol. Reasonable suspicion shall refer to any of the following:

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.

All due process rights of students will be observed. Further, the Board allows the use of passive alcohol sensor devices at school, on school buses or at any school-sponsored activity.

The passive screening device shall be checked for accuracy regularly and for full calibration semi-annually.

Only designated school personnel and/or the school resource officer(s) will be trained in the use of such instruments.

Students, parents/guardians and staff will be notified of the intended use of the passive alcohol sensor device. This notification shall be done through announcements, written documentation, assembly demonstration or classroom discussions.

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 passive alcohol sensor screening. If screening results are negative, no action shall be taken. However, if the student tests positive or if the student declines to take the screening, when reasonable suspicion exists, he/she shall be subject to appropriate disciplinary action as set out in the District’s disciplinary policies.

Students

Search and Seizure

Breathalyzer Testing (continued)

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

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 (7th Cir. 1998)

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

Policy adopted: April 26, 2011

PUTNAM PUBLIC SCHOOLS
Putnam, Connecticut

Students

Search and Seizure

Breathalyzer Testing

Given reasonable suspicion of alcohol consumption by a student, the administration will follow these procedures:

- The student will be removed to the office area for observation and questioning concerning alcohol consumption.
- The student may at any point confirm or deny the report of possible alcohol consumption.
- After questioning and observation, the student will be informed of the passive alcohol sensor test and how it operates. The student will be requested to breathe across the intake part of the device.
- The administration will then inform the student of the device's findings - alcohol was either detected on the sensor or the sensor did not detect alcohol.
- If alcohol was detected, the administration will notify the student and his/her parents and initiate appropriate disciplinary procedures.
- If the student continues to deny consumption, the student has due process rights. The student will be given the opportunity to face local law enforcement authorities to determine the presence of alcohol. The student may face legal consequences as a result of failing of alcohol detection test by local law enforcement officials.

In addition, the administration will:

- Publicize the intent and procedure with parents/guardians.
- Hold student meetings to present and clarify the intent and procedure.

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 (7th Cir. 1998)
 Knox County Education Association v. Knox County Board of Education,
 158 F3d 361, 3885-386 (6th Cir. 1998)

Regulation approved: April 26, 2011

PUTNAM PUBLIC SCHOOLS
 Putnam, Connecticut