

# Students

## Search and Seizure

5145.124

pg. 1 of 2

### Breathalyzer Testing

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

The passive alcohol sensor device is a non-invasive high-speed breath alcohol-screening instrument. It may be used to sample a student's breath in order to detect alcohol use. The Board allows the use of passive alcohol-screening devices at school, on school buses or at any school-sponsored activity.

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. All due process rights of students will be observed. Students shall have the right to challenge the accuracy of positive screening results.

The passive alcohol sensor will be used for admittance to school-sponsored events. Administration will announce prior to certain school-sponsored activities that all students must submit to the passive alcohol screening for entrance to the event. Events will include, but not be limited to, dances and proms. In addition, Administrators will use such a device when reasonable suspicion exists that a student is under the influence or has used alcohol. Reasonable suspicion includes, but is not limited to, such factors as:

1. Observed use or possession of alcohol.
2. Apparent physical or verbal impairment.
3. Observed changes in personal behavior.
4. Information from other persons.
5. Involvement in accidents or mishaps.

The passive screening device shall be checked for accuracy monthly 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 its inclusion in whole or in part in the student/parent handbook.

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pg. 2 of 2

### Breathalyzer Testing - continued

All students who possess, consume or are under the influence of alcohol on school property or at a school-sponsored event or activity are subject to appropriate disciplinary action under the Board of Education policy and rules of student conduct.

Administrators may also make determinations about alcohol use in the absence of a passive alcohol sensor screening. When an administrator determines that reasonable suspicion exists that a student has consumed alcohol during or prior to attendance at school or at a school-sponsored event, the student will be given the option to take a passive alcohol sensor screening provided that screening equipment and facilities are readily available. If screening results are negative, no disciplinary action shall be taken. However, if the student tests positive or declines to take the screening when reasonable suspicion exists, he/she shall be subject to appropriate disciplinary action. If no screening equipment or facilities are readily available, appropriate discipline may also be imposed based upon the evidence available to the administrator and the administrator's training and experience.

#### 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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