

WESTBROOK PUBLIC SCHOOLS

STUDENTS

Alcohol Detection

The Westbrook Board of Education (BOE) is committed to promoting safe and substance-free environment at school and at school sponsored-activities both on and off school grounds. This policy applies to all students enrolled in our schools as well as any guests attending school-sponsored activities. Any guests attending school-sponsored activities will be considered students for the purposes of this policy.

This policy provides for the use of passive and active alcohol sensors in Westbrook Schools to detect/confirm alcohol consumption by students and their guests. School personnel as appropriate or school resource officer(s) will be trained in the use of such instruments and school personnel will be trained in what constitutes reasonable suspicion.

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. Passive alcohol screening may be conducted with all students entering and/or exiting a school-sponsored activity or with individual students when reasonable suspicion exists that a student is under the influence or has used alcohol. Further, the Board allows the use of passive alcohol sensor devices at school, on school buses or at any school-sponsored activity.

Reasonable suspicion shall include any of the following:

1. Observed use, or possession, or odor of alcohol;
2. Physical impairment, such as: swaying, staggering, falling, confused, sleepy or in a stupor, slurred speech;
3. Changes in personal behavior, such as verbal abusiveness, intentional avoidance of supervision, change in verbal communication, frequent or intense arguments;
4. Involvement in, or contribution to, a vehicular accident where the use of alcohol is reasonably suspected.

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Alcohol Detection (Continued)

Administrators or their designee will use an active device only when a student has demonstrated alcohol use with a passive device. All due process rights of students will be observed.

The passive screening device shall be checked for accuracy and for full calibration at least as frequently as recommended by the manufacturer.

Students, parents/guardians and staff will be notified of the policy authorizing the use of the passive and active alcohol sensor devices. This notification shall be done through announcements, written documentation, assembly, or classroom discussions. The policy will be referenced in school handbooks.

When an administrator or his/her designee has reasonable suspicion that a student is under the influence of alcohol at school or a school-sponsored event, the student shall be given a passive alcohol sensor screening.

If the student fails the passive assessment, he/she will be given a fifteen minute wait period in a designated area after which the passive screening will be re-administered. Every effort will be made to protect the privacy of any student waiting for the screening to be re-administered.

If screening results are negative, no action shall be taken.

However, if the student tests positive, he/she will be given an active breathalyzer test.

If the student declines to take the screening, when reasonable suspicion exists, or if such screening proves positive he/she will be released to parents or guardian.

In the event that a parent/guardian or designated contact refuses to pick up his/her child, the school officials may contact law enforcement authorities.

The student shall be subject to appropriate disciplinary action as set out in the District's disciplinary policies.

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Alcohol Detection (Continued)

(cf. 5114 – Suspension/Expulsion)
(cf. 5131.6 - Alcohol, Drugs, Tobacco)
(cf. 5131.8- Out of School Misconduct)

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 (1985)

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)

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2nd Reading 5/8/07
3rd Reading 6/12/07
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