

## Students

### Alcohol Use, Drugs, Tobacco, E-Cigarettes, and Vapor Products

The Weston Board of Education (“the Board”) is required by Connecticut law to prescribe rules for the management and discipline of its schools. In keeping with this mandate, the unlawful use, sale, distribution or possession of controlled drugs, controlled substances, drug paraphernalia, as defined in C.G.S. Section 21a-240, and/or alcohol on or off school property or during any school sponsored activity is prohibited. Further, the use, sale, distribution or possession of tobacco, electronic nicotine delivery systems (e.g. e-cigarettes or similar devices), or vapor products on school property or at any school sponsored activity is prohibited. It shall be the policy of the Board to take positive action through education, counseling, discipline, parental involvement, medical referral, and law enforcement referral, as appropriate, in the handling of incidents in the schools involving the unlawful possession, distribution, sale or use of substances that affect behavior as well as tobacco, electronic nicotine delivery systems, and vapor products.

## Definitions

- (1) Controlled Drugs: means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to Connecticut General Statutes Section 21a-243, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. Connecticut General Statutes Section 21a-240(8).
- (2) Controlled Substances: means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to Connecticut General Statutes Sections 21a-243 and 21a-240(9).
- (3) Drugs: For the purposes of this policy and regulation, the term "drugs" shall include, but shall not be limited to, any medicinal preparation (prescription and non-prescription) and any controlled substance whose possession, sale, distribution, use or consumption is illegal under state and/or federal law).
- (4) Drug Paraphernalia: means any equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing or concealing, or injecting,

ingesting, inhaling or otherwise introducing controlled drugs or controlled substances into the human body, including but not limited to all items specified in Connecticut General Statutes Section 21a-240(20)(A), such as "bongs," pipes, "roach clips," miniature cocaine spoons, crack cocaine vials, tobacco rolling papers, and any object or container used, intended or designed for use in storing, concealing, possessing, distributing or selling controlled drugs or controlled substances. Connecticut General Statutes Section 21a-240(20)(A).

- (5) **Electronic Nicotine Delivery System**: means an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device.
- (6) **Inhalant**: means an abusable glue, aerosol paint or substance containing a volatile chemical with intent to inhale, ingest, apply or use any of these in a manner:
  - (a) Contrary to directions for use, cautions or warnings appearing on a label of a container of the glue, paint aerosol or substance; and
  - (b) Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination or elation, or change, distort, or disturb the person's eyesight, thinking process, balance or coordination.
- (7) **Professional Communication**: any communication made privately and in confidence by a student to a professional employee of such student's school in the course of the professional employee's employment. Connecticut General Statutes Section 10-154a(a)(4).
- (8) **Professional Employee**: means a person employed by a school who "(A) holds a certificate from the State Board of Education, (B) is a member of a faculty where certification is not required, (C) is an administration officer of a school, or (D) is a registered nurse employed by or assigned to a school." Connecticut General Statutes Section 10-154a(a)(2).
- (9) **Vapor Product**: means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not contain nicotine, that is inhaled by the user of such product.

## **Privacy Rights**

Personal privacy rights of students shall be protected as provided by law. Privileged communication between a professional employee and a student concerning drug abuse may remain confidential between student and professional employee, as determined by the professional employee. In cases where the professional employee is obtaining physical evidence of a controlled substance, and/or where there is an immediate threat to, or where students' health, safety, and welfare may be jeopardized, professional employees are encouraged to report such privileged communications to a responsible school administrator.

## **Illegal Activities**

The use of any drug for medicinal purposes by any student while in school or at a school-sponsored activity must conform to the requirements of the Board's policy and regulation concerning the Administration of Student Medications (Policy 5141.21). All other use, possession, sale or distribution of any behavior affecting substances and paraphernalia for the use of same; including controlled drugs, controlled substances, drugs, inhalants, performance enhancing substances, and/or alcoholic beverages (except for medical purposes as duly authorized through the school nurse), and drug paraphernalia, in violation of state law or Board of Education policy is prohibited at any time on school premises or at any school-sponsored activity. If a student is under the influence of any such substances, or engaged in the illegal activity of possessing, selling, or distribution of any such substances, the police will be notified, his/her parent(s)/guardian will be contacted, he/she will be suspended from school, referred to the Crisis Intervention Team, considered for expulsion, and referred to the appropriate law enforcement authorities.

## **Notification of Policy**

Annually, students will be notified through the student handbook, or through other means, of disciplinary sanctions for violation of this policy.

Principals shall include statements, appropriate to student maturity, in school handbooks and on District/school websites to the effect that:

1. the unlawful manufacture, distribution, dispensing, possession or use of controlled drugs, controlled substances, drugs, performance enhancing substances, drug paraphernalia and/or alcoholic beverages is prohibited in school, on school grounds, on school transportation and at school sponsored activities;
2. compliance with the standards of conduct stated in the handbook is mandatory;
3. a violation of its provisions will subject students to disciplinary action up to and including expulsion and referral for prosecution: and
4. Athletic activities at the high school and middle school levels sponsored by the District/school are included in this policy and accompanying administrative regulations.
5. Connecticut Interscholastic Athletic Association (CIAC) may impose sanctions beyond those applied by the District for the use of performance-enhancing substances, as defined in this policy, by athletes participating in CIAC controlled activities.

## **Consequences for the Use, Sale, Distribution or Possession of Controlled Drugs, Controlled Substances, Drug Paraphernalia or Alcohol.**

- (a) Any student in the Weston Public Schools using, consuming, possessing, being under the influence of, manufacturing, distributing, selling or aiding in the procurement of controlled drugs, controlled substances, drug paraphernalia or

alcohol either on or off school property, or at a school-sponsored activity, except as such use or possession is in accordance with Connecticut General Statutes § 21a-408a through 408q, is subject to discipline up to and including expulsion pursuant to the Board of Education Policy 5114, Student Discipline.

- (b) In conformity with Board of Education Policy 5114, Student Discipline, students may be suspended or expelled for drug or alcohol use off school grounds if such drug or alcohol use is considered seriously disruptive of the educational process. In determining whether the conduct is seriously disruptive of the educational process, the Administration and the Board may consider, among other factors: 1) whether the drug or alcohol use occurred within close proximity of a school; 2) whether other students from the school were involved; and 3) whether any injuries occurred.
  - (c) If a school administrator has reason to believe that any student was engaged, on or off school grounds, in offering for sale or distribution a controlled substance (as defined by Conn. Gen. Stat. § 21a-240(9), whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties under Conn. Gen. Stats. §§ 21a-277 and 21a-278, the administrator will recommend such student for expulsion, in accordance with the Board of Education Policy 5114, Student Discipline.
  - (d) Students found to be in violation of this policy may be referred by the building administrator to an appropriate agency licensed to assess and treat drug and alcohol involved individuals. In such event, assessment and treatment costs will be the responsibility of the parent or guardian.
  - (e) A meeting may be scheduled with appropriate school staff members for the purpose of discussing the school's drug and alcohol policy with the student and his/her parent(s) or guardian(s).
  - (f) Law enforcement officials may be contacted by the building administrator in the case of suspected involvement in the use, sale or distribution of controlled drugs, controlled substances, drug paraphernalia or alcohol.
- (1) Voluntary Disclosure of Drug/Alcohol Problem (Self-Referral) to a Professional Employee.

The following procedures will be followed when a student privately, and in confidence, discloses to a professional employee in a professional communication information concerning the student's use, possession, distribution or sale of a controlled drug, controlled substance or alcohol.

- (a) Professional employees are permitted, in their professional judgment, to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcohol or drug

problem of such student. In no event, however, will they be required to do so. C.G.S. Section 10-154a(b).

- (b) Any physical evidence obtained from such student through a professional communication indicating that a crime has been or is being committed by the student **must** be turned over to school administrators or law enforcement officials as soon as possible, but no later than two (2) calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. Employees are encouraged to contact the school administrator immediately upon obtaining physical evidence. In no case, however, will such employee be required to disclose the name of the student from whom the evidence was obtained. C.G.S. Section 10-154a(b).
- (c) Any professional employee who has received a professional communication from a student may obtain advice and information concerning appropriate resources and refer the student accordingly, subject to the rights of the professional employee as described in paragraph (a) above.
- (d) If a student consents to disclosure of a professional communication concerning the student's alcohol or drug problem, or if the professional employee deems disclosure to be appropriate, the professional employee should report the student's name and problem to the school's building administrator or designee who shall refer the student to appropriate school staff members for intervention and counseling.

(4) Involuntary Disclosure or Discovery of Drug/Alcohol Problems.

When a professional employee obtains information related to a student *from a source other than the student's confidential disclosure*, or when an employee other than a professional employee obtains information related to a student, that the student, on or off school grounds or at a school sponsored activity, is under the influence of, or possesses, uses, dispenses, distributes, administers, sells or aids in the procurement of a controlled drug, controlled substance, drug paraphernalia or alcohol, that information is considered to be involuntarily disclosed. In this event, the following procedures will apply.

- (a) The employee will immediately report the information to the building administrator or designee. The building administrator or designee will notify the Superintendent and/or his/her designee and refer the student to appropriate school staff members for intervention and counseling.
- (b) Any physical evidence (for example, alcohol, drugs or drug paraphernalia) obtained from a student indicating that a crime has been or is being committed by the student must be turned over to the building administrator or designee or to law enforcement officials as soon as possible, but no later than within two (2) calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(b). Because such evidence was **not** obtained

through a professional communication, the name of the student must be disclosed to the building administrator or designee.

- (c) **Search and Seizure of Students and/or Possessions:** An employee who reasonably suspects that a student is violating a state/federal law or a school substance abuse policy must **immediately** report his/her suspicion to the building administrator or designee. The building administrator or designee may then search a student's person or possessions connected to that person, in accordance with the Board's policies and regulations if he/she has reasonable suspicion from the inception of the search that the student has violated or is violating either the law or a school substance abuse policy.

Any physical evidence obtained in the search of a student, or a student's possessions, indicating that the student is violating or has violated a state or federal law **must** be turned over to law enforcement officials as soon as possible, but not later than within three (3) calendar days after receipt of such physical evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(c). All school employees are encouraged to contact the school administration immediately upon obtaining physical evidence.

### **Drug-Free Awareness Program**

The Superintendent shall assure that the District provides a drug-free awareness program for students including the following topics:

- health and safety-related dangers of drug abuse;
- review of the Board of Education's policy of maintaining drug-free schools;
- notification of the availability of drug counseling and rehabilitation programs; and
- official penalties for violations of this policy.

### **Inhalant Abuse**

In addition to the prohibitions pertaining to controlled drugs, controlled substances, drugs, performance enhancing substances, drug paraphernalia and/or alcoholic beverages contained in this policy, no student shall inhale, ingest, apply, use or possess an abusable glue, aerosol paint or substance containing a volatile chemical with intent to inhale, ingest, apply or use any of these in a manner:

1. Contrary to directions for use, cautions or warnings appearing on a label of a container of the glue, paint aerosol or substance; and
2. Designed to affect the central nervous system, create or induce a condition of intoxication, hallucination or elation, or change, distort, or disturb the person's eyesight, thinking process, balance or coordination.

For purposes of this policy, inhalants are defined as follows, but not limited to:

Nitrous Oxide – Laughing Gas, Whippets, CO<sub>2</sub> Cartridge  
Amyl Nitrite – “Locker Room,” “Rush,” “Poppers,” “Snappers”  
Butyl Nitrite – “Bullet,” “Climax”  
Chlorohydrocarbons – Aerosol Paint Cans, Cleaning Fluids  
Hydrocarbons – Aerosol Propellants, Gasoline, Glue, Butane

No person shall intentionally use or possess with intent to use inhalant paraphernalia to inhale, ingest, or otherwise introduce into the body an abusable glue, aerosol paint or substance or other substance that contains a volatile chemical.

Students who violate this policy shall be subject to disciplinary action as outlined in this policy, up to and including suspension and a recommendation for expulsion. Violators of this policy may also be required to complete an appropriate rehabilitation program. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar violations are treated consistently.

The Board of Education shall incorporate into the curriculum at all levels education pertaining to potential inhalant abuse which is appropriate for students given their age, maturity, and grade level. Inhalant abuse educational programs/information for parents/guardians will be offered in a manner convenient to parents/guardians.

### **Tobacco Use by Students**

There shall be no smoking or any other unauthorized use or possession of tobacco or tobacco products such as chewing tobacco, electronic nicotine delivery systems (e.g. e-cigarettes or similar devices), or vapor products (or similar products) by students in any school building or school vehicle, on school grounds, or at any time when the student is subject to the supervision of designated school personnel, such as when the student is at any school function, extracurricular event, field trip, or school related activity such as a work-study program. An ongoing program of student support and counseling will be offered, at the discretion of the administration, to provide support for students who wish to break the smoking habit.

Students who violate this policy will be subject to disciplinary action. The Superintendent shall propose and the Board of Education shall approve procedures and regulations to ensure that any student violating this policy is subjected to disciplinary action, and that any disciplinary actions imposed for similar actions are treated consistently.

§1-21b Smoking prohibited in certain places

§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 or physical evidence obtained from students.

§10-221a

§10-220b Policy statement on drugs

§10-221(d) Boards of education to prescribe rules, policies and procedures re sale or possession of alcohol or controlled drugs

§10-233a through §10-233f

§21a-240 Definitions dependency producing drugs.

§21a-240(8) Definitions “Controlled Drugs,” dependency producing drugs

§21a-240(9) Definitions “controlled substance”

§21a-243 Regulation re schedules of controlled substances.

§21a-408a through §21a-408q

§53-198 Smoking in motor buses, railroad cars and school buses

Federal Regulation 34 CFR Part 85 Drug-free Schools & Communities Act

§20 U.S.C. Section 7181 et. seq., No Child Left Behind Act

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

*Vernonia School District 47J v. Acton*, 515 U.S. 646

(1995) *Board of Education of Independent School District No 92 of Pottawatomie County v. Earls* 01-332 U.S. (2002)

Public Act 14-76, “An Act Concerning the Governor’s Recommendations Regarding Electronic Nicotine Delivery Systems and Vapor Products.”

Public Act 15-206, “An Act Regulating Electronic Nicotine Delivery Systems and Vapor Products”

Policy References: 1256 - Prohibition Against Smoking  
5114 - Suspension/Expulsion  
5131 - Conduct  
5131.8 - Misconduct off School Property  
5144 - Discipline/Punishment  
5144.1 - Use of Physical Force/Corporal Punishment  
5145.12 - Search and Seizure  
5145.12(a) - Breathalyzer Testing



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WESTON PUBLIC SCHOOLS  
Weston, Connecticut