

## Students

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

The implementation of the Board of Education policy #5131.6, “Alcohol Use, Drugs Tobacco, E-Cigarettes, and Vapor Products” is subject to the following guidelines, including disciplinary consequences.

#### 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) Crisis Intervention Team: means a designated and specifically trained team of school staff members typically including, but not limited to, an administrator, school nurse, guidance counselor, school psychologist, social worker, and teacher(s).
- (4) Distribution or Sale of Controlled Substances: means to deliver, sell, pass, share or give any controlled substance, as defined by this regulation, from one person to another or to aid in its use.
- (5) Drugs: For the purposes of this 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.
- (6) 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 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).

- (7) 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.
- (8) 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.
- (9) Possession: means to possess or hold, any controlled substances, alcohol, drug, mood altering substance, tobacco or other substance, device or product determined to be illegal, or as defined by this regulation, on one's person, in one's personal belongings, one's locker, car, backpack, etc)
- (10) 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).
- (11) 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).
- (12) Substance-Abuse Assessment: means an evaluation conducted by a professional to determine the student's overall health and condition in relation to use of a controlled substance or drug.
- (13) 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.

## **Use or Possession of Behavior Affecting Substances**

It is the policy of the Board of Education to prevent and prohibit the possession and/or use of any behavior affecting substances and paraphernalia for the use of same; including controlled drugs, controlled substances, drugs, inhalants, and/or alcoholic beverages (except for medical purposes as duly authorized through the school nurse), and drug paraphernalia, at any time on school property, at school-sponsored events or on school-provided transportation. Therefore, the Weston Public Schools maintains a zero tolerance policy regarding controlled drugs, controlled substances, drugs, drug paraphernalia and/or alcoholic beverages possession and use on school grounds and at school-sponsored events. The school provides (1) a supportive environment for recovering chemically dependent students during and/or after their involvement in a treatment program for chemical dependency; and will provide, at the discretion of the administration, (2) assistance to those students who are affected by drug/alcohol possession or use of others.

Any student in the Weston Public Schools found to be using or in possession of or under the influence of any behavior affecting substances and paraphernalia for the use of same; including controlled drugs, controlled substances, drugs, inhalants, and/or alcoholic beverages (except for medical purposes as duly authorized through the school nurse), and drug paraphernalia, during a school session, on school premises, or anywhere at a school-sponsored activity or trip, on school-provided transportation, or otherwise off school grounds when such student's conduct violates the substance abuse policy and is seriously disruptive of the educational process shall be subject to consequences. These consequences apply to all students, including all student athletes, and those students involved in co-curricular and extra-curricular activities. This policy extends to the possession, use or being under the influence of any facsimile ("look-alike") of controlled drugs, controlled substances, drugs, drug paraphernalia and/or alcoholic beverages, or any item represented to be same.

Pursuant to the goal of the Board of Education to maintain a drug and alcohol-free school district, the school shall take positive action through education, counseling, parental involvement, and medical and police referral in handling incidents in the schools involving possession or use of behavior affecting substances. These substances shall include, but not be limited to, controlled drugs, controlled substances, drugs, drug paraphernalia and/or alcoholic beverages as defined herein.

## **Use of Passive Alcohol Screeners and Breathalyzers**

This regulation provides the structure for the use of passive alcohol sensors and breathalyzers in this District to detect/confirm alcohol consumption by students. Such instruments shall be used by the District to confirm a reasonable suspicion that a particular student has used or is under the influence at a voluntary, extracurricular school-sponsored event as described herein. These devices have been approved for use at the middle school and the high school for all dances, proms, and other such events/activities.

The passive alcohol sensor ("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 will be trained in the use of the PAS device and/or breathalyzer test. All testing instruments shall be properly calibrated and will be checked for accuracy monthly and for full calibration semi-annually. Testing of students using these devices will be conducted in a separate area, to the extent practicable, to maintain student privacy. The use of a breathalyzer (rather than a PAS device) is governed by the terms of Administrative Regulation 5145.12(a).

Results from a PAS device or breathalyzer will be maintained in a confidential manner, and released in accordance with district policy and state and federal law.

#### **A. Testing to Confirm Reasonable Suspicion of Alcohol Use**

If there is reasonable suspicion that a student is under the influence of alcohol at a school-sponsored event, 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 PAS device operates and will be asked to breathe across the intake part of the device. 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 using a breathalyzer using the procedures outlined in Administrative Regulation 5145.12(a). If the student tests positive for a second time, or if the student refuses to submit to test using a breathalyzer, the school will contact his/her parents and the Superintendent of Schools or his/her designee will be notified. If necessary, emergency medical protocols shall be followed. The district retains the right to contact local law enforcement officials at any time, as deemed appropriate, consistent with Weston Public Schools practice and policy.

If the student tests positive on a breathalyzer test, or if the student refuses to take the breathalyzer test when there is reasonable suspicion of alcohol use, the student may be subject to appropriate disciplinary action consistent with Weston Public Schools 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 behavior not attributable to other factors.

#### **B. Extracurricular/Voluntary School-Sponsored Events**

The Board of Education also allows for the use of PAS devices and breathalyzers in connection with students' participation in extracurricular/voluntary school-sponsored events and activities without the need for school personnel to first have reasonable suspicion of alcohol use. Such suspicionless testing will occur only if students are notified prior to the event or school-sponsored activity that a PAS 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 voluntary school-sponsored event (i.e. school dances, proms, etc.) in accordance with the provisions of Administrative Regulation 5145.12(a), such devices shall be administered as follows:

1. All students participating in the activity or school-sponsored event will be asked to submit to a PAS or breathalyzer screening.
2. The tests will be administered by trained personnel prior to the admission of students and their guests to the event.
3. Students and guests who refuse to take the breathalyzer test will be denied entry to the event.
4. Students and guests whose breathalyzer test results indicate that they have been drinking alcohol will be denied entry to the event and their parents will be contacted.
5. In no event will a guest be permitted to enter the event if the student whom he/she is accompanying refuses to take the breathalyzer test or is determined to have been drinking as a result of the test.
6. Intentional avoidance of the required breathalyzer testing will result in immediate expulsion from the event and discipline procedures will be applied as specified in the School handbook, Board of Education Policy, and Administrative Regulations.
7. The district retains the right to contact local law enforcement officials at any time, as deemed appropriate, consistent with district practice and policy.

### **Consequences for Possession and/or Use of Behavior Affecting Substances**

Student found to be in possession of or use of any behavior affecting substances and paraphernalia for the use of same; including controlled drugs, controlled substances, drugs, and/or alcoholic beverages (except for medical purposes as duly authorized through the school nurse), and drug paraphernalia, shall be subject to the following disciplinary actions:

#### **First Offense:**

- Superintendent notification
- parent or guardian notification
- Ten (10) days suspension
- exclusion from all co-curricular and extracurricular activities concurrent with suspension
- police referral
- educational programs/requirements identified by the administration

### **Second and Subsequent Offenses:**

- Superintendent notification
- parent or guardian notification
- Ten (10) days suspension, pending expulsion hearing
- exclusion from all co-curricular and extracurricular activities concurrent with suspension
- successful completion of substance abuse education and assessment program prescribed by the administration
- recommendation to the Board of Education or impartial hearing officer for a period of expulsion of thirty (30) school days to one calendar year
- attendance at alternative education program per Board of Education or impartial hearing officer expulsion decision
- exclusion from all co-curricular and extracurricular activities concurrent with expulsion
- in the event of expulsion, participation, along with parent/guardian, in school-approved substance abuse counseling/family education program(s) prior to reentry to school
- police referral
- educational programs/requirements identified by the administration

### **Sale and Distribution: Sale or Distribution of Behavior Affecting Substances**

It is the policy of the Board of Education to prevent and prohibit the sale and/or distribution of any behavior affecting substances and paraphernalia for the use of same; including controlled drugs, controlled substances, drugs, inhalants, and/or alcoholic beverages (except for medical purposes as duly authorized through the school nurse), and drug paraphernalia, at any time on school property, at school-sponsored events or on school-provided transportation. Therefore, the Board of Education maintains a zero tolerance policy regarding any sale or distribution of behavior affecting substances and paraphernalia for the use of same on school grounds and at school-sponsored events.

Any student in the Weston Public Schools found to be selling or distributing any behavior affecting substances and paraphernalia for the use of same; including controlled drugs, controlled substances, drugs, inhalants, and/or alcoholic beverages (except for medical purposes as duly authorized through the school nurse), and drug paraphernalia, during a school session, on school

premises, or anywhere at a school-sponsored activity or trip, on school-provided transportation, or otherwise off school grounds shall be subject to severe disciplinary consequences including expulsion from school and referral to law enforcement officials. Any student found to be engaged on or off school grounds in offering for sale or distribution a controlled substance whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties shall be subject to mandatory expulsion.

These consequences apply to all students, including all student athletes, and those students involved or not involved in co-curricular and extracurricular activities.

Student found to be involved in the sale or distribution of any behavior affecting substances and paraphernalia for the use of same; including controlled drugs, controlled substances, drugs, inhalants, and/or alcoholic beverages (except for medical purposes as duly authorized through the school nurse), and drug paraphernalia, shall be subject to the following disciplinary actions:

**First and Subsequent Offenses:**

- Superintendent notification
- parent or guardian notification
- Ten (10) days out of school suspension under the supervision of his/her parent or guardian
- exclusion from all co-curricular and extracurricular activities concurrent with suspension
- expulsion, with administrative recommendation to the Board of Education or impartial hearing officer for thirty (30) school days to one calendar year
- mandatory expulsion for any student found to be engaged on or off school grounds in offering for sale or distribution a controlled substance whose manufacturing, distribution, sale, prescription, dispensing, transporting, or possessing with intent to sell or dispense, offering or administering is subject to criminal penalties, with administrative recommendation to the Board of Education or impartial hearing officer for one (1) calendar year
- attendance at alternative educational program per Board of Education policy and the requirements of the expulsion
- exclusion from all co-curricular and extracurricular activities concurrent with the expulsion and may be further excluded from any or all co-curricular and extracurricular activities beyond the academic expulsion period per action of the Board of Education or impartial hearing officer
- participation along with parent or guardian, in school-approved substance abuse counseling/family education program(s) prior to reentry to school
- police referral
- educational programs/requirements identified by the administration

## **Use or Possession of Tobacco, Smoking Paraphernalia, Electronic Nicotine Delivery Systems, and/or Vapor Products**

Student found to be using or in possession of tobacco in any form, smoking paraphernalia, electronic nicotine delivery systems or similar systems, or vapor products or similar products shall be subject to the following disciplinary actions:

### **First Offense:**

- parent or guardian notification
- Two (2) days suspension
- exclusion from all co-curricular and extracurricular activities concurrent with suspension
- educational programs/requirements identified by the administration

### **Second Offense:**

- parent or guardian notification
- Four (4) days suspension
- exclusion from all co-curricular and extracurricular activities concurrent with suspension
- educational programs/requirements identified by the administration

### **Third and Subsequent Offenses:**

- parent or guardian notification
- Five (5) days suspension
- exclusion from all co-curricular and extracurricular activities concurrent with suspension
- educational programs/requirements identified by the administration

### **Legal References:**

§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/Regulation  
References:

1256 – Prohibition Against Smoking  
5114 - Student Discipline  
5131.6, Alcohol Use, Drugs, Tobacco, E-Cigarettes, and Vapor Products  
5131.8 – Chemical Health for Student Athletes  
5144.1 – Use of Physical Force/Corporal Punishment  
5145.12 – Search and Seizure  
5145.12(a) – Breathalyzer Testing

Regulation approved: June 4, 1990  
Regulation Revised: June 21, 1999  
February 28, 2017

WESTON PUBLIC SCHOOLS  
Weston, Connecticut