

STRATFORD PUBLIC SCHOOLS - BREATHALYZER POLICY

Administrative Regulations for Use of Breathalyzers at School or at School-Sponsored Events

The Stratford Board of Education is committed to the promotion of healthful living and to the safety and well-being of its students. In keeping with this commitment, the Stratford Board of Education believes that the use of breathalyzers during school-sponsored events, on or off school grounds, during the school day is an acceptable deterrent to the use of alcohol by underage drinkers. Use of breathalyzers shall be guided by this policy.

High school administrators may administer breathalyzer tests at school-sponsored dances, both on and off site, to students and their guests in order to provide a safe and healthy environment for the students, staff and community. In addition, district or school administrators at any level may administer breathalyzer tests to students attending dances, shows, athletic events and other similar school sponsored events if they believe that the use of these tests is necessary as a deterrent to the use of alcohol by underage drinkers.

Extracurricular/Voluntary School-Sponsored Events

Students and their parents or guardians will be notified via annual policy notices, newsletters and event permission forms, specific advertisements and/or tickets that breathalyzers may be used at school-sponsored events. Students and their parents or guardians also will be notified that students will be denied entry and/or be removed from the event or activity in the event that they are found to have consumed and/or possessed alcohol at or preceding a school-sponsored event and could face additional disciplinary action as described in Stratford Public Schools Policy 5147 and the "Chemical Health Policy for Stratford Public Schools Student-Athletes," if applicable.

A breathalyzer test may be administered in the following manner at the discretion of the school administrator(s) in charge of the event:

1. The administrator(s) will test every student upon entering the school event and when the students leave the event.
2. The administrator(s) may decide to test only upon reasonable suspicion that a particular student or students was/were under the influence of alcohol.

For purposes of this policy, indications of reasonable suspicion of alcohol consumption may include, but are not limited to, such characteristics as alcohol odor, slurred speech, and unsteady gait, lack of coordination, presence of an alcohol container, bloodshot or glazed eyes, marked change in personal behavior, a report by a third party of a student's consumption of alcohol or other similar information, or behavior that is risky, aggressive, or disruptive.

The administrator(s) in charge of the event and any other school personnel who will participate or assist in the breathalyzer tests will be knowledgeable in the proper use of available

breathalyzers. Breathalyzers will be properly calibrated and maintained in accordance with accepted manufacturer standards.

Any student who tests positive after the first breathalyzer test will be given a second test after 10 minutes on a different breathalyzer in the presence of a second administrator, designee or school security guard. If a student tests positive for a second time, his/her parents or guardians will be called to pick up the student from the school-sponsored event. Under no circumstances will a student be allowed to transport himself from the event. No refunds will be provided to these students or their guests. Additional disciplinary action may follow which could include referral to an alcohol/substance abuse counseling program, in-school suspension, out-of-school suspension, expulsion, and/or other disciplinary consequences as outlined in the Stratford Public Schools Policy 5147 and the “Chemical Health Policy for Stratford Public Schools Student-Athletes,” if applicable.

Should the student refuse to take a breathalyzer test, it will be deemed that the suspicion of the administrator is confirmed and the student will face consequences as outlined in the Stratford Public Schools Policy 5147 and the “Chemical Health Policy for Stratford Public Schools Student-Athletes,” if applicable.

Police officers may be present at an extracurricular or school-sponsored event where breathalyzers are used, but police officers will not be involved in the screening process or in the disciplinary action taken by school officials against a student who fails a breathalyzer test.

Breathalyzers During the School Day

A school administrator may ask that a student submit to a breathalyzer test during the school day if there is reasonable suspicion, as defined above, that a student may be under the influence of alcohol while in attendance at school. The breathalyzer test will be administered as noted above, with an opportunity for a second test after 10 minutes. If the student tests positive for a second time, his/her parent or guardian may be called to pick up the student from school. If the parent or guardian cannot pick the student up, emergency services personnel may be contacted to transport the student as necessary for the student’s safety and to maintain a safe and orderly school environment. The student may face disciplinary action which could include referral to an alcohol/substance abuse counseling program, in-school suspension, out-of-school suspension, expulsion and/or other disciplinary consequences as outlined in the Stratford Public Schools Policy 5147 and the “Chemical Health Policy for Stratford Public Schools Student-Athletes,” if applicable.

Should the student refuse to take a breathalyzer test, it will be deemed that the suspicion of the administrator is confirmed and the student will face consequences as outlined in the Stratford Public Schools Policy 5147 and the “Chemical Health Policy for Stratford Public Schools Student-Athletes,” if applicable.

Results of any breathalyzer testing will be treated as confidential student information. All due process rights of students will be observed.

The District does not consider the use of a breathalyzer as constituting a search; therefore, the issue of trespass or intrusion into a student’s privacy is not a factor in the use of the device.

Board of Education policy # 5147 – 5147.1	Suspension/Expulsion
Board of Education policy # 5147.17 – 5147.19	Off Campus Misconduct
Board of Education policy # 5147.2 – 5147.10	Discipline/Punishment
Board of Education policy # 5130	Search and Seizure
Board of Education policy	Chemical Health Policy

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 Regulations 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.3d984 (7th Cir. 1998)

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

Policy Adopted by the Board of Education at the May 24, 2010 meeting.