

## **Students**

### **Search and Seizure**

### **Breathalyzer Testing**

This policy provides the basic structure for the use of passive alcohol sensors in the Amity Regional School District No. 5 to detect/confirm alcohol consumption by students.

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.

Trained district personnel are authorized to use the passive alcohol screening device(s) in the following instances:

1. To screen all participants at dances. If the student(s) tests positive or if the student(s) declines to take the screening, when reasonable suspicion exists, the student(s) will not be admitted to the dance, and the student(s)’ parents/guardians will be called to pick up. He/she may be subject to appropriate disciplinary action as set forth in the District’s disciplinary policies.
2. If a student(s) refuses the screening (and no reasonable suspicion exists), the student(s)’ parents/guardians will be called, and the student(s) will not be admitted to the dance.
3. As part of a nursing assessment, in the health office by staff nurses when reasonable suspicion of alcohol exists during the school day.

Reasonable suspicion shall refer to any of the following:

1. Observed use or possession of alcohol, or
2. Apparent physical state of impairment of motor function, or
3. Marked changes in personal behavior not attributable to other factors.

(cf. 5131.6 – Drugs, Alcohol, Tobacco)  
(cf. 5131.8 – Out of School Misconduct)  
(cf. 5145.11 Questioning and Apprehension)  
(cf. 5145.12 – Search and Seizure)

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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)