

Students

Alcohol Use, Drugs, and Tobacco (including Performance-Enhancing Substances)

Pursuant to the goal of the Amity Regional School District No. 5 (ARSD) Board of Education (Board) to maintain a drug, tobacco and alcohol-free school district, schools shall take positive action through education, counseling, parental involvement, and medical and police referral in handling incidents in the schools involving possession, sale, and/or use of behavior affecting substances. These substances shall include, but not be limited to, alcohol and controlled substances as defined in the Penal Code of the State of Connecticut.

Alcohol; tobacco; stimulants; street drugs including, but not limited to, marijuana, heroin and cocaine; anabolic steroids; hormones and analogues; diuretics; and other performance-enhancing substances including supplements are addressed by this policy and accompanying administrative regulations.

Possessing, using, or transmitting any substance which is represented to be or looks like a narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, stimulant, depressant, or intoxicant of any kind, including such substances that contain chemicals which produce the same effect of illegal substances are addressed by this policy. The use, possession, sale, or distribution of drugs, drug paraphernalia, and/or alcoholic beverages is strictly prohibited at any time on the school premises or at any school-sponsored activity. Violators will be subject to disciplinary action, which may include suspension, expulsion, and referral to the police.

Definitions

Drugs are defined as any substance other than food or water that is intended to be taken or administered (ingested, injected, applied, implanted, inhaled, etc.) for the purpose of altering, sustaining, or controlling the recipient's physical, mental, or emotional state. Drugs may include, but not be limited to, alcoholic beverages; controlled substances such as marijuana, hallucinogens, cocaine, barbiturates, amphetamines, narcotics; and non-authorized prescription drugs.

Controlled substances for purposes of this policy shall include all controlled substances prohibited by federal and state law; look-alike drugs; alcoholic beverages; anabolic steroids; drug paraphernalia; any volatile solvents or inhalants such as, but not limited to, glue and aerosol products; and prescription or patent drugs except those for which permission for use in school has been granted pursuant to Board policy.

Under the influence for purposes of this policy shall include any use of drugs, as defined above, by a student.

Students

Alcohol Use, Drugs, and Tobacco (including Performance-Enhancing Substances)

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.

Liquid nicotine container means a container that holds a liquid substance containing nicotine that is sold, marketed, or intended for use in an electronic nicotine delivery system or vapor product, except "liquid nicotine container" does not include such a container that is pre-filled and sealed by the manufacturer and not intended to be opened by the consumer.

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 include nicotine that is inhaled by the user of such product.

CBD for purposes of this policy is defined under federal law as a cannabis product with less than 0.3% tetrahydrocannabinol (THC) on a dry weight basis. It is also referred to as hemp. (Non-prescription CBD products that are available have not been approved by the U. S. Food and Drug Administration (FDA) for any use.)

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, re-packaging, 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 C.G.S. 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.

Privacy Rights

Personal privacy rights of students shall be protected as provided by law. School properties may be inspected by school authorities to maintain health and safety. Searches to locate drugs, narcotics, liquor, weapons, poisons, and missing properties are matters relating to health and safety and may be regarded as reasonable grounds for searches by school personnel. Privileged communication between a certified or paraprofessional employee and a student concerning drug abuse shall remain confidential except in cases where the employee is obtaining physical

Students

Alcohol Use, Drugs, and Tobacco (including Performance-Enhancing Substances)

evidence of a controlled substance and/or where there is an immediate threat or where students' health, safety, and welfare may be jeopardized.

Illegal Activities

Use, possession, sale, or distribution of drugs including prescription drugs, drug paraphernalia, and/or alcoholic beverages in violation of state law or Board policy is prohibited at any time on school premises or at any school-sponsored activity. If a student is under the influence of a drug or alcohol or engaged in the illegal activity of possessing or selling drugs and/or alcohol, the police will be notified; his/her parent(s)/guardian(s) will be contacted; and he/she may be suspended from school, referred to a Student Support Team, and considered for expulsion. In cases of the illegal activity of possessing or selling drugs or alcohol, students will be referred to the appropriate law enforcement authorities. If a student is arrested and is awaiting trial for possession of or possession of with intent to sell drugs in or on school property or at a school-sponsored event, the student will not be allowed to attend school without the permission of the Superintendent, per the guidelines set forth on suspension/expulsion in ARSD Board Policy 5131.

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 ARSD website to the effect that:

1. The unlawful manufacture, distribution, sale, dispensing, possession, or use of controlled substances, other illegal drugs, performance-enhancing substances, alcohol, or tobacco including electronic nicotine delivery systems and vapor products, 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;
4. CIAC-controlled activities at the high school and middle school levels sponsored by ARSD are included in this policy and accompanying administrative regulations; and
5. CIAC may impose sanctions beyond those applied by ARSD for the use of performance-enhancing substances as defined in this policy by athletes.

Students

Alcohol Use, Drugs, and Tobacco (including Performance-Enhancing Substances)

6. Sports and activities not controlled by the CIAC will be treated in a manner consistent with CIAC-sanctioned activities.

Disciplinary Action

Students who violate this policy will be subject to disciplinary action, which includes, but is not limited to, suspension or expulsion and/or a program recommended by the Student Support Team. Student athletes who violate this policy and are participating in CIAC-controlled activities shall also be declared ineligible for such activities in accordance with CIAC policy and regulation. Any disciplinary actions imposed will ensure that similar violations will be treated consistently. The Superintendent shall propose and the Board 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 following guidelines for reporting alleged violations are to be followed:

1. If an employee suspects student possession, use, abuse, distribution, or sale of controlled substances, other illegal drugs, performance-enhancing drugs, alcohol, or tobacco/tobacco products, the employee shall refer the matter to the Principal or his/her designee. The Principal or designee will notify the student's parent/guardian, recommend a specific assessment as appropriate, and contact law enforcement personnel as appropriate.
2. If an employee obtains physical evidence of a controlled substance, other illegal drug, drug paraphernalia, performance-enhancing drugs, alcohol, tobacco products, or tobacco paraphernalia from a student in school, on school grounds, on school-provided transportation, or at a school-sponsored event, the employee shall turn the student and the controlled substance over to the school principal or designee.
3. Disciplinary action taken by ARSD officials against a student for the use, sale, or possession of marijuana (cannabis) on school premises or at any ARSD-/school-sponsored activity shall not result in any discipline, punishment, or sanction greater than that which a student would face for the use, sale, possession of alcohol (C.G.S. 10-221 (d), as amended by P.A. 21-1, June Special Session, Section 19).

Students

Alcohol Use, Drugs, and Tobacco (including Performance-Enhancing Substances)

Drug-Free Awareness Program

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

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

Drugs and Alcohol

It is the policy of the Board to prevent and prohibit the use (except as duly authorized through the school nurse), possession, distribution, or sale of any drug, drug paraphernalia, or alcohol by any student at any time on school property, at school-sponsored events, or on school-provided transportation. ARSD will provide: (1) a supportive environment for recovering chemically dependent students during and/or after their involvement in a treatment program for chemical dependency and (2) assistance to those students who are affected by drug/alcohol possession or use by others. Any student in ARSD schools found to be using, selling, distributing, in possession of, or under the influence of intoxicants, mood-altering drugs or substances or look-alike drugs, or in possession of any related 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 as stated in the student handbook.

A passive alcohol sensor is approved for use at events/activities such as dances and proms at the middle school and high school levels under the guidelines set forth in ARSD Board Policy 5145.124.

Inhalant Abuse

In addition to the prohibitions pertaining to alcohol, drugs, and tobacco 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, aerosol paint, or substance; and

Students

Alcohol Use, Drugs, and Tobacco (including Performance-Enhancing Substances)

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
- Amyl Nitrite
- Butyl Nitrite
- Chlorohydrocarbons
- Hydrocarbons

Further, no student 18 years of age or older shall intentionally, knowingly, or recklessly deliver or sell potentially abusable inhalant materials as listed above to a minor student.

No student 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.

Any student in the ARSD schools found to be in possession of, using, distributing, or selling potentially abusable inhalant materials 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 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 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.

Performance-Enhancing Drugs

In addition to the prohibition pertaining to alcohol, drugs, tobacco, and inhalants, the Board prohibits the use, possession, distribution, or sale of performance-enhancing drugs including androgenic/anabolic steroids by students involved in school-related athletics or any co-curricular or extra-curricular school activity/program other than use for a valid medical purpose as

Students

Alcohol Use, Drugs, and Tobacco (including Performance-Enhancing Substances)

documented by a physician. Bodybuilding and enhancement of athletic ability and performance are not considered valid medical purposes.

School personnel and coaches will not dispense any drugs, medication, or food supplements except as in compliance with Connecticut State law, ARSD policy, and as prescribed by a student's physician, dentist, physician assistant, or advanced practice registered nurse.

Students shall be made aware of the dangers of steroid abuse and that such abuse, unauthorized possession, purchase, or sale will subject them to disciplinary action and CIAC sanctions.

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 section is subjected to disciplinary action and that any disciplinary actions imposed for similar violations are treated consistently.

It is the expectation of the Board that ARSD schools require all athletes playing sports to be chemical-free. This includes CIAC-controlled sports as well as sports and activities outside of CIAC oversight.

Tobacco/E-Cigarette Use by Students

There shall be no smoking or any other unauthorized use or possession of tobacco, tobacco products including chewing tobacco or tobacco paraphernalia, and electronic nicotine delivery systems or vapor products by students in any school building or school vehicle at any time or on any school grounds during the school day 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, extra-curricular event, field trip, or school-related activity such as a work-study program. An ongoing program of student support and counseling will be offered to provide support for students who wish to break the smoking habit.

Tobacco includes, but is not limited to, cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, nicotine delivering systems or vapor product, chemicals, or devices that produce the same flavor or physical effect of nicotine substances and any other tobacco or nicotine innovations.

Students who violate this policy will be subject to disciplinary action. The Superintendent shall propose and the Board 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.

Students

Alcohol Use, Drugs, and Tobacco (including Performance-Enhancing Substances)

Medical Marijuana

Although possession and use of marijuana for certain medical conditions consistent with Connecticut's P.A. 12-55, "An Act Concerning the Palliative Use of Marijuana," as amended by P.A. 16-23 is no longer a crime in Connecticut, the possession and use of marijuana remains illegal under federal law. Consistent with federal law including the Controlled Substances Act and the Drug-Free Schools and Communities Act the use and/or possession of marijuana continues to be prohibited while a student is on a school bus, at school, on school grounds, or at a school-sponsored activity. ARSD will continue to enforce its policies regarding controlled substances, and any students who violate ARSD policy prohibiting the use, sale, or possession of illegal drugs in ARSD facilities and school property will be subject to disciplinary and criminal action.

Use of CBD Products

Students are prohibited from possessing, using, selling, delivering, manufacturing, or being under the influence of any substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC), regardless of whether it constitutes a controlled substance under federal law.

(cf. 5131 – Conduct)

(cf. 5131.8 – Out of School Grounds Misconduct)

(cf 5145.11 – Police in Schools)

(cf. 5145.12 – Search and Seizure)

(cf. 5145.124 – Breathalyzer Testing)

(cf. 6164.11 – Drugs, Alcohol, Tobacco)

Legal Reference: Connecticut General Statutes

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.

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

21a-240 Definitions dependency producing drugs.

21a -240(8) Definitions "Controlled Drugs," dependency producing drugs.

Students

Alcohol Use, Drugs, and Tobacco (including Performance-Enhancing Substances)

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

21a-243 Regulation re schedules of controlled substances.

21a-408 et. seq. Palliative Uses of Marijuana (as amended by P.A. 16-23)

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

P.A. 11-73 An Act Regulating the Sale and Possession of Synthetic Marijuana and Salvia Divinorum.

P.A. 12-55 An Act Concerning the Palliative Use of Marijuana.

P.A. 16-23 An Act Concerning the Palliative Use of Marijuana.

P.A. 14-76 An Act Concerning the Governor’s Recommendations Regarding Electronic Nicotine Delivery Systems and Youth Smoking Prevention.

P.A. 15-206 An Act Regulating Electronic Nicotine Delivery Systems and Vapor Products

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

P.L. 114-95 Every Student Succeeds Act, Section 8573

Synthetic Drug Abuse Prevention Act of 2012. (part of s.3187, the Food and Drug Administration Safety and Innovation Act)

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

Veronia 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).