

Students

Alcohol, Drugs, and Tobacco

Alcohol and Drugs

The Board of Education recognizes that any program to combat the misuse of controlled drugs and/or alcohol must be a community effort. The Board of Education shall ensure that students are informed about the dangers of drug and/or alcohol abuse at an age – appropriate level.

The Board of Education shall establish drug and/or alcohol education programs for all grade levels. Further, the Board of Education will attempt to involve concerned segments of our society in these programs; i.e., students, parents/guardians, Board of Education employees, social and law enforcement agencies. Also, the Board of Education will cooperate with town groups and agencies that are involved in the health of students relating to drug and/or alcohol abuse. Parents/guardians and citizens will be informed through various means about drug and/or alcohol abuse problems and their cooperation will be sought in solving the problems which exist.

Students will be advised that they are prohibited from the possession, use or distribution of illegal drugs and/or alcohol on school premises or during any school activity. Students in violation of this policy will be subject to discipline, including but not limited to, suspension or expulsion.

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 including but not limited to Spice and K2 and bath salts are addressed by this policy.

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 consumption or ingestion of controlled substances by a student.

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Alcohol and Drugs (continued)

Administrative regulations shall be developed which will indicate the manner in which suspected and/or actual cases of drug and/or alcohol possession, use or sale shall be handled. These rules shall recognize the welfare of the individual student as well as of the entire student body.

The specific instance of drug and/or alcohol abuse must be dealt with by the administration and faculty in a manner which precludes arbitrary decisions, protects the rights of all students, and functions within the law.

Students will be informed that student lockers and/or desks are the property of the school district and may be searched at any time at the discretion of the school administration.

The Principal or his/her designee is personally responsible for holding contraband materials and for delivering them to the proper public authorities. A receipt should be furnished to the owner, if known, and one demanded from the officer who takes possession.

Smoking

The Marlborough Board of Education is committed to maintaining and improving the health and well-being of its students. Medical research shows that smoking and other tobacco use poses a significant risk to the health of the smoker and non-smoker.

The policy of the Board of Education is that no use of tobacco related products and that no smoking of any substance or form shall be allowed on school property at any time, on any transportation provided by the Board of Education; or during the course of any trip or activity sponsored by the Board of Education.

Further, it is the policy of the Board to provide all students in Marlborough programs on the effects of tobacco as directed in Section 10-19 of the Connecticut General Statutes. It is expected that these programs will help students to become more aware of health hazards caused by smoking and tobacco use and better informed about the diseases related to such use. In addition, it is also expected that these programs will aid students in developing constructive attitudes and help them make wise decisions about smoking and tobacco use.

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including but is not limited to, cigarettes, electronic cigarettes, cigars, snuff, blunts, bidis, pipes, chewing tobacco, or any other substance that contains tobacco or nicotine, and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco or tobacco products. In order to protect students and staff, the Board prohibits the use of tobacco or nicotine-based products in school buildings, on school grounds, in school vehicles, or at any school-related event.

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Alcohol, Drugs, and Tobacco (continued)

The administration is charged with developing regulations to enforce this policy. Penalties for infractions of smoking regulations must be consistently administered to both students and Board employees.

Legal Reference: Connecticut General Statutes
1-21b Smoking prohibited in certain places.
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.
10-220b Policy statement on drugs.
10-221(d) Boards of education to prescribe rules re use, sale of possession.
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-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. 16-23 An Act Concerning the Palliative Use of Marijuana.
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).
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).

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Alcohol, Drugs and Tobacco

Definitions

1. **Controlled Substances:** Controlled drugs are those drugs which contain any quantity of a substance which has been designated as subject to federal narcotic laws, or which has been designated as a depressant or stimulant drug pursuant to federal drug laws, or which has been designated by the Public Health Council and Commissioner of Consumer Protection as having a stimulant, depressant or hallucinogenic effect upon the higher function of the central nervous system and as having a tendency to promote abuse and/or psychological dependence.
2. **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 latter's employment.
3. **Professional Employee:** 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 administrator, or
 - d. Is a registered nurse employed by or assigned to a school.
4. **Drug Paraphernalia:** Any object or device used, intended for use, or designed for use in ingesting, inhaling, injecting, or otherwise introducing controlled or restricted substances into the human body (i.e. bongs, pipes, roach clips, miniature cocaine spoons, crack vials, tobacco rolling papers) or any object or container used, intended for use, designated for use in storing, concealing, or distributing controlled substances.

Procedures

Other than prescribed medication which is maintained and administered in accordance with the Board policy on administration of medications, a student who on school grounds, during a school session, or anywhere at a school-sponsored activity is under the influence of or possesses, uses, dispenses, sells or aids in the procurement of a controlled substance or alcohol shall be subject to discipline pursuant to the procedures outlined below:

1. Voluntary Disclosure of Drug/Alcohol Problem (Self-Referral)

The following procedures will be followed when a student privately and in confidence discloses to a professional employee their illegal use, possession, or sale of a controlled substance or alcohol.

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Alcohol, Drugs and Tobacco (continued)

Procedures (continued)

- a. Any such professional employee shall not be required to disclose any information acquired through a professional communication with a student, when such information concerns alcohol or drug abuse or any alcoholic or drug problem of such student.
- b. Any physical evidence obtained from such student indicating that a crime has been or is being committed by the student must be turned over to school administrators or law enforcement officials within two school days after receipt of such 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. Any professional employee who has received professional communication from a student may obtain advice and information concerning appropriate resources and refer the student accordingly. At no time will such professional employee be required to disclose the name of the student.
- d. If the student will allow for disclosure of the professional communication concerning the student's use, possession or sale of a controlled substance or alcohol, the professional employee will report the student's name and problem to the school's building administrator or the designee.
- e. If any emergency situation results from drug use or if confirmation of drug use is required, the professional employee may send the student to the school nurse or medical advisor.

2. Involuntary Disclosure of Drug/Alcohol Problem(s)

Confidentiality does not apply to instances of involuntary disclosure. When a professional employee obtains information from a source other than a student's disclosure that pertains to a student's illegal use, possession, or sale of a controlled substance or alcohol during the school day, at any school-sponsored activity, or while on school property, the information is considered to be involuntarily disclosed.

- a. When a professional employee obtains knowledge of a student's use, possession, or sale of a controlled substance or alcohol, he/she will immediately report the information to the building administrator or the designee.

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Alcohol, Drugs and Tobacco (continued)

Involuntary Disclosure of Drug/Alcohol Problem(s) (continued)

- b. Any physical evidence (i.e. 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 the designee or law enforcement officials within two school days after receipt of such physical evidence. The person having custody of physical evidence shall maintain the chain of custody. Because the physical evidence was not obtained through a confidential disclosure, the name of the student must be disclosed to the building administrator or the designee.
- c. Search and Seizure of Students and/or Possessions: Students are subject to search in accordance with applicable laws. Professional employees who reasonably suspect that a student is violating a state/federal law or a school substance abuse policy should not conduct a search but should immediately report their suspicion to the building administrator.

The building administrator or the designee with the authorization of the Superintendent, may then search a student's person, or possessions connected to that person, if they have reasonable suspicion from the inception of the search that the student has violated or is violating either the law or the school's substance abuse policy. Such a search is permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

School desks and lockers are school property. Therefore, the building administrator or the designee may search a student's locker or desk in order to maintain discipline and protect the welfare of all students in that building.

Any physical evidence suggesting that the student is violating or has violated a state or federal law obtained in the search of a student or their possessions by an administrator must be turned over to the law enforcement officials within three (3) school days after receipt of such evidence.

- d. Consequences for the Use, Sale or Possession of Controlled Substances or Alcohol: Any student in Marlborough using, possessing, or selling controlled substances, alcohol or drug paraphernalia on school property, during a school day, or at a school-sponsored activity shall automatically be subject to the following actions:

Students

Alcohol, Drugs and Tobacco (continued)

Involuntary Disclosure of Drug/Alcohol Problem(s) (continued)

1. First Violation

Any student found to be in violation of this policy for the first time will be referred by the building administrator to an appropriate agency licensed to assess and treat drug/alcohol involved individuals and have their parent(s)/guardian(s) contacted. In cases of possession, law enforcement officials will be notified. The violator will also be subject to the following procedures:

- a. If a student voluntarily agrees to be assessed by a licensed drug/alcohol agency and completes the program prescribed by the agency in coordination with the school's student assistance team, a structured five day in-school suspension will be waived. Completion of a prescribed program involves:
 1. Written verification of program completion signed by the treatment agency; and
 2. The scheduling of a meeting with the school's student assistance team, school administrator, student and parent(s)/guardian(s) to discuss the school's drug policy and after-care programs.
- b. If the student does not agree to be assessed and participate in any agency program or agrees and then fails to complete the program prescribed by the agency in coordination with the school's student assistance team, he/she will receive a structured five-day in-school suspension. During the five-day in-school suspension, the student will be required to complete his/her daily classwork in addition to attending in-school counseling.

NOTE: If a student agrees to be assessed by a licensed drug/alcohol agency but fails to complete the program, he/she will be subject to the procedures described in (b) above. The school administrator must verify that the agency's prescribed program was not completed by the student.

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Alcohol, Drugs and Tobacco (continued)

Involuntary Disclosure of Drug/Alcohol Problem(s) (continued)

2. Second Violation

The law enforcement agency will be notified of all second violations involving possession of a controlled substance or alcohol. Any student found to be in violation of this policy for the second time will be subject to the following procedures:

- a. If the student voluntarily agrees to be assessed by a licensed drug/alcohol agency in coordination with the school's student assistance team, a 10-day structured in-school suspension will be waived. Completion of a prescribed program involves the following:
 1. Written verification of program completion signed by the treatment agency;
 2. The scheduling of a meeting with the school's drug policy and after-care programs;
 3. The student and parent(s)/guardian(s) will be notified in writing that future violations of the school's drug policy will subject the student to expulsion.
- b. If the student does not agree to be assessed and participate in any agency program or agrees and then fails to complete the program prescribed by the agency in coordination with the school's student assistance team, he/she will receive a structured 10 day in-school suspension. During the 10 day in-school suspension, the student will be required to complete his/her daily classwork in addition to attending in-school counseling.

In addition, a meeting with the school's student assistance team, a school administrator, student and parent(s)/guardian(s) will be scheduled to discuss the school's drug policy. Written notification will be sent to the student and parent(s)/guardian(s) that future violation of the school's drug policy will be subject to expulsion.

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Alcohol, Drugs and Tobacco (continued)

Involuntary Disclosure of Drug/Alcohol Problem(s) (continued)

3. Third Violation

The law enforcement agencies will be notified immediately and the student will be recommended to the Board of Education for expulsion pursuant to S10-233d(a)-(3) of the Connecticut General Statutes.

- (a) Any proceeding by the Board to suspend or expel a student will be conducted in accordance with the procedures specified in Board Policy 5114, Student Suspension and Expulsion.

Legal Reference: Connecticut General Statutes

10-16b Prescribed courses of study.

10-19 Effect of alcohol, nicotine or tobacco and drugs to be taught. Training of personnel. Study of prevention program. Report of findings and recommendations.

10-154a Professional communications between teacher or nurse and student. Surrender of physical evidence obtained from students.

10-220b Policy statement on drugs.

10-221(d) Boards of education to prescribe rules.

10-233d Expulsion of students. Hearing format. Age limitation for the provision of an alternative educational opportunity; exceptions.

21a-240 Definitions. (8) "Controlled drugs."

21a-277 Penalty for illegal manufacture, distribution, sale, prescription, dispensing.

21a-278 Penalty for illegal manufacture, distribution, sale, prescription or administration by non-drug-dependent person.

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MARLBOROUGH PUBLIC SCHOOLS
Marlborough, Connecticut