

Students

Search and Seizure

Breathalyzer Testing

This policy provides the basic structure for the use of passive and active alcohol sensors in Brookfield 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. Passive alcohol screening may be conducted with all students entering a school sponsored event or with individual students when reasonable suspicion exists that a student is under the influence or has used alcohol.

Administrators will use an active device only when a student has demonstrated alcohol use with a passive device. Reasonable suspicion shall refer to any of the following:

1. Observed use or possession of alcohol;
2. Apparent physical state of impairment of motor functions;
3. Marked changes in personal behavior not attributable to other factors; or
4. Involvement in, or contribution to, a vehicular accident where the use of alcohol is reasonably suspected.

All due process rights of students will be observed. Further, the Board allows the use of passive alcohol sensor devices at school, on school buses or at any school-sponsored activity.

The passive screening device shall be checked for accuracy and for full calibration at least as frequently as recommended by the manufacturer.

Designated school personnel and/or the school resource officer(s) will be trained in the use of such instruments.

Students, parents/guardians and staff will be notified of the intended use of the passive and active alcohol sensor devices. This notification shall be done through announcements, written documentation, assembly demonstration or classroom discussions, and will be included in school handbooks.

(cf. 5114 – Suspension/Expulsion)
(cf. 5131 – Conduct)
(cf. 5131.6 – Drugs, Alcohol, Tobacco)
(cf. 5131.8 – Out of School Misconduct)
(cf. 5144 – Discipline/Punishment)
(cf. 5145.11 Questioning and Apprehension)
(cf. 5145.12 – Search and Seizure)

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.

Veronia School District 47J v. Acton, 515 U.S. 646 (1995)

Todd v. Rush County Schools, 133F.3d 984 (7th Cir. 1998)

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

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