

Students

Alcohol, Drugs and Tobacco

A. Definitions

1. **Controlled Substances:** Controlled substances (including alcohol) 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 pursuant to Section 21a-243 of the Connecticut General Statutes 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 [C.G.S. Sec. '21a-240(8)].
2. **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.
3. **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; mood altering synthetic substances, including but not limited to, K2 and "spice"; and non-authorized prescription drugs.
4. **Over-the-Counter** substances, for the purpose of this policy, shall include all substances available for non-prescription purchase intended for health related conditions (aspirin, Tylenol, cough suppressants, etc.)
5. **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" [C.G.S. Sec. 10-154a(a)(4)].
6. **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 of a school, or
 - d. is a registered nurse employed by or assigned to a school [C.G.S. Sec. 10-154a(a)(2)].
7. **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. bong, pipes, roach clips, miniature cocaine spoons, crack vials, tobacco rolling papers) or any object or container used, intended for use, or designed for use in sorting, concealing, or distributing controlled substances.

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8. **Performance-Enhancing Drugs/Substances** means any performance enhancing drugs, including anabolic agents or steroids, used for the intent of bodybuilding and muscle enhancement of physical ability and not for a valid medical purpose as defined by a physician, including but not limited to, those performance-enhancing drugs/substances identified on the CIAC comprehensive list reflected below.
- A. Pharmacological agents (prescription or nonprescription) taken in doses that exceed the recommended therapeutic dose or taken when the therapeutic indicators are not present;
 - B. Agents used for weight control, including stimulants, diet pills, diuretics, and laxatives, when the user is in a sport that has weight classifications or that rewards leanness;
 - C. Agents used for weight gain, including over-the-counter products advertised as promoting increased muscle mass;
 - D. Physiologic agents or other strategies used to enhance oxygen-carrying capacity, including erythropoietin and red blood cell transfusions (blood doping);
 - E. Any substance that is known to mask adverse effects or detect ability of another performance-enhancing substance; and
 - F. Nutritional supplements, including Creatine, taken at “supraphysiologic” doses or at levels greater than required or to replace deficits created by a disease state, training program and/or participation in sports.
9. **Inhalant** means an abusable glue, aerosol paint or substance containing a volatile chemical with intent to inhale, ingest, apply or use in any of these manners:
- A. Contrary to directions for use, cautions or warnings appearing on a label of a container of the glue, paint aerosol or substance; and
 - B. 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 the purposes of this policy, inhalants are defined as follows, but not limited to:

Nitrous Oxide – Laughing Gas, Whippets, CO₂ Cartridge
Amyl Nitrite – “Locker Room,” “Rush,” Poppers,” “Snappers”
Butyl Nitrite – “Bullet,” “Climax”
Chlorohydrocarbons – Aerosol Paint Cans, Cleaning Fluids
Hydrocarbons – Aerosol Propellants, Gasoline, Glue, Butane

10. **Distribution or sale of Controlled Substances** means to deliver, sell, pass, share or give any alcohol, drug or mood altering controlled substance, as defined by this regulation, from one person to another or to aide in its use.
11. **Possession of Controlled Substances** means to possess or hold, any alcohol, drug, or mood altering substance determined to be illegal, or as defined by this regulation, on one’s person, in one’s personal belongings, one’s locker, car, backpack, etc.

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12. **Substance-Abuse Assessment** is an evaluation conducted by a professional to determine the student's overall health and condition in relation to use of a controlled substance or drug.
13. **Student Support Team** is a designated and specifically trained team of school staff members typically including, but not limited to, an administrator, school nurse, guidance counselor, school psychologist, social worker, and teacher(s).
14. **Under the influence**, for purposes of this policy shall include any consumption or ingestion of controlled substances by a student.

B. Procedures

A student who, while 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 directly 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, at the student's initiative and in confidence, discloses to a professional employee his/her use, possession, or sale of a controlled substance.

- 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 [C.G.S. Sec. 10-154a(b)]. Such communication may remain confidential except in cases where the employee is obtaining physical evidence of a controlled substance, and/or when there is an immediate threat of, or where students' health, safety and welfare may be jeopardized.
- b. Any physical evidence obtained voluntarily, privately and confidentially from a student during a self-referral indicating that a drug or alcohol related crime has been or is being committed by that 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.G.S. Sec. 10-154a(b)].
- c. Although the school district is conscious of some level of confidentiality, guarantees are not possible and disclosures made to school officials will be handled on a case to case basis.
- d. When a professional employee obtains knowledge of a student's use, possession, or sale of a controlled substance (including alcohol), he/she will immediately report the information to the building principal or the principal's designee.

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- e. Any physical evidence (i.e. alcohol, drugs or drug paraphernalia) obtained from a student indicating that the student has committed a crime must be turned over to the building principal or the designee or law enforcement officials as soon as possible. If 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.

2. **Search and Seizure of Students &/or Possession:**

Because the Fourth Amendment's prohibition of unreasonable searches and seizures applies to searches conducted by public school officials, professional employees who reasonably suspect that a student is violating a state/federal law or a school substance abuse policy must immediately report their suspicion to the building administrator or the designee.

The building administrator or the designee 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.

The building administrator or the designee may search a student's locker 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 immediately after receipt of such evidence [C.G.S. Section 10-154a(c)].

3. **Consequences for the Use, Possession, or Aiding in the Procurement of Controlled Substances, Drug Paraphernalia, Performance Enhancing Drugs, Inhalants or Alcohol:**

Any student in the East Lyme School District using, possessing, or aiding in the procurement of controlled substances, alcohol, ~~or~~ drug paraphernalia, performance enhancing drugs or inhalants on school property, during a school day, or at a school-sponsored activity shall automatically be subject to the provisions of state law, board policy, student/parent handbook and/or other collateral rules and regulations of the school district.

1. Any student who is found to be in possession of a controlled substance for the first time will be suspended for ten days and may be recommended to the Board of Education for expulsion from the East Lyme School System pursuant to Section 10-233d(a)-(e) of the Connecticut General Statutes. The Superintendent will be notified and the student will be excluded from all co-curricular and extracurricular activities, concurrent with the suspension.
2. If the Superintendent chooses not to recommend expulsion for possession, the following procedures will be utilized:

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- (a) Any student found to be in possession of drugs or alcohol, drug paraphernalia, inhalants, or performance enhancing drugs for the first time during his/her tenure in the East Lyme School District will be referred by the building administrator to an appropriate agency licensed to assess and treat drug/alcohol involved individuals, at the student's own expense. Law enforcement officials will be notified. The violator will be suspended for ten days.
 - (b) The student and his/her parent(s)/guardian(s) must agree that the student will be assessed by a licensed drug/alcohol agency and complete the program prescribed by the agency in coordination with the school's crisis intervention team. Completion of a prescribed program requires written verification of program completion signed by the treatment agency. Failure to complete a prescribed program may result in expulsion for up to 180 days.
 - (c) In addition to suspension from school, the Superintendent may require other provisions, including community service, counseling, backpack checks, or any other reasonable consequence.
3. Any student found to be in possession of such substances for a second or subsequent time during his/her tenure in the East Lyme School District, will be suspended for ten days and recommended for expulsion to the Board of Education and referred to law enforcement officials. If the expulsion is less than 180 days, the student must agree to be assessed by a licensed drug/alcohol agency at the student's expense and complete the program prescribed by the agency at the student's own expense. Completion of a prescribed program involves written verification of program completion signed by the treatment agency.

4. **Consequences for the Distribution or Sale of Controlled Substances Including Performance Enhancing Drugs, Drug Paraphernalia, and Inhalants:**

Any student who is found to be distributing or selling a controlled substance shall be suspended for ten days and recommended to the Board of Education for expulsion from the East Lyme School System pursuant to Section 10-.233d(a)-(e) of the Connecticut General Statutes.

5. **Drug and Alcohol Distribution in the School**

School personnel are forbidden to act in a law enforcement capacity. All individuals suspected of drug or alcohol distribution on school property or at a school sponsored activity must be reported to the principal or principal's designee who, after determining that distribution has occurred, will call a law enforcement official.

In all cases of emergency or of clear danger, the schools will cooperate with the police.

Whenever a student is expelled for the possession, sale or distribution of drugs or alcohol for less than 180 days, the student will be referred for counseling and rehabilitation at the parent's expense. In addition, the name of any student expelled will be sent to the commissioner of education within thirty days after the student is expelled. Whenever the Board of Education notifies a student between the ages of sixteen and eighteen or the

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parents or guardians of such students that an expulsion hearing will be held, the notification will include a statement that the Board is not required to offer an alternative educational opportunity to any student who is found guilty of offering for sale or

distribution of alcohol or controlled substances on school property or at a school sponsored activity.

6. **Possession or Use of Tobacco, Chewing Tobacco, or Smoking Paraphernalia**

A student found to be in possession of tobacco or smoking paraphernalia shall be subject to the following disciplinary actions:

First Offense:

- 2 day in-school suspension
- Parent or guardian notification
- Recommended cessation program
- Excluded from all co-curricular and extracurricular activities concurrent with suspension.

Subsequent Offenses:

- 4 day out-of-school suspension under the supervision of his/her parent/guardian
- Excluded from all co-curricular and extracurricular activities concurrent with suspension
- Required cessation program

7. **Possession or Use of Over-the Counter Medication**

Board policy requires that all over-the counter medication be stored in the Nurse's Office for approved distribution. A student found possessing, using, or distributing such medication may be subject to disciplinary procedures, depending on the gravity of the violation.

Emergencies

If a student's condition or behavior creates an emergency situation which may be due to drug or alcohol activity, the actions toward the student should be channeled through the school nurse under the direction of the principal or principal designee.

A professional staff person perceiving a student to be under the influence of alcohol, drugs, or other substances will immediately notify the principal or principal's designee and the school nurse giving all pertinent information. Written records of the incident will be kept in the principal's confidential file.

The school nurse will advise the school principal of the severity of the emergency.

- A. If it is determined that a student under the influence of drugs or alcohol is in need of immediate medical attention, the student will be transported to an area hospital and the parent notified.

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- B. If immediate medical attention is not required, the parent or guardian will be called and asked to take the student home.
- C. If deemed necessary, the administration shall notify the police.

In the event that a student is hospitalized for alcohol, drug, or substance abuse related problems, the school staff will consult with the student's medical and/or psychiatric advisers, his & her parents or guardian and, if appropriate, plan an appropriate support program.

The professional staff shall become more aware of the problem, and become more knowledgeable in recognition of the symptoms of such use.

It is desired that the administration make use of professional development sessions for both certified and non-certified staff in order to achieve the goals of this board-adopted regulation, and that full cooperation with community agencies be given wherever such cooperation can work to the advantage of the student.

Legal Reference: Connecticut General Statutes
1-21b Smoking prohibited in certain places
10-16b Prescribed courses of study.
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, policies and procedures re use, sale or possession of alcohol or controlled drugs.
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-240 Definition 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-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.
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
New Jersey v. T.L.O., 469 U.S. 325 (1985)
Veronia School District 47J v. Acton, 515 U.S. (1995)
Board of Education of Independent School District No 92 of Pottawatomie County v. Earls 01-332 U.S. (2002)

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