

ALCOHOL, DRUGS AND TOBACCO USAGE

Pursuant to the goal of the Ledyard Board of Education to maintain drug, tobacco and alcohol-free schools, the school administration 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 banned 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 and Creatine, 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 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.

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

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evidence of a controlled substance, and/or where there is an immediate threat to, 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 of Education policy is prohibited at any time on school premises, on school transportation vehicles, 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, the student will 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 in Policy 5114, *Suspension, Expulsion and Due Process*.

Notification of Policy

Annually, students will be notified through the student handbook, or through other means, of disciplinary sanctions for violation of this policy.

Building Principals shall include statements, appropriate to student maturity, in school handbooks and on District/school websites 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 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 the District/school are included in this policy and accompanying administrative regulations; and
5. CIAC may impose sanctions beyond those applied by the District for the use of performance-enhancing substances, as defined in this policy, by athletes.

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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.

The Superintendent shall propose and the Board of Education 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 building Principal or her/his designee. If the building Principal or her/his designee discovers the student to be in possession or under the influence of controlled substances, she/he shall notify the student's parent(s)/guardian(s), 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 building Principal or her/his designee. If the building Principal or her/his designee discovers the student to be in possession or under the influence of controlled substances, she/he shall notify the student's parent(s)/guardian(s), recommend a specified assessment as appropriate, notify law enforcement personnel as appropriate, and shall surrender possession of the controlled substance to the proper authorities within the time period required by state law.

Drug-Free Awareness Program

The Superintendent shall assure that the school District provides a drug-free awareness program for students that includes the following topics:

- Health and safety-related dangers of drug abuse;
- Review of the Board of Education'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 Ledyard Public Schools.

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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.

The District provides (1) a supportive environment for recovering chemically dependent students during and/or after their involvement in a treatment program for chemical dependency and will provide (2) assistance to those students who are affected by drug/alcohol possession or use by others.

Any student in District 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 Board policy, administrative regulations and student handbooks.

A breath alcohol tester is approved for use at events/activities such as dances and proms at the middle school and high school levels where, in the judgment of the school administrator, there exists reasonable suspicion that a student has consumed an alcoholic beverage and then, only under the following circumstances:

- The student denies to an administrator that he/she has consumed alcoholic beverages and wishes to establish his/her innocence. Should the student register a positive reading on the breath alcohol tester, consequences will be administered as outlined in the discipline/behavior regulations in the Code of Conduct.
- The student denies to an administrator that he/she has consumed alcoholic beverages and elects not to utilize the breath alcohol tester to establish his/her innocence. The judgment of the administrator will then be utilized to determine if the student has consumed an alcoholic beverage. In this instance, consequences will be administered as outlined in the discipline/behavior regulations in the Code of Conduct.

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:

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1. Contrary to directions for use, cautions or warnings appearing on a label of a container of the glue, paint aerosol or substance; and
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 – 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

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 Ledyard Public 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 and related administrative regulations, 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 Board of Education 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 material and related information will be offered to parents/guardians in a manner convenient for their review and understanding.

Performance-Enhancing Drugs (including food supplements)

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

Bodybuilding and enhancement of athletic ability and performance are not considered valid medical purposes.

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School personnel and coaches will not dispense any drugs, medication or food supplements except as in compliance with Connecticut State law, Board 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 on performance-enhancing drugs will be subject to disciplinary action as delineated in Board policy, administrative regulations and student handbooks.

Tobacco 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 by students in any school building, on school grounds, in a school transportation vehicle, 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, extracurricular 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.

For the purpose of this policy, "use of tobacco" shall mean all uses of tobacco, including but not limited to, cigarettes, cigars, snuff, blunts, bidis, pipes, chewing tobacco, or any other substance that contains tobacco or nicotine including electronic cigarettes, and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco or tobacco products.

The Superintendent shall develop administrative procedures to support students who are following a medically-supervised program to stop smoking or break a nicotine dependency.

Students who violate this policy on tobacco use will be subject to disciplinary action as delineated in Board policy, administrative regulations and student handbooks.

Medical Marijuana

The conditions in this section are applicable to a student in Ledyard Public Schools who is eighteen (18) years of age or older and who holds a certificate authorizing the palliative use of marijuana issued by the Connecticut Department of Consumer Protection (DCP) for the medical use of marijuana as set out in Public Act 12-55, *"An Act Concerning the Palliative Use of Marijuana."*

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The District will not refuse to enroll a student or otherwise penalize a student for being a medical marijuana certificate holder unless failure to do so would cause the school to lose a monetary or licensing benefit under federal law or regulations.

A student medical marijuana certificate holder is subject to, without bias, the same code of conduct and disciplinary standards applicable to all students attending Ledyard Public Schools.

A student medical marijuana certificate holder shall not:

- Undertake any task under the influence of marijuana that would constitute negligence;
- Possess or engage in the medical use of marijuana on a school transportation vehicle, in a school building, on school grounds, or at any school-sponsored activity;
- Operate, navigate, or be in actual physical control of any motor vehicle while under the influence of marijuana, except that a qualifying certified marijuana user for medical purposes shall not be considered to be under the influence of marijuana solely because of the presence of metabolites or components of marijuana that appear in insufficient concentration to cause impairment;
- Use marijuana in any manner not authorized by Public Act 12-55; or
- Offer to give, sell, or dispense medical marijuana to another student or other individual on school property, in school-provided vehicles, at school events, or when functioning as a representative of the school.

If District officials have reasonable belief that a student may be under the influence, in possession of, or distributing medical marijuana, in a manner not authorized by the medical marijuana statute, law enforcement authorities will be informed.

A student who violates any portion of this policy shall be subject to disciplinary action and applicable criminal prosecution.

Legal References:

Connecticut General Statutes:

- 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.
- 10-221. Boards of education to prescribe rules, policies and procedures.
- 19a-342. Smoking prohibited. Exceptions. Signs required. Penalties.
- 21a-240. Definitions. (Chapter 420b – Dependency-Producing Drugs)
- 21a-243. Regulations. Schedules of controlled substances.
- 21a-267. Penalty for use, possession or delivery of drug paraphernalia. Immunity.

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- 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.
- 21a-278a. Penalty for illegal manufacture, distribution, sale, prescription or administration.
- 21a-279. Penalty for illegal possession. Alternative sentences. Immunity.
- 21a-279a. Penalty for illegal possession of small amount of cannabis-type substance.
- 53-198. Smoking in motor buses, railroad cars and school buses.
- 53-344. Sale or delivery of tobacco to minors. Purchase or misrepresentation of age to purchase tobacco or possession of tobacco in public place by persons under eighteen. Transaction scans. Affirmative defense.
- 53-345a. Nitrous oxide containers; sale to or purchase by minors prohibited. Proof of age.

Public Act 11-73 – *“An Act Regulating the Sale and Possession of Synthetic Marijuana and Salvia Divinorum.”*

Public Act 12-55 – *“An Act Concerning the Palliative Use of Marijuana.”*

Public Law 107-110, the *“No Child Left Behind Act of 2001,”* Section 4303, *“Nonsmoking Policy for Children’s Services”*

Title 20, United States Code:

Sections 4001-4206, *“Safe and Drug-Free Schools and Communities Act”*

Sections 7181-7184, *“The Pro-Children Act of 2001”*

Title 21, United States Code, Sections 801-889, *“Controlled Substances Act”*

Title 21, Code of Federal Regulations, Part 1308 – Schedules of Controlled Substances
(as amended by the *“Synthetic Drug Abuse Prevention Act of 2012”*)

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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