



## STUDENTS

5145.125(a)

### Search and Seizure Breathalyzer Testing

This policy provides the basic structure for the use of passive alcohol sensors in the Montville Public Schools to detect/confirm alcohol consumption by students.

The passive alcohol sensor (“PAS”) 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, with results reported as either “positive” or “negative.”

Only designated school personnel will be trained in the use of the PAS device. Testing of students using these devices will be conducted in a separate area, to the extent practicable, to maintain student privacy.

Results from a PAS device or breathalyzer will be maintained in a confidential manner, and released in accordance with district policy and state and federal law.

Designated school personnel are authorized to use the passive alcohol screening as follows:

To screen participants at dances. After an initial positive reading, the student will be pulled aside and asked to take a confirmation test ten (10) minutes after the initial positive test. If a student tests positive on the second test, the student will not be admitted to the dance, and the student’s parents/guardians will be called to escort the student home. The student may be subject to appropriate disciplinary action as set forth in the district’s disciplinary policies. If a student refuses the screening, the student’s parents/guardians will be called, and the student will not be admitted to the dance.

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 regarding use, sale or possession.

21a-240 Definitions, dependency producing drugs.

21a-243 Regulation regarding schedules of controlled substances.

*New Jersey v. T.L.O.*, 469 325; 105 S.CT. 733 (1985)

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

*Todd v. Rush County Schools*, 133F.3d 984 (7<sup>th</sup> Cir. 1998)

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