

#5090.7

Drug & Alcohol Use by Students
(formerly Drugs, Alcohol, Tobacco, Inhalants, and Performance-Enhancing
Substances)

The Madison Board of Education (the “Board”) is required by Connecticut law to prescribe rules for the management and discipline of its schools. In keeping with this mandate, the unlawful use, sale, distribution or possession of controlled drugs, controlled substances, drug paraphernalia, as defined in Connecticut General Statutes Section 21a-240, or alcohol on or off school property or during any school-sponsored activity is prohibited. It shall be the policy of the Board to take positive action through education, counseling, discipline, parental involvement, medical referral, and law enforcement referral, as appropriate, in the handling of incidents in the schools involving the unlawful possession, distribution, sale or use of substances that affect behavior.

Definitions

1. **Controlled Drugs**: means those drugs which contain any quantity of a substance which has been designated as subject to the federal Controlled Substances Act, or which has been designated as a depressant or stimulant drug pursuant to federal food and drug laws, or which has been designated by the Commissioner of Consumer Protection pursuant to C.G.S. Section 21a-243, as having a stimulant, depressant or hallucinogenic effect upon the higher functions of the central nervous system and as having a tendency to promote abuse or psychological or physiological dependence, or both. Such controlled drugs are classifiable as amphetamine-type, barbiturate-type, cannabis-type, cocaine-type, hallucinogenic, morphine-type and other stimulant and depressant drugs. C.G.S. Section 21a-240(8).
2. **Controlled Substances**: means a drug, substance or immediate precursor in schedules I to V, inclusive, of the Connecticut controlled substance scheduling regulations adopted pursuant to C.G.S. Section 21a-243. C.G.S. Section 21a-240(9).

- 34 3. Professional Communication: any communication made privately and in confidence
35 by a student to a professional employee of such student's school in the course of the
36 professional employee's employment. C.G.S. Section 10-154a(a)(4).
37
- 38 4. Professional Employee: means a person employed by a school who "(A) holds a
39 certificate from the State Board of Education, (B) is a member of a faculty where
40 certification is not required, (C) is an administration officer of a school, or (D) is a
41 registered nurse employed by or assigned to a school." C.G.S. Section 10-154a(a)(2).
42
- 43 5. Drug Paraphernalia: means any equipment, products and materials of any kind which
44 are used, intended for use or designed for use in planting, propagating, cultivating,
45 growing, harvesting, manufacturing, compounding, converting, producing,
46 processing, preparing, testing, analyzing, packaging, repackaging, storing, containing
47 or concealing, or injecting, ingesting, inhaling or otherwise introducing any controlled
48 substance into the human body, including but not limited to all items specified in
49 C.G.S. Section 21a-240(20)(A), such as "bongs," pipes, "roach clips," miniature
50 cocaine spoons, cocaine vials and any object or container used, intended or designed
51 for use in storing, concealing, possessing, distributing or selling controlled
52 substances. C.G.S. Section 21a-240(20)(A).
53

54 **Procedures**

- 55
- 56 1. Emergencies.
- 57
- 58 If an emergency situation results from drug or alcohol use, the student shall be sent to
59 the school nurse or medical advisor immediately. The parent or designated
60 responsible person will be notified.
61
- 62 2. Prescribed Medications.
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64 Students may possess and/or self-administer medications in school in accordance with
65 the Board’s policy concerning the administration of medication in school.

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67 Students taking improper amounts of a prescribed medication, or otherwise taking
68 medication contrary to the provisions of the Board’s policy on the administration of
69 medication, will be subject to the procedures for improper drug or alcohol use
70 outlined in this policy.

71

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

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74 The following procedures will be followed when a student privately, and in
75 confidence, discloses to a professional employee in a professional communication
76 information concerning the student's use, possession, distribution or sale of a
77 controlled drug, controlled substance or alcohol.

78

79 (a) Professional employees are permitted, in their professional judgment, to disclose
80 any information acquired through a professional communication with a student,
81 when such information concerns alcohol or drug abuse or any alcohol or drug
82 problem of such student. In no event, however, will they be required to do so.
83 C.G.S. Section 10-154a(b).

84

85 (b) Any physical evidence obtained from such student through a professional
86 communication indicating that a crime has been or is being committed by the
87 student **must** be turned over to school administrators or law enforcement officials
88 as soon as possible, but no later than two calendar days after receipt of such
89 physical evidence, excluding Saturdays, Sundays and holidays. Employees are
90 encouraged to contact the school administrator immediately upon obtaining
91 physical evidence. In no case, however, will such employee be required to
92 disclose the name of the student from whom the evidence was obtained. C.G.S.
93 Section 10-154a(b).

94

95 (c) Any professional employee who has received a professional communication from
96 a student may obtain advice and information concerning appropriate resources and
97 refer the student accordingly, subject to the rights of the professional employee as
98 described in paragraph (a) above.

99
100 (d) If a student consents to disclosure of a professional communication concerning the
101 student's alcohol or drug problem, or if the professional employee deems
102 disclosure to be appropriate, the professional employee should report the student's
103 name and problem to the school's building administrator or designee who shall
104 refer the student to appropriate school staff members for intervention and
105 counseling.

106
107 4. Involuntary Disclosure or Discovery of Drug/Alcohol Problems.

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109 When a professional employee obtains information related to a student *from a source*
110 *other than the student's confidential disclosure*, that the student, on or off school
111 grounds or at a school sponsored activity, is under the influence of, or possesses, uses,
112 dispenses, distributes, administers, sells or aids in the procurement of a controlled
113 drug, controlled substance, drug paraphernalia or alcohol, that information is
114 considered to be involuntarily disclosed. In this event, the following procedures will
115 apply.

116
117 (a) The professional employee will immediately report the information to the building
118 administrator or designee. The building administrator or designee will then refer
119 the student to appropriate school staff members for intervention and counseling.

120
121 (b) Any physical evidence (for example, alcohol, drugs or drug paraphernalia)
122 obtained from a student indicating that a crime has been or is being committed by
123 the student must be turned over to the building administrator or designee or to law
124 enforcement officials as soon as possible, but no later than within two calendar
125 days after receipt of such physical evidence, excluding Saturdays, Sundays and

126 holidays. C.G.S. Section 10-154a(b). Because such evidence was **not** obtained
127 through a professional communication, the name of the student must be disclosed
128 to the building administrator or designee.

129

130 (c) Search and Seizure of Students and/or Possessions: A professional employee who
131 reasonably suspects that a student is violating a state/federal law or a school
132 substance abuse policy must **immediately** report such suspicion to the building
133 administrator or designee. The building administrator or designee may then
134 search a student's person or possessions connected to that person, in accordance
135 with the Board's policies and regulations if the administrator or designee has
136 reasonable suspicion from the inception of the search that the student has violated
137 or is violating either the law or a school substance abuse policy.

138

139 Any physical evidence obtained in the search of a student, or a student's
140 possessions, indicating that the student is violating or has violated a state or
141 federal law **must** be turned over to law enforcement officials as soon as possible,
142 but not later than within three calendar days after receipt of such physical
143 evidence, excluding Saturdays, Sundays and holidays. C.G.S. Section 10-154a(c).
144 All school employees are encouraged to contact the school administration
145 immediately upon obtaining physical evidence.

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147 5. Consequences for the Use, Sale, Distribution or Possession of Controlled Drugs,
148 Controlled Substances, Drug Paraphernalia or Alcohol.

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150 (a) Any student in the Madison Public Schools using, consuming, possessing, being
151 under the influence of, manufacturing, distributing, selling or aiding in the
152 procurement of controlled drugs, controlled substances, drug paraphernalia or
153 alcohol either on or off school property, or at a school-sponsored activity, except
154 as such use or possession is in accordance with Connecticut General Statutes §
155 21a-408a through 408q, is subject to discipline up to and including expulsion
156 pursuant to the Board's student discipline policy. On and after January 1, 2022, a

157 student shall not face greater discipline or sanction for the use, sale, or possession
158 of cannabis on school property than a student would face for the use, sale, or
159 possession of alcohol on school property, except as otherwise required by
160 applicable law.

161

162 (b) In conformity with the Board's student discipline policy, students may be
163 suspended or expelled for drug or alcohol use off school grounds if such drug or
164 alcohol use is considered seriously disruptive of the educational process. In
165 determining whether the conduct is seriously disruptive of the educational
166 process, the Administration and the Board may consider, among other factors: 1)
167 whether the drug or alcohol use occurred within close proximity of a school; 2)
168 whether other students from the school were involved; and 3) whether any injuries
169 occurred.

170

171 (c) If a school administrator has reason to believe that any student was engaged, on or
172 off school grounds, in offering for sale or distribution a controlled substance (as
173 defined by Conn. Gen. Stat. § 21a-240(9)), whose manufacturing, distribution,
174 sale, prescription, dispensing, transporting, or possessing with intent to sell or
175 dispense, offering or administering is subject to criminal penalties under Conn.
176 Gen. Stat. §§ 21a-277 and 21a-278, the administrator will recommend such
177 student for expulsion, in accordance with Conn. Gen. Stat. § 10-233d(a)(2) and
178 the Board's student discipline policy.

179

180 (d) Students found to be in violation of this policy may be referred by the building
181 administrator to an appropriate agency licensed to assess and treat drug and
182 alcohol involved individuals. In such event, assessment and treatment costs will
183 be the responsibility of the parent or guardian.

184

185 (e) A meeting may be scheduled with appropriate school staff members for the
186 purpose of discussing the school's drug and alcohol policy with the student and
187 parent or guardian.

188

189 (f) Law enforcement officials may be contacted by the building administrator in the
190 case of suspected involvement in the use, sale or distribution of controlled drugs,
191 controlled substances, drug paraphernalia or alcohol.

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193 Legal References:

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195 Connecticut General Statutes:

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197 June Special Session, Public Act No. 21-1, An Act Concerning Responsible and
198 Equitable Regulation of Adult-Use Cannabis

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201 Section 10-154a

202 Section 10-212a

203 Section 10-221

204 Sections 10-233a through 10-233f

205 Section 21a-240

206 Section 21a-243

207 Section 21a-408a through 408q

208

209 Date of Adoption: April 2, 1996

210 Date of Revision: October 21, 1997

211 Date of Revision: August 16, 2005

212 Date of Revision: January 5, 2006

213 Date of Revision: June 16, 2009 - Replaces Policies #5090.6 Tobacco Use by Students,
214 #5090.7.1 Inhalant Abuse and #5090.7.2 Performance-Enhancing Drugs

215 Date of Revision: April 1, 2014

216 Date of Revision: October 7, 2014

217 Date of Revision: March 22, 2016

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