

*Existing policy with recommended revision.*

## **Students**

### **Alcohol, Drugs and Tobacco**

#### **I. Definition of Terms**

**“Drug/Mood Altering Substance/Alcohol”** shall include any alcohol or malt beverage, and drug listed as a controlled substance, chemical, abused substance or medication for which a prescription is required under the law, and/or any substance which is intended to alter mood. Examples of the above include, but are not limited to: beer, wine, liquor, marijuana, hashish, chemical solvents, glue, look alike substance and any capsules or pills not registered with the nurse, annotated within the student’s health record and given in accordance with the school district policy for the administration of medication to students in school.

**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.

**Electronic nicotine delivery system** means an electronic device that may be used to simulate smoking in the delivery of nicotine or other substance to a person inhaling from the device, and includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe or electronic hookah and any related device and any cartridge or other component of such device.

**“Child Study Team”** is a multi-disciplinary team composed of school personnel. This team has been trained to understand and work on the issues of adolescent chemical use, abuse, and dependency and will play a primary role in the identification and referral process of students coming to their attention through the procedures outlined in this policy. The team will enlist the resources of a licensed drug and alcohol facility when professional assessment and/or group programs are recommended.

## Students

### Alcohol, Drugs and Tobacco

#### I. Definition of Terms (continued)

**“Chemical Abuse Specialist”** is a community-based chemical abuse specialist with expertise in the area of chemical dependency and school based assessment (such as those resources and personnel from a licensed drug and alcohol facility to be utilized by the New Fairfield Public Schools).

**“Distributing”** is to deliver, sell, pass, share or give any tobacco, alcohol, drug or mood altering substance as defined by this policy from one person to another or to aid therein.

**“Possession”** is to possess or hold, without any attempt to distribute any tobacco, alcohol, drug or mood-altering substance determined to be illegal, or as defined by this policy.

**“Drug Paraphernalia”** includes any utensil or item which in the school’s judgment can be associated with the use of drugs, alcohol, or mood-altering substances. Examples include but are not limited to roach clips, pipes, bowls, crack vials, miniature cocaine spoons and tobacco rolling paper.

**Liquid nicotine container** means a container that holds a liquid substance containing nicotine that is sold, marketed or intended for use in an electronic nicotine delivery system or vapor product, except “liquid nicotine container” does not include such a container that is prefilled and sealed by the manufacturer and not intended to be opened by the consumer.

**Vapor product** means any product that employs a heating element, power source, electronic circuit or other electronic, chemical or mechanical means, regardless of shape or size, to produce a vapor that may or may not include nicotine that is inhaled by the user of such product.

**CBD**, for purposes of this policy, is defined under federal law as a cannabis product with less than 0.3% tetrahydrocannabinol (THC) on a dry weight basis. It is also referred to as hemp. (Nonprescription CBD products that are available have not been approved by the U. S. Food and Drug Administration (FDA) for any use.)

Tobacco includes, but is not limited to cigarettes, cigars, snuff, smoking tobacco, smokeless tobacco, nicotine, nicotine delivering devices, chemicals, or devices that produce the same flavor or physical effect of nicotine substances; and any other tobacco or nicotine innovations.

## **Students**

### **Alcohol, Drugs and Tobacco (continued)**

#### **II. Alcohol and Drugs**

The New Fairfield Board of Education recognizes the harmful effect that substance abuse can have on a student and the student's peer group. For this reason, a student on school grounds or at a school-sponsored activity at any time or at any location who is under the influence of alcohol, drugs or mood-altering substances or possesses, uses, manufactures, dispenses, sells or aids in the procurement of alcohol, narcotics, restricted drugs, mood-altering substances, or any substance purported to be a restricted substance or over-the-counter drug shall be subjected to discipline pursuant to the Board of Education policies and regulations, as described in Expulsion and Suspension Policy 5114.

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.

The New Fairfield School System will, in a coordinated effort, attempt to respond openly and effectively to the uses and abuses of drugs, alcohol and mood-altering substances by members of the student population. This effort, through the curriculum, community support and resource services, such as those provided by a licensed drug and alcohol facility, and strong, consistent administrative rehabilitative and disciplinary procedures, will work to educate, prevent and intervene in the use and abuse of all drug, alcohol, and mood altering substances by its student population.

Disciplinary action taken by District officials against a student for the use, sale, or possession of marijuana (cannabis) on school premises or at any District/school sponsored activity, on or after January 1, 2022, shall not result in any discipline, punishment, or sanction greater than that which a student would face for the use, sale, or possession of alcohol. (C.G.S. 10-221(d), as amended by P.A. 21-1, June Special Session, Section 19)

#### **III. Tobacco**

For purposes of this policy, "use of tobacco" shall mean all uses of tobacco, including but is not limited to, cigarettes, cigars, snuff, blunts, bidis, pipes, chewing tobacco, or any other substance that contains tobacco or nicotine, and all other forms of smokeless tobacco, rolling papers and any other items containing or reasonably resembling tobacco or tobacco products. In order to protect students and staff, the Board prohibits the use of tobacco or nicotine-based products in school buildings, on school grounds, in school vehicles, or at any school-related event.

## **Students**

### **Alcohol, Drugs and Tobacco**

#### **III. Tobacco (continued)**

In the face of overwhelming evidence about smoking as a health hazard, and in keeping with the teachings in our school curriculum, and as a further deterrent and prevention against smoking by young persons, the New Fairfield Board of Education institutes the following policy:

1. Smoking and the use of tobacco products is prohibited in school buildings, on school property, at school activities, and on school buses at all times. All schools are “Drug-Free School Zones.”
2. Visible display and/or possession of tobacco products by students is prohibited on school property.
3. The New Fairfield Board of Education authorizes the principal and/or designee of New Fairfield High School to notify and provide statements or other assistance to the New Fairfield Police Department with respect to violations by students of the CT General Statutes prohibiting smoking in public buildings.

Any student (over the age of sixteen) found to be in violation of this policy will be subject to arrest by the New Fairfield Police Department who may issue smoking policy violators a Superior Court enforced ticket in compliance with the Connecticut General Statute.

#### **IV. School Guidelines**

As an extension of this policy, the New Fairfield Board of Education directs the Superintendent to develop guidelines to be used by all school district personnel in responding to drug, mood-altering substance, and alcohol-related situations.

As an integral part of the New Fairfield Public Schools, Tobacco, Alcohol and Other Drug guidelines represent one component in a district-wide effort to respond effectively to tobacco, drug, mood-altering substance and alcohol-related situations that may occur at school or at school-sponsored activities. These guidelines are also intended to provide a consistent disciplinary means to respond to tobacco, alcohol and other drug-related incidents. The New Fairfield Public Schools will provide a safe and healthy environment for students with due consideration for their legal rights and responsibilities. The Board reserves the right to use any extraordinary measures deemed necessary to control substance abuse even if the same is not provided for specifically in any rule or regulation enumerated herein.

## **Students**

### **Alcohol, Drugs and Tobacco (continued)**

#### **V. Instruction**

Students will receive instruction emphasizing the effect of alcohol, nicotine, tobacco, and drugs on health, character, and personality development wherever appropriate in the health education program and such other contexts which touch on the subject.

#### **VI. Cooperation with Community and Parents**

Any effort put forth by the New Fairfield Public Schools to address alcohol, drugs and tobacco usage requires support from all parents and cooperation from the community in order to be effective.

#### **VII. Medical Marijuana**

Although possession and use of marijuana for certain medical conditions, consistent with Connecticut's P.A. 12-55, "An Act Concerning the Palliative Use of Marijuana," as amended by P.A. 16-23, is no longer a crime in Connecticut, the possession and use of marijuana remains illegal under federal law. Consistent with federal law, including the Controlled Substances Act and the Drug-Free Schools and Communities Act, the use and or possession of marijuana continues to be prohibited while a student is on a school bus, at school, on school grounds or at a school-sponsored activity. The District will continue to enforce its policies regarding controlled substances and any students who violate District policy prohibiting the use, sale or possession of illegal drugs in District facilities and school property will be subject to disciplinary and criminal action.

#### **VIII. Use of CBD Products**

Students are prohibited from possessing, using, selling, delivering, or manufacturing any substance containing cannabidiol (CBD) or tetrahydrocannabinol (THC), regardless of whether it constitutes a controlled substance under federal law.

Students are prohibited from being under the influence of any controlled drugs, narcotic, substance or any mind-altering substance or intoxicant, illegal or legal, specifically any product with cannabidiol (CBD), whether hemp or cannabis, and regardless of the amount of THC (tetrahydrocannabinol) in the product or the extent to which it is legal or illegal under state law.

Legal Reference: Connecticut General Statutes

1-21b Smoking prohibited in certain places.

10-19 Teaching about alcohol, nicotine or tobacco, drugs and acquired immune deficiency syndrome. Training of personnel.

## Students

### Alcohol, Drugs and Tobacco

Legal Reference: Connecticut General Statutes (continued)

10-154a Professional communications between teacher or nurse and student. Surrender or physical evidence obtained from students.

10-220b Policy statement on drugs.

10-221(d) Boards of education to prescribe rules, policies and procedures re sale or possession of alcohol or controlled drugs. (as amended by P.A. 21-1, June Special Session, Section 19)

21a-240 Definitions 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-408 et. seq. Palliative Uses of Marijuana (as amended by P.A. 16-23)

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.

P.A. 12-55 An Act Concerning the Palliative Use of Marijuana.

P.A. 16-23 An Act Concerning the Palliative Use of Marijuana.

Federal Regulation 34 CFR Part 85 Drug-free Schools & Communities Act.

20 U.S.C. Section 7181 et. seq., No Child Left Behind Act.

*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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