

Email Communication from Atty. Ritter re: Commissioner Pons request

From: Ritter, Jessica L.
Sent: Monday, November 6, 2023 10:45 AM
To: 'Catherine Carbone' <catherinecarbone@bristol12.org>; Jennifer Dube <jenniferdube@bristol12.org>
Subject: RE: Questions related to Alcohol on campus

Hello Jen and Cate:

As we opined earlier, there are procedural concerns that need to be addressed before the matter can be placed on the Board agenda. First, the City would have to revise its ordinance. Second, the Board would need to revise the following BOE policies, as set forth below:

1. Board Policy 3515 (Community Use of School Facilities) establishes various rules and regulations for the rental of school facilities. Among other things, the policy states: "Under no condition shall alcoholic beverages, tobacco, or tobacco products of any kind be allowed on school property."
2. Board Policy 1316 (Conduct on School Property) states that "the Board expects that no person on school property shall.... [c]onsume, possess, distribute or be under the influence of alcoholic beverages or illegal drugs...."
3. Board Policy 4218.231 (Drug and Alcohol-Free Workplace), in the Personnel series, prohibits "selling, delivering, soliciting, consuming, using, possessing, or transmitting alcohol in any amount or in any manner on District property or a District workplace at any time while students are under the supervision of the District, or when involved as an employee in a District activity on or off school district property."
4. Board regulations regarding fundraising and advertising also prohibit alcohol promotion. See Board Regulation 1324 (Fundraising); Board Regulation 1325 (Advertising).

In addition, the Board would need to consider a variety of other issues, including whether and under what circumstances to allow alcohol on school premises while maintaining an alcohol-free workplace. As noted above, current policy prohibits alcohol on district property or at a district workplace any time students are under the supervision of the district; presumably, this could apply to student performers and/or audience members. Even if students are not so supervised, the district is well-advised only to consider the allowance of alcohol when no students are present, and when employees of the district are not involved in its sale, delivery, etc.

Other factors to consider include: verifying coverage by the district's insurance carrier (which I believe has been done successfully), revising facilities use agreements and requirements regarding the level of insurance to be provided by the renter, ensuring that adequate licenses are procured, understanding the possible reach of social host laws, and determining applicable city ordinance provisions, if any.

As you can see, the issue is not insurmountable, however, several issues would need to be addressed prior to moving forward.

As for cost to review the policy, my hourly rate is \$415 and it may take 3-4 hours to draft.