

TOPEKA PUBLIC SCHOOLS	REGULATION NUMBER: 2375-01
SUBJECT: BREATHALYZER USE	DATE OF ISSUE: 06/16/11 <hr/> REVISIONS: <hr/> PREPARING OFFICE: SCHOOL DISTRICT ATTORNEY

I. PURPOSE

The purpose of this regulation is to authorize the use of a breathalyzer when probable cause exists to believe a student or staff member is under the influence of alcohol. Individuals who have consumed alcohol or are in possession of alcohol may pose a direct safety risk to themselves, staff, students, and the community-at-large.

II. DEFINITIONS

As used in this policy, the following terms have the meaning indicated:

- A. "School property" shall include, but not be limited to, school building, buses, facilities, athletic fields, all parking areas rented and/or leased by the school district, or other facilities or premises utilized for school sponsored activities and/or events.
- B. The term "breathalyzer" shall include the Intoximeters, Inc., Alco-Sensor III or other reliable and commercially available mechanism(s).

III. PROCEDURES

- A. In order to ensure a safe environment for all students, staff and the community-at-large, the board authorizes trained Topeka Public School District police officers to administer breathalyzer tests to students or staff while on school property or at school-sponsored events. The TPS officer giving such tests shall be trained to effectively and accurately administer the breathalyzer test. The following shall apply:
 1. Reasonable suspicion or probable cause may be satisfied by conduct including, but not limited to, physical impairment, unusual behavior, blood shot eyes, odor of alcoholic beverages or on the basis of any other behavior or information that provides probable cause that the individual has consumed alcohol or is in possession of alcohol in violation of school policy.
 2. A breathalyzer test may be administered to any employee who is involved in an accident while driving a school district vehicle.
 3. In the event the Topeka Public School District police officer administers a breathalyzer test, a report shall be prepared indicating the outcome of the test and submitted to school administration.

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4. For students, a positive reading is defined by any indication of alcohol consumption and, when taken into consideration with all other relevant information, shall be sufficient to substantiate a violation of district policies. For adults, legal limits will be considered.
 5. Refusal to take a breathalyzer test after reasonable suspicion has been established may be deemed to have admitted violation of school policies regarding alcoholic beverages. Parents will be contacted to pick up their student.
- B. Alternatively, the building administrator or supervising administrator may refer the employee to the district's Employee Assistance Program provided for breathalyzer of other appropriate testing procedure.