

HOUSE No. 1960

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act establishing substance abuse prevention and treatment pilot programs in schools..

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. For the purposes of this act, the following words shall have the following
2 meaning:- "Substance", alcoholic beverages, controlled dangerous substances as defined in
3 section 1 of chapter 94C of the General Laws, anabolic steroids or any chemical or chemical
4 compound which releases vapors or fumes causing a condition of intoxication, inebriation,
5 excitement, stupefaction or dulling of the brain or nervous system including, but not limited to,
6 glue containing a solvent having the property of releasing toxic vapors or fumes. "Substance
7 abuse", the consumption or use of any substance as defined herein for purposes other than for the
8 treatment of sickness or injury as prescribed or administered by a person duly authorized by law
9 to treat sick and injured human beings. SECTION 2. The school committee of each city,
10 town or regional school district shall, pursuant to guidelines developed by the department of
11 education, in consultation with the commissioner of the department public health, establish a
12 comprehensive substance abuse, prevention and treatment program in their public elementary
13 and secondary schools. The purpose of the program shall be to assess the extent of these
14 students' substance abuse and, if appropriate, refer students and their families to organizations

15 and agencies approved by the department of public health to offer competent professional
16 treatment. Treatment shall not be at the expense of the city, town or regional school district or
17 the department of education. Each school district shall develop a clear written policy
18 statement which outlines the district's program to combat substance abuse. Copies of the policy
19 statement shall be distributed to students and their parents at the beginning of each school year.

20 SECTION 3. Each school district shall adopt and implement, in accordance with rules and
21 regulations promulgated by the board, policies and procedures for the discipline of students
22 involved in incidents of possession or abuse of substances, on school property or at school
23 functions. In adopting and implementing these policies and procedures, the board shall consult
24 and work closely with a local organization involved with the prevention, detection and treatment
25 of substance abuse approved by the department of public health. SECTION 4. (1) Whenever
26 it shall appear to any teaching staff member, school nurse or other educational personnel of any
27 public school that a student may be under the influence of substances, other than anabolic
28 steroids, that teaching staff member, school nurse or other educational personnel shall report the
29 matter immediately to the school nurse, or to a substance awareness coordinator, and to the
30 principal or, in his absence, to his designee. The principal or his designee, shall immediately
31 notify the parent or guardian and the superintendent of schools. Such student shall be
32 interviewed by a substance awareness coordinator or another appropriately trained teaching staff
33 member for the purpose of determining the extent of the student's involvement with such
34 substances and the possible need for treatment. In order to make this determination the
35 coordinator or other teaching staff member may conduct a reasonable investigation which may
36 include interviews with the student's teachers and parents. The coordinator or other teaching
37 staff member may also consult with such experts in the field of substance abuse as may be

38 necessary and appropriate. If it is determined that the student's involvement with and use of these
39 substances represents a danger to the student's health and well-being, the coordinator or other
40 teaching staff member shall refer the student to an appropriate treatment program which has been
41 approved by the department of public health. (2) Whenever any teaching staff member,
42 school nurse or other educational personnel of any school shall have reason to believe that a
43 student has used or may be using anabolic steroids, that teaching staff member, school nurse or
44 other educational personnel shall report the matter as soon as possible to the school nurse or to a
45 substance awareness coordinator, and to the principal or, in his absence, to his designee. The
46 principal or his designee shall immediately notify the parent or guardian and the superintendent
47 of schools. If it is determined that the student has been using anabolic steroids, the student shall
48 be interviewed by a substance awareness coordinator or another appropriately trained teaching
49 staff member for the purpose of determining the extent of the student's involvement with these
50 substances and possible need for treatment. In order to make this determination the coordinator
51 or other teaching staff member may conduct a reasonable investigation which may include
52 interviews with the student's teachers and parents. The coordinator or other teaching staff
53 member may also consult with such experts in the field of substance abuse as may be necessary
54 and appropriate. If it is determined that the student's involvement with and use of these
55 substances represents a danger to the student's health and well-being, the coordinator or other
56 teaching staff member shall refer the student to an appropriate treatment program which has been
57 approved by the department of public health. SECTION 5. No action of any kind in any court
58 of competent jurisdiction shall lie against any teaching staff member, including a substance
59 awareness coordinator, any school nurse or other educational personnel, examining physician or
60 any other officer, agent or any employee of the board of education or personnel of the emergency

61 room of a hospital because of any action taken pursuant to this act, provided the skill and care
62 given is that ordinarily required and exercised by other such teaching staff members, nurses,
63 educational personnel, physicians or other officers, agents, or any employees of the board of
64 education or emergency room personnel. SECTION 6. Any teacher, guidance counselor,
65 school psychologist, school nurse, substance awareness coordinator or other educational or
66 noneducational personnel, employed by or in any public or private school, who in good faith
67 reports a student to the principal or his designee or school physician or school nurse in an
68 attempt to help such student cure his abuse of substances, shall not be liable in civil damages as a
69 result of making any such report. SECTION 7. (1) The commissioner of education, in
70 consultation with the commissioner of public health, shall develop an in-service training program
71 for public school teachers to enable the teachers to recognize and respond to substance abuse by
72 public school students. The program shall, at a minimum, include: (i) instruction to assist the
73 teacher in the identification of the symptoms and behavioral patterns which might indicate that a
74 child may be involved in substance abuse; (ii) appropriate intervention strategies; and (iii)
75 information on the state, local and community organizations which are available for the
76 prevention, early intervention, treatment and rehabilitation of individuals who show symptoms of
77 substance abuse. The in-service training program required under this act shall be updated at
78 regular intervals in order to insure that teaching staff members have the most current information
79 available on this subject. (2) Each local board of education shall insure that all teaching staff
80 members in the district who are involved in the instruction of students are provided with the in-
81 service training program developed pursuant to this act. The in-service training program of the
82 local board of education shall also include information concerning the policy of the board
83 regarding the referral for treatment of students involved in substance abuse, as required pursuant

84 to section 4. SECTION 8.(1) The commissioner of education, in consultation with the
85 commissioner of public health, shall establish guidelines for substance abuse education programs
86 to be offered by each school district to the parents or legal guardians of public school students.
87 The program shall, at a minimum, provide: (i) a thorough and comprehensive review of the
88 substance abuse education curriculum which shall be taught to the child of the parent or guardian
89 during the school year, with recommendations as to the methods by which a parent or guardian
90 may enhance, reinforce and supplement that program; (ii) information on the pharmacology,
91 physiology, psychosocial and legal aspects of substance abuse, and instruction to assist a parent
92 or guardian in the identification of the symptoms and behavioral patterns which may indicate that
93 a child may be involved in substance abuse; and (iii) information on the state, local and
94 community organizations which are available for the prevention, early intervention, treatment
95 and rehabilitation of individuals who show symptoms of substance abuse. (2) In addition to
96 the guidelines required pursuant this act, the commissioner of education, in consultation with the
97 commissioner of public health, shall develop and provide to school districts suggested materials
98 for the substance abuse education program for parents or legal guardians of school students, and
99 shall maintain and continuously update a roster of individuals or groups available to assist school
100 districts in implementing this program and a list of state and local agencies and organizations
101 which are approved by the department of public health to provide services for the prevention,
102 early intervention, treatment or rehabilitation of individuals who show symptoms of substance
103 abuse. SECTION 9. (1) Under the guidelines established by the commissioner of education,
104 each school district shall establish an outreach program to provide substance abuse education for
105 parents or legal guardians of students of the district. In establishing the program, school districts
106 shall consult with such local organizations and agencies as are recommended by the

107 commissioner of education. The board shall insure that the program is offered at times and
108 places convenient to parents on school premises, or in other suitable facilities. (2) In addition
109 to the substance abuse education program required pursuant to this act, each school district shall
110 establish policies and procedures to provide assistance to parents or legal guardians who believe
111 that their child may be involved in substance abuse. These policies and procedures shall be
112 consistent with the policies and procedures for intervention by school personnel developed
113 pursuant to this act. (3) Each school district in which a nonpublic school is located shall have
114 the power and duty to loan to the parents or legal guardians of students attending nonpublic
115 schools located within the district all educational materials developed by the commissioner of
116 education for the instruction of parents or legal guardians of public school students on the nature
117 and effects of substances and substance abuse. The commissioner of education shall make these
118 materials available so that school districts shall not be required to expend funds for the loan of
119 these materials. SECTION 10. The commissioner of education, in consultation with the
120 commissioner of public health, shall develop and administer a program which provides for the
121 employment of substance awareness coordinators in certain school districts./SECTION 11.
122 Within 90 days of the effective date of this act, the commissioner of education shall forward to
123 each school district a request for a proposal for the employment of a substance awareness
124 coordinator. A board which desires to participate in the program shall submit a proposal to the
125 commissioner which outlines the district's plan to provide substance abuse prevention,
126 intervention and treatment referral services to students through the employment of a substance
127 awareness coordinator. Nothing shall preclude a district which employs a substance awareness
128 coordinator at the time of the effective date of this act from participating in this program. The
129 commissioner shall select school districts to participate in the program through a competitive

130 grant process. Each school district participating in the program shall receive from the
131 Commonwealth, for a 3-year period, the funding to pay the salary of its substance awareness
132 coordinator. /(2) The position of substance awareness coordinator shall be separate and distinct
133 from any other employment position in the district including, but not limited to, guidance
134 counselors, school social workers and school psychologists. The board of education shall
135 approve the education and experience criteria necessary for employment as a substance
136 awareness coordinator. The criteria shall include a requirement for certification by the board of
137 education. In addition to the criteria established by the board of education, the department of
138 education and the department of public health shall jointly conduct orientation and training
139 programs for substance awareness coordinators, and shall also provide for continuing education
140 programs for coordinators. /(3) It shall be the responsibility of substance awareness
141 coordinators to assist local school districts in the effective implementation of this act.
142 Coordinators shall assist with the in service training of school district staff concerning substance
143 abuse issues and the district program to combat substance abuse; serve as an information
144 resource for substance abuse curriculum development and instruction; assist the district in
145 revising and implementing substance abuse policies and procedures; develop and administer
146 intervention services in the district; provide counseling services to students regarding substance
147 abuse problems; and, where necessary and appropriate, cooperate with juvenile justice officials
148 in the rendering of substance abuse treatment services. /(4) The commissioner of education, in
149 consultation with the commissioner of public health, shall implement a plan to collect data on the
150 effectiveness of the program in treating problems associated with substance abuse and in
151 reducing the incidence of substance abuse in local school districts. Six months prior to the
152 expiration of the program authorized pursuant to this act, the commissioner of education shall

153 submit to the joint committee on mental health and substance abuse an evaluation of the program
154 and a recommendation on the advisability of its continuation or expansion to all school districts
155 in the Commonwealth./SECTION 12. The commissioner of education may make grants to
156 school districts in such amounts as he shall determine, to assist the districts in the
157 implementation of innovative pilot programs designed to educate students of elementary and
158 secondary schools and members of the general public on the subject of substance abuse, and to
159 prevent the abuse of those substances. Application for grants shall be made on forms furnished
160 by the commissioner of education and shall set forth the program proposed and appropriate
161 administrative procedures for the proper and efficient implementation of the program.

162 These pilot programs shall, at a minimum, include an early intervention competitive grant
163 pilot program to be established by the commissioner of education, in consultation with the
164 commissioner of public health, to enable local school districts to identify and assist elementary
165 school students who are affected by family substance abuse problems or who are at risk of
166 developing such problems themselves. The purpose of the program shall be to encourage the
167 creation of effective model programs for the early identification of children at risk for substance
168 abuse related problems and to provide for effective intervention when these children are
169 identified. Grants shall be awarded to school districts through a competitive grant process
170 based upon written applications submitted by school districts. The commissioner of education
171 shall select not more than 8 of the proposals submitted by boards of education for participation in
172 the pilot program. The commissioner, in addition to considering the overall quality of each
173 proposal and the likelihood that the proposal can be replicated in other districts, shall seek to
174 achieve the broadest geographic distribution of recipients consistent with the purposes of this act.

175 SECTION 13. The commissioner of education, in consultation with the commissioner of

176 public health, shall develop procedures for the evaluation of the impact of the programs
177 established pursuant to this act and shall report annually to the joint committee on mental health
178 and substance abuse on the effects of these programs. The report shall include data concerning
179 the incidence of substance abuse in the public schools; the nature and scope of intervention,
180 prevention and treatment referral programs; an assessment of the impact of those programs on
181 the problem of substance abuse; and any recommendations for modifications in the programs
182 established pursuant to this act.