

HOUSE No. 1960

The Commonwealth of Massachusetts

PRESENTED BY:
Brian P. Wallace

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:
An Act establishing substance abuse prevention and treatment pilot programs in schools.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Brian P. Wallace	4th Suffolk

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE HOUSE, NO. 1910 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and 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 meaning:-
2 "Substance", alcoholic beverages, controlled dangerous substances as defined in section 1 of chapter 94C of the
3 General Laws, anabolic steroids or any chemical or chemical compound which releases vapors or fumes causing a
4 condition of intoxication, inebriation, excitement, stupefaction or dulling of the brain or nervous system including,
5 but not limited to, glue containing a solvent having the property of releasing toxic vapors or fumes.
6 "Substance abuse", the consumption or use of any substance as defined herein for purposes other than for the
7 treatment of sickness or injury as prescribed or administered by a person duly authorized by law to treat sick and
8 injured human beings.

9 SECTION 2. The school committee of each city, town or regional school district shall, pursuant to guidelines
10 developed by the department of education, in consultation with the commissioner of the department public health,
11 establish a comprehensive substance abuse, prevention and treatment program in their public elementary and
12 secondary schools. The purpose of the program shall be to assess the extent of these students' substance abuse and,
13 if appropriate, refer students and their families to organizations and agencies approved by the department of public
14 health to offer competent professional treatment. Treatment shall not be at the expense of the city, town or regional
15 school district or the department of education.

16 Each school district shall develop a clear written policy statement which outlines the district's program to
17 combat substance abuse. Copies of the policy statement shall be distributed to students and their parents at the
18 beginning of each school year.

19 SECTION 3. Each school district shall adopt and implement, in accordance with rules and regulations
20 promulgated by the board, policies and procedures for the discipline of students involved in incidents of possession
21 or abuse of substances, on school property or at school functions. In adopting and implementing these policies and
22 procedures, the board shall consult and work closely with a local organization involved with the prevention,
23 detection and treatment of substance abuse approved by the department of public health.

24 SECTION 4. (1) Whenever it shall appear to any teaching staff member, school nurse or other educational
25 personnel of any public school that a student may be under the influence of substances, other than anabolic steroids,
26 that teaching staff member, school nurse or other educational personnel shall report the matter immediately to the
27 school nurse, or to a substance awareness coordinator, and to the principal or, in his absence, to his designee. The
28 principal or his designee, shall immediately notify the parent or guardian and the superintendent of schools.

29 Such student shall be interviewed by a substance awareness coordinator or another appropriately trained teaching
30 staff member for the purpose of determining the extent of the student's involvement with such substances and the
31 possible need for treatment. In order to make this determination the coordinator or other teaching staff member may
32 conduct a reasonable investigation which may include interviews with the student's teachers and parents. The

33 coordinator or other teaching staff member may also consult with such experts in the field of substance abuse as may
34 be necessary and appropriate. If it is determined that the student's involvement with and use of these substances
35 represents a danger to the student's health and well-being, the coordinator or other teaching staff member shall refer
36 the student to an appropriate treatment program which has been approved by the department of public health.

37 (2) Whenever any teaching staff member, school nurse or other educational personnel of any school shall have
38 reason to believe that a student has used or may be using anabolic steroids, that teaching staff member, school nurse
39 or other educational personnel shall report the matter as soon as possible to the school nurse or to a substance
40 awareness coordinator, and to the principal or, in his absence, to his designee. The principal or his designee shall
41 immediately notify the parent or guardian and the superintendent of schools. If it is determined that the student has
42 been using anabolic steroids, the student shall be interviewed by a substance awareness coordinator or another
43 appropriately trained teaching staff member for the purpose of determining the extent of the student's involvement
44 with these substances and possible need for treatment. In order to make this determination the coordinator or other
45 teaching staff member may conduct a reasonable investigation which may include interviews with the student's
46 teachers and parents. The coordinator or other teaching staff member may also consult with such experts in the field
47 of substance abuse as may be necessary and appropriate. If it is determined that the student's involvement with and
48 use of these substances represents a danger to the student's health and well-being, the coordinator or other teaching
49 staff member shall refer the student to an appropriate treatment program which has been approved by the department
50 of public health.

51 SECTION 5. No action of any kind in any court of competent jurisdiction shall lie against any teaching staff
52 member, including a substance awareness coordinator, any school nurse or other educational personnel, examining
53 physician or any other officer, agent or any employee of the board of education or personnel of the emergency room
54 of a hospital because of any action taken pursuant to this act, provided the skill and care given is that ordinarily
55 required and exercised by other such teaching staff members, nurses, educational personnel, physicians or other
56 officers, agents, or any employees of the board of education or emergency room personnel.

57 SECTION 6. Any teacher, guidance counselor, school psychologist, school nurse, substance awareness
58 coordinator or other educational or noneducational personnel, employed by or in any public or private school, who
59 in good faith reports a student to the principal or his designee or school physician or school nurse in an attempt to
60 help such student cure his abuse of substances, shall not be liable in civil damages as a result of making any such
61 report.

62 SECTION 7. (1) The commissioner of education, in consultation with the commissioner of public health, shall
63 develop an in-service training program for public school teachers to enable the teachers to recognize and respond to
64 substance abuse by public school students. The program shall, at a minimum, include:

65 (i) instruction to assist the teacher in the identification of the symptoms and behavioral patterns which might
66 indicate that a child may be involved in substance abuse;

67 (ii) appropriate intervention strategies; and
68 (iii) information on the state, local and community organizations which are available for the prevention, early
69 intervention, treatment and rehabilitation of individuals who show symptoms of substance abuse.

70 The in-service training program required under this act shall be updated at regular intervals in order to insure that
71 teaching staff members have the most current information available on this subject.

72 (2) Each local board of education shall insure that all teaching staff members in the district who are involved in
73 the instruction of students are provided with the in-service training program developed pursuant to this act. The in-
74 service training program of the local board of education shall also include information concerning the policy of the
75 board regarding the referral for treatment of students involved in substance abuse, as required pursuant to section 4.

76 SECTION 8.(1) The commissioner of education, in consultation with the commissioner of public health, shall
77 establish guidelines for substance abuse education programs to be offered by each school district to the parents or
78 legal guardians of public school students. The program shall, at a minimum, provide:

79 (i) a thorough and comprehensive review of the substance abuse education curriculum which shall be taught to
80 the child of the parent or guardian during the school year, with recommendations as to the methods by which a
81 parent or guardian may enhance, reinforce and supplement that program;

82 (ii) information on the pharmacology, physiology, psychosocial and legal aspects of substance abuse, and
83 instruction to assist a parent or guardian in the identification of the symptoms and behavioral patterns which may
84 indicate that a child may be involved in substance abuse; and

85 (iii) information on the state, local and community organizations which are available for the prevention, early
86 intervention, treatment and rehabilitation of individuals who show symptoms of substance abuse.

87 (2) In addition to the guidelines required pursuant this act, the commissioner of education, in consultation with
88 the commissioner of public health, shall develop and provide to school districts suggested materials for the

89 substance abuse education program for parents or legal guardians of school students, and shall maintain and
90 continuously update a roster of individuals or groups available to assist school districts in implementing this
91 program and a list of state and local agencies and organizations which are approved by the department of public
92 health to provide services for the prevention, early intervention, treatment or rehabilitation of individuals who show
93 symptoms of substance abuse.

94 SECTION 9. (1) Under the guidelines established by the commissioner of education, each school district shall
95 establish an outreach program to provide substance abuse education for parents or legal guardians of students of the
96 district. In establishing the program, school districts shall consult with such local organizations and agencies as are
97 recommended by the commissioner of education. The board shall insure that the program is offered at times and
98 places convenient to parents on school premises, or in other suitable facilities.

99 (2) In addition to the substance abuse education program required pursuant to this act, each school district shall
100 establish policies and procedures to provide assistance to parents or legal guardians who believe that their child may
101 be involved in substance abuse. These policies and procedures shall be consistent with the policies and procedures
102 for intervention by school personnel developed pursuant to this act.

103 (3) Each school district in which a nonpublic school is located shall have the power and duty to loan to the
104 parents or legal guardians of students attending nonpublic schools located within the district all educational
105 materials developed by the commissioner of education for the instruction of parents or legal guardians of public
106 school students on the nature and effects of substances and substance abuse. The commissioner of education shall
107 make these materials available so that school districts shall not be required to expend funds for the loan of these
108 materials.

109 SECTION 10. The commissioner of education, in consultation with the commissioner of public health, shall
110 develop and administer a program which provides for the employment of substance awareness coordinators in
111 certain school districts.

112 SECTION 11. Within 90 days of the effective date of this act, the commissioner of education shall forward to
113 each school district a request for a proposal for the employment of a substance awareness coordinator. A board
114 which desires to participate in the program shall submit a proposal to the commissioner which outlines the district's
115 plan to provide substance abuse prevention, intervention and treatment referral services to students through the
116 employment of a substance awareness coordinator. Nothing shall preclude a district which employs a substance
117 awareness coordinator at the time of the effective date of this act from participating in this program. The
118 commissioner shall select school districts to participate in the program through a competitive grant process. Each
119 school district participating in the program shall receive from the Commonwealth, for a 3-year period, the funding to
120 pay the salary of its substance awareness coordinator.

121 (2) The position of substance awareness coordinator shall be separate and distinct from any other employment
122 position in the district including, but not limited to, guidance counselors, school social workers and school
123 psychologists. The board of education shall approve the education and experience criteria necessary for
124 employment as a substance awareness coordinator. The criteria shall include a requirement for certification by the
125 board of education. In addition to the criteria established by the board of education, the department of education and
126 the department of public health shall jointly conduct orientation and training programs for substance awareness
127 coordinators, and shall also provide for continuing education programs for coordinators.

128 (3) It shall be the responsibility of substance awareness coordinators to assist local school districts in the
129 effective implementation of this act. Coordinators shall assist with the in service training of school district staff
130 concerning substance abuse issues and the district program to combat substance abuse; serve as an information
131 resource for substance abuse curriculum development and instruction; assist the district in revising and
132 implementing substance abuse policies and procedures; develop and administer intervention services in the district;
133 provide counseling services to students regarding substance abuse problems; and, where necessary and appropriate,
134 cooperate with juvenile justice officials in the rendering of substance abuse treatment services.

135 (4) The commissioner of education, in consultation with the commissioner of public health, shall implement a
136 plan to collect data on the effectiveness of the program in treating problems associated with substance abuse and in
137 reducing the incidence of substance abuse in local school districts. Six months prior to the expiration of the program
138 authorized pursuant to this act, the commissioner of education shall submit to the joint committee on mental health
139 and substance abuse an evaluation of the program and a recommendation on the advisability of its continuation or
140 expansion to all school districts in the Commonwealth.

141 SECTION 12. The commissioner of education may make grants to school districts in such amounts as he shall
142 determine, to assist the districts in the implementation of innovative pilot programs designed to educate students of
143 elementary and secondary schools and members of the general public on the subject of substance abuse, and to
144 prevent the abuse of those substances. Application for grants shall be made on forms furnished by the commissioner

145 of education and shall set forth the program proposed and appropriate administrative procedures for the proper and
146 efficient implementation of the program.

147 These pilot programs shall, at a minimum, include an early intervention competitive grant pilot program to
148 be established by the commissioner of education, in consultation with the commissioner of public health, to enable
149 local school districts to identify and assist elementary school students who are affected by family substance abuse
150 problems or who are at risk of developing such problems themselves. The purpose of the program shall be to
151 encourage the creation of effective model programs for the early identification of children at risk for substance abuse
152 related problems and to provide for effective intervention when these children are identified.

153 Grants shall be awarded to school districts through a competitive grant process based upon written applications
154 submitted by school districts. The commissioner of education shall select not more than 8 of the proposals
155 submitted by boards of education for participation in the pilot program. The commissioner, in addition to
156 considering the overall quality of each proposal and the likelihood that the proposal can be replicated in other
157 districts, shall seek to achieve the broadest geographic distribution of recipients consistent with the purposes of this
158 act.

159 SECTION 13. The commissioner of education, in consultation with the commissioner of public health, shall
160 develop procedures for the evaluation of the impact of the programs established pursuant to this act and shall report
161 annually to the joint committee on mental health and substance abuse on the effects of these programs. The report
162 shall include data concerning the incidence of substance abuse in the public schools; the nature and scope of
163 intervention, prevention and treatment referral programs; an assessment of the impact of those programs on the
164 problem of substance abuse; and any recommendations for modifications in the programs established pursuant to
165 this act.