

HOUSE No. 1910

By Mr. Wallace of Boston, petition of Brian P. Wallace for legislation to establish an abuse prevention and treatment pilot program in schools. Mental Health and Substance Abuse.

The Commonwealth of Massachusetts

In the Year Two Thousand and Seven.

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
2 shall have the following meaning:—

3 “Substance”, alcoholic beverages, controlled dangerous sub-
4 stances as defined in section 1 of chapter 94C of the General Laws,
5 anabolic steroids or any chemical or chemical compound which
6 releases vapors or fumes causing a condition of intoxication, inebria-
7 tion, excitement, stupefaction or dulling of the brain or nervous
8 system including, but not limited to, glue containing a solvent
9 having the property of releasing toxic vapors or fumes.

10 “Substance abuse”, the consumption or use of any substance as
11 defined herein for purposes other than for the treatment of sickness
12 or injury as prescribed or administered by a person duly authorized
13 by law to treat sick and injured human beings.

1 SECTION 2. The school committee of each city, town or regional
2 school district shall, pursuant to guidelines developed by the depart-
3 ment of education, in consultation with the commissioner of the
4 department public health, establish a comprehensive substance
5 abuse, prevention and treatment program in their public elementary
6 and secondary schools. The purpose of the program shall be to
7 assess the extent of these students’ substance abuse and, if appro-
8 priate, refer students and their families to organizations and agencies
9 approved by the department of public health to offer competent pro-

10 fessional treatment. Treatment shall not be at the expense of the city,
11 town or regional school district or the department of education.

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

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

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

10 Such student shall be interviewed by a substance awareness coor-
11 dinator or another appropriately trained teaching staff member for
12 the purpose of determining the extent of the student's involvement
13 with such substances and the possible need for treatment. In order to
14 make this determination the coordinator or other teaching staff
15 member may conduct a reasonable investigation which may include
16 interviews with the student's teachers and parents. The coordinator
17 or other teaching staff member may also consult with such experts in
18 the field of substance abuse as may be necessary and appropriate. If
19 it is determined that the student's involvement with and use of these
20 substances represents a danger to the student's health and well-
21 being, the coordinator or other teaching staff member shall refer the
22 student to an appropriate treatment program which has been
23 approved by the department of public health.

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

1 SECTION 5. No action of any kind in any court of competent
2 jurisdiction shall lie against any teaching staff member, including a
3 substance awareness coordinator, any school nurse or other educa-
4 tional personnel, examining physician or any other officer, agent or
5 any employee of the board of education or personnel of the emer-
6 gency room of a hospital because of any action taken pursuant to this
7 act, provided the skill and care given is that ordinarily required and
8 exercised by other such teaching staff members, nurses, educational
9 personnel, physicians or other officers, agents, or any employees of
10 the board of education or emergency room personnel.

1 SECTION 6. Any teacher, guidance counselor, school psycholo-
2 gist, school nurse, substance awareness coordinator or other educa-
3 tional or noneducational personnel, employed by or in any public or
4 private school, who in good faith reports a student to the principal or

5 his designee or school physician or school nurse in an attempt to
6 help such student cure his abuse of substances, shall not be liable in
7 civil damages as a result of making any such report.

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

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

9 (ii) appropriate intervention strategies; and

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

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

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

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

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

11 (ii) information on the pharmacology, physiology, psychosocial
12 and legal aspects of substance abuse, and instruction to assist a
13 parent or guardian in the identification of the symptoms and behav-
14 ioral patterns which may indicate that a child may be involved in
15 substance abuse; and

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

20 (2) In addition to the guidelines required pursuant this act, the
21 commissioner of education, in consultation with the commissioner
22 of public health, shall develop and provide to school districts sug-
23 gested materials for the substance abuse education program for par-
24 ents or legal guardians of school students, and shall maintain and
25 continuously update a roster of individuals or groups available to
26 assist school districts in implementing this program and a list of state
27 and local agencies and organizations which are approved by the
28 department of public health to provide services for the prevention,
29 early intervention, treatment or rehabilitation of individuals who
30 show symptoms of substance abuse.

1 SECTION 9. (1) Under the guidelines established by the commis-
2 sioner of education, each school district shall establish an outreach
3 program to provide substance abuse education for parents or legal
4 guardians of students of the district. In establishing the program,
5 school districts shall consult with such local organizations and agen-
6 cies as are recommended by the commissioner of education. The
7 board shall insure that the program is offered at times and places
8 convenient to parents on school premises, or in other suitable facili-
9 ties.

10 (2) In addition to the substance abuse education program required
11 pursuant to this act, each school district shall establish policies and
12 procedures to provide assistance to parents or legal guardians who
13 believe that their child may be involved in substance abuse. These
14 policies and procedures shall be consistent with the policies and pro-
15 cedures for intervention by school personnel developed pursuant to
16 this act.

17 (3) Each school district in which a nonpublic school is located
18 shall have the power and duty to loan to the parents or legal

19 guardians of students attending nonpublic schools located within the
20 district all educational materials developed by the commissioner of
21 education for the instruction of parents or legal guardians of public
22 school students on the nature and effects of substances and substance
23 abuse. The commissioner of education shall make these materials
24 available so that school districts shall not be required to expend
25 funds for the loan of these materials.

1 SECTION 10. The commissioner of education, in consultation
2 with the commissioner of public health, shall develop and administer
3 a program which provides for the employment of substance aware-
4 ness coordinators in certain school districts.

1 SECTION 11. (1) Within 90 days of the effective date of this act,
2 the commissioner of education shall forward to each school district a
3 request for a proposal for the employment of a substance awareness
4 coordinator. A board which desires to participate in the program
5 shall submit a proposal to the commissioner which outlines the dis-
6 trict's plan to provide substance abuse prevention, intervention and
7 treatment referral services to students through the employment of a
8 substance awareness coordinator. Nothing shall preclude a district
9 which employs a substance awareness coordinator at the time of the
10 effective date of this act from participating in this program. The
11 commissioner shall select school districts to participate in the pro-
12 gram through a competitive grant process. Each school district par-
13 ticipating in the program shall receive from the Commonwealth, for
14 a 3-year period, the funding to pay the salary of its substance aware-
15 ness coordinator.

16 (2) The position of substance awareness coordinator shall be sep-
17 arate and distinct from any other employment position in the district
18 including, but not limited to, guidance counselors, school social
19 workers and school psychologists. The board of education shall
20 approve the education and experience criteria necessary for employ-
21 ment as a substance awareness coordinator. The criteria shall include
22 a requirement for certification by the board of education. In addition
23 to the criteria established by the board of education, the department
24 of education and the department of public health shall jointly con-
25 duct orientation and training programs for substance awareness

26 coordinators, and shall also provide for continuing education pro-
27 grams for coordinators.

28 (3) It shall be the responsibility of substance awareness coordina-
29 tors to assist local school districts in the effective implementation of
30 this act. Coordinators shall assist with the in service training of
31 school district staff concerning substance abuse issues and the dis-
32 trict program to combat substance abuse; serve as an information
33 resource for substance abuse curriculum development and instruc-
34 tion; assist the district in revising and implementing substance abuse
35 policies and procedures; develop and administer intervention serv-
36 ices in the district; provide counseling services to students regarding
37 substance abuse problems; and, where necessary and appropriate,
38 cooperate with juvenile justice officials in the rendering of substance
39 abuse treatment services.

40 (4) The commissioner of education, in consultation with the com-
41 missioner of public health, shall implement a plan to collect data on
42 the effectiveness of the program in treating problems associated with
43 substance abuse and in reducing the incidence of substance abuse in
44 local school districts. Six months prior to the expiration of the pro-
45 gram authorized pursuant to this act, the commissioner of education
46 shall submit to the joint committee on mental health and substance
47 abuse an evaluation of the program and a recommendation on the
48 advisability of its continuation or expansion to all school districts in
49 the Commonwealth.

1 SECTION 12. The commissioner of education may make grants
2 to school districts in such amounts as he shall determine, to assist the
3 districts in the implementation of innovative pilot programs
4 designed to educate students of elementary and secondary schools
5 and members of the general public on the subject of substance abuse,
6 and to prevent the abuse of those substances. Application for grants
7 shall be made on forms furnished by the commissioner of education
8 and shall set forth the program proposed and appropriate administra-
9 tive procedures for the proper and efficient implementation of the
10 program.

11 These pilot programs shall, at a minimum, include an early inter-
12 vention competitive grant pilot program to be established by the
13 commissioner of education, in consultation with the commissioner
14 of public health, to enable local school districts to identify and assist

15 elementary school students who are affected by family substance
16 abuse problems or who are at risk of developing such problems
17 themselves. The purpose of the program shall be to encourage the
18 creation of effective model programs for the early identification of
19 children at risk for substance abuse related problems and to provide
20 for effective intervention when these children are identified.

21 Grants shall be awarded to school districts through a competitive
22 grant process based upon written applications submitted by school
23 districts. The commissioner of education shall select not more than 8
24 of the proposals submitted by boards of education for participation
25 in the pilot program. The commissioner, in addition to considering
26 the overall quality of each proposal and the likelihood that the pro-
27 posal can be replicated in other districts, shall seek to achieve the
28 broadest geographic distribution of recipients consistent with the
29 purposes of this act.

1 SECTION 13. The commissioner of education, in consultation
2 with the commissioner of public health, shall develop procedures for
3 the evaluation of the impact of the programs established pursuant to
4 this act and shall report annually to the joint committee on mental
5 health and substance abuse on the effects of these programs. The
6 report shall include data concerning the incidence of substance abuse
7 in the public schools; the nature and scope of intervention, preven-
8 tion and treatment referral programs; an assessment of the impact of
9 those programs on the problem of substance abuse; and any recom-
10 mendations for modifications in the programs established pursuant
11 to this act.