**Massachusetts Department of Elementary and Secondary Education**

**GUIDANCE ON SCHOOL POLICIES REGARDING SUBSTANCE USE PREVENTION**

*An Act Relative to Substance Use, Treatment, Education and Prevention* was signed into law on March 14, 2016, as [Chapter 52 of the Acts of 2016](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter52). The following sections relate to public schools:

**Mass. General Laws chapter 71, section 96** (as amended by [St. 2016, c. 52, s. 15](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter52)):

Section 96. Each public school shall have a policy regarding substance use prevention and the education of its students about the dangers of substance abuse. The school shall notify the parents or guardians of all students attending the school of the policy and shall post the policy on the school's website. The policy, and any standards and rules enforcing the policy, shall be prescribed by the school committee in conjunction with the superintendent or the board of trustees of a charter school.

The department of elementary and secondary education, in consultation with the department of public health, shall provide guidance and recommendations to assist schools with developing and implementing effective substance use prevention and abuse education policies and shall make such guidance and recommendations publicly available on the department’s website. Guidance and recommendations may include educating parents or guardians on recognizing warning signs of substance abuse and providing available resources. Guidance and recommendations shall be reviewed and regularly updated to reflect applicable research and best practices.

Each school district and charter school shall file its substance use prevention and abuse education policies with the department of elementary and secondary education in a manner and form prescribed by the department.

Since 2014, Mass. Gen. Laws c. 71, s. 96 has required each public school to have policies regarding substance use prevention and the education of its students about the dangers of substance abuse, to notify students’ parents or guardians about the policies, and to post the policies on the school’s website. The 2016 amendment to the statute now requires schools to file these policies with the Department of Elementary and Secondary Education (ESE). The law also directs ESE to provide guidance and recommendations to assist schools with developing and implementing effective substance use prevention and abuse education policies. This guidance is intended to assist schools and districts as they develop or review and revise substance use prevention policies.

Like many states across the country, Massachusetts is facing a growing epidemic of opioid addiction, and the Commonwealth is taking action to address it. Schools play an important role in preventing substance use among students and educating students about the dangers of substance abuse. ESE will continue to work with the Department of Public Health, public schools, and other interested parties to update this guidance. Feedback is welcome and may be sent to ESE’s Office of Student and Family Support via*achievement@doe.mass.edu**.*

**Guidance**

In general, effective district and school policies on substance use prevention include:

* clearly defined goals;
* community, parent/guardian, teacher, and student involvement;
* strategies to encourage communication among students, parents/guardians, teachers, and administrators;
* implementation of an evidence-based substance use prevention curriculum for grades 5 to 12, inclusive;
* prohibitions against substance use as well as discipline and enforcement provisions;
* intervention provisions and treatment opportunities; and
* a timetable for periodic review and revision of the policy.

This guidance is organized according to the six elements of a [Safe and Supportive Schools Framework](file:///C%3A%5CUsers%5Crme%5CAppData%5CLocal%5CMicrosoft%5CWindows%5CTemporary%20Internet%20Files%5CContent.Outlook%5C72YKJ0V3%5Cbhps321.org): *Leadership; Professional Development; Access to Resources and Services; Academic and Non-Academic Strategies; Policies, Procedures, and Protocols; and Collaboration with Families.*

**I) *Leadership***

Maintaining a safe and supportive learning environment is implicitly an overall mission for schools and school districts. District leadership is essential in developing and implementing effective substance use prevention and abuse education policies. Per Mass. Gen. Laws c. 71, s. 96, “the policy, and any standards and rules enforcing the policy, shall be prescribed by the school committee in conjunction with the superintendent or the board of trustees of a charter school.” In adopting or updating policies, the school committee or charter school board of trustees will work in conjunction with district and school leaders in developing clearly defined goals to prevent and address substance use and abuse among youth. This leadership should result in strong links between identified local needs and prevention program/system designs.

Comprehensive substance use prevention programs involve the use of multiple strategies that include education and training; social competency skill development; social norms with expectations for behavior; policies, procedures and protocols; and problem identification and referral services. District and school administrators play a key role in implementing and overseeing these programs.

**II) *Professional development***

Faculty and staff see students on a daily basis and often recognize changes in student performance, demeanor, and appearance that indicate a student may be at risk. Districts should provide tiered training, so that all school staff know district policies, procedures, and protocols for prevention, intervention, and follow-up in preventing and responding to substance use and abuse.

All faculty and staff should be provided training on the early warning signs and behaviors that indicate a student may be experiencing substance use problems, and should be aware of building-based referral systems and other protocols to follow. If the school or district is planning to administer a verbal screening tool to screen pupils for risk for substance use related problems, qualified staff should be identified and trained to do so. (See below for more information on Verbal Screening Tools.)

Staff who are responsible for implementing substance use prevention curricula will need specific training and professional development on implementing evidence-based programs and effective strategies for preventing substance use.

**III) *Access to resources and services***

School staff can play a key role in identifying and referring students with substance use related problems and working with their families. Educators and school counseling personnel should work in collaboration with substance use counseling professionals and mental health specialists to meet the needs of those students most at risk.

School counseling personnel should have access to information and strategies necessary to facilitate referrals to community services for the wide variety of mental health problems that students experience, including substance use. Districts should establish a resource list for the network of services available through the agencies in their areas.

Collaboration between schools and community behavioral health providers can address student-specific issues, including interventions such as small group, individual supports, and school re-entry plans. These efforts can support school staff including consultation on general as well as student-specific challenges and plans for school and community provider responses when necessary.

**IV) *Academic and non-academic strategies***

Integrating substance use prevention and education into schools is one of the easiest ways to reach youth and young adults. Schools and districts should implement an evidence-based substance abuse prevention curriculum for grades 5 to 12. Programs should be developmentally appropriate and demonstrate cultural competency.

If a school has school-based mental health professionals, they should be working directly with young people who are identified as being at risk. At least one adult in the school should be designated as the point of contact and support for students who are considered to be at risk.

The [National Registry of Evidence-based Programs and Practices](http://nrepp.samhsa.gov/01_landing.aspx) (NREPP) is a searchable registry of more than 350 substance abuse and mental health interventions that have been reviewed by the U.S Substance Abuse and Mental Health Services Administration.

**V) *Policies and protocols***

All Massachusetts school districts should have policies prohibiting substance use – typically, on school grounds, and at a school-sponsored or school-­related activity, function, or program whether on or off school grounds. The policies should include discipline and enforcement provisions, intervention provisions, and treatment opportunities for students and staff. Students should be informed of the consequences for violating the policies. School staff should discuss the policies annually with students.

Policies related to the use of verbal screening tools to screen pupils for substance use disorders should be well defined and publicized, including any opt-out provisions. (See below for more information on Verbal Screening Tools.)

Policies should include guidelines for working with at-risk students, communication with students, staff, parents/guardians, and confidentiality. Schools should include procedures for re-integrating students who have been absent and/or in recovery.

**VI) *Collaboration with families***

Families are essential partners in schools’ efforts to prevent substance use. Parental input, particularly from parents of students with substance related-problems, helps identify and prioritize the needs of the school community.

School districts should emphasize the importance of school-community-home collaborations in weaving together the resources for comprehensive, multifaceted approaches to preventing substance use and abuse. Providing parents/guardians with information regarding the district’s and school’s substance use prevention and abuse education policies is critical, as they play a key role in their success. School districts should inform parents/guardians about the district’s substance use prevention and abuse education policies on an annual basis.

The policy is required to be posted on the district website. Student handbooks should also contain information on district policies, procedures and protocols. This information should also be made available through Parent Teacher Associations/Organizations, parent engagement programming, and other related programming. Materials should be easily understandable and culturally appropriate.

Evidence-based prevention curricula contain an education component specifically designed for parents/guardians and other actively involved family members. This outreach by schools can help parents/guardians and family members to keep students safe from substance use, by modeling skills and attitudes at home, thereby supporting the prevention component of the school initiative. Effective programs involve parents/guardians through regular activities and by using more than one approach.

**VERBAL SCREENING TOOLS**

State law provides that by the 2017-2018 school year, and subject to appropriation, public schools shall utilize a verbal screening tool to screen students annually, at two different grade levels, for substance use disorders. The relevant sections of the statute read as follows:

**Mass. General Laws chapter 71, section 97** (as amended by [St. 2016, c. 52, s. 15](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter52)):

Section 97.  (a) Subject to appropriation, each city, town, regional school district, charter school or vocational school district shall utilize a verbal screening tool to screen pupils for substance use disorders.  Screenings shall occur on an annual basis and occur at 2 different grade levels as recommended by the department of elementary and secondary education, in consultation with the department of public health.  Parents or guardians of a pupil to be screened pursuant to this section shall be notified prior to the start of the school year. Verbal screening tools shall be approved by the department of elementary and secondary education, in conjunction with the department of public health.  De-identified screening results shall be reported to the department of public health, in a manner to be determined by the department of public health, not later than 90 days after completion of the screening.

(b)  A pupil or the pupil’s parent or guardian may opt out of the screening by written notification at any time prior to or during the screening. A city, town, regional school district, charter school or vocational school district utilizing a verbal screening tool shall comply with the department of elementary and secondary education’s regulations relative to consent.

(c)  Any statement, response or disclosure made by a pupil during a verbal substance use disorder screening shall be considered confidential information and shall not be disclosed by a person receiving the statement, response or disclosure to any other person without the prior written consent of the pupil, parent or guardian, except in cases of immediate medical emergency or a disclosure is otherwise required by state law. Such consent shall be documented on a form approved by the department of public health and shall not be subject to discovery or subpoena in any civil, criminal, legislative or administrative proceeding. No record of any statement, response or disclosure shall be made in any form, written, electronic or otherwise, that includes information identifying the pupil.

 (d)  The department of elementary and secondary education shall notify each school district in writing of the requirement to screen students for substance use disorders pursuant to this section.  School districts with alternative substance use screening policies may, on a form provided by the department, opt out of the required verbal screening tool. The form shall be signed by the school superintendent and provide a detailed description of the alternative substance use program the district has implemented and the reasons why the required verbal screening tool is not appropriate for the district.

(e)  No person shall have a cause of action for loss or damage caused by an act or omission resulting from the implementation of this section.

[Section 63 of St. 2016, c. 52](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter52), reads as follows:

Each city, town, regional school district, charter school or vocational school district shall implement the verbal substance use disorder screenings required by section 97 of chapter 71 of the General Laws by the 2017-2018 school year.

Further, Mass. Gen. Laws c. 71, s. 97, is subject to appropriation, which means schools and districts may voluntarily implement the actions described, but they are not required to do so unless and until funding is appropriated.

In short, the requirement to conduct verbal screenings of students for substance use disorder does not take effect until the 2017-2018 school year, and even then is subject to appropriation of funding for this purpose. ESE is working with the Department of Public Health on guidance for schools concerning these verbal screenings, and will publish it within the next several months to assist schools in planning.

If you have questions or comments on this guidance document, please contact ESE’s Office of Student and Family Support via*achievement@doe.mass.edu**.*