# 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 additionally requires schools to file these policies with the Department of Elementary and Secondary Education (DESE). The law also directs DESE to provide guidance and recommendations to assist schools with developing and implementing effective substance use prevention and abuse education policies.

This Guidance has been updated to include [Chapter 157 of the Acts of 2018](https://malegislature.gov/Laws/SessionLaws/Acts/2018/Chapter157), An Act Protecting Youth from the Health and Risks of Tobacco and Nicotine Addiction, signed into law July 27, 2018. The act states that no person shall use a tobacco product[[1]](#footnote-1) within the school building or facilities or on the grounds or school buses of a public or private primary or secondary school or at a school-sponsored event or public or private vocational school. Additionally, it states that each school committee or board of trusties shall establish a policy regarding violations of this section. The policy may include but shall not be limited to, mandatory education classes on the hazards of using tobacco products.

On December 15, 2016 the legalization of marijuana use for adults 21 and older went into effect, [Chapter 334 of the Acts of 2016](https://malegislature.gov/Laws/SessionLaws/Acts/2016/Chapter334), The Regulation and Taxation of Marijuana Act. Although there is no change in the law for individuals under the age of 21 surrounding marijuana, it is important to understand its potential impact on initiatives that prevent underage access and use.

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 use and abuse. The DESE will continue to work with the Department of Public Health (DPH), public schools, and other interested parties to update this guidance. Feedback is welcome and may be sent to DESE’s Office of Student and Family Support via achievement@doe.mass.edu.

**Guidance**

This guidance is intended to assist schools and districts as they develop or review and revise substance use prevention policies

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](http://bhps321.org/): *Leadership Infrastructure, and Culture; Professional Learning Opportunities; Access to Resources and Services; Teaching and Learning that fosters Safe and Supportive Environments; Policies, Procedures, and Protocols; and Family Engagement.*

**I) *Leadership, Infrastructure and Culture***

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. It is recommended that this leadership establish 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 for substance misuse and treatment. Such policies, procedures and protocols for students, faculty and staff are required to prohibit the use of substances on school grounds and at school events. District leadership play a key role in the implementation of these policies, procedures and protocols as well as the establishment of a school environment that is supportive of substance use prevention and student health.

**II) *Professional Learning Opportunities***

Faculty and staff see students on a daily basis and often recognize changes in student performance, demeanor, and appearance. These changes could indicate a student may be at risk for using/experimenting with substances or is using/experimenting with substances. A tiered system of support and training is recommended. This system would include training all school staff in district policies, procedures, and protocols for prevention, intervention, and follow-up in preventing and responding to substance use and misuse. This system would also include additional professional development opportunities be made available to staff who are directly responsible for implementing these supports with students.

Prior to administration of the verbal screening tool to screen pupils for risk of substance use related problems, it is necessary to identify and train qualified staff to conduct the screenings. (See below for more information on Verbal Screening Tools.)

Staff who are responsible for implementing substance use prevention curricula will require ongoing continuous 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 can work in collaboration with substance use counseling professionals and mental health specialists to best meet the needs of those students most at risk.

Access to information for school counseling personnel is recommended along with the strategies necessary to facilitate referrals to community services for the wide variety of mental health issues that students experience, including substance use and co-occurring disorders. Districts are encouraged to establish, an update as needed, 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) *Teaching and Learning that fosters Safe and Supportive Learning Environments***

Integrating substance use prevention and education into schools can increase protective factors and provide benefits for the youth and young adults in multiple developmental domains such as individual, school and community. The implementation of evidence-based substance use prevention curriculum is recommended for schools and districts in grades 5 through 12. In order to have positive impact, it is essential for programs to be developmentally appropriate and demonstrate cultural competency.

If a school has school-based mental health professionals, having them work directly with young people who are identified as being at risk is in the best interest of the individual. Schools are strongly encouraged to designate at least one adult as the point of contact and support for students who are considered to be at risk.

[The SAMHSA’s Evidence-Based Practices Resource Center](https://www.samhsa.gov/ebp-resource-center) provides communities, clinicians, policy-makers and others with the information and tools to incorporate evidence-based practices into their communities or clinical settings.

**V) *Policies, Procedures and Protocols***

All Massachusetts school districts are required to 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 can include discipline and enforcement provisions, intervention provisions, and treatment opportunities for students and staff and a process in which students are informed of the consequences for violating the policies prior to a violation. School staff are strongly encouraged to discuss the policies at least annually with students.

Updated policies are recommended to include language that addresses nicotine products and nicotine delivery systems such as e-cigarettes and vaporizers. These policies may also include language addressing marijuana/THC products. It is important to note a ban on the use of a substance, not just the delivery method.

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

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

**VI) *Family Engagement***

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

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

The policy is required to be posted on the district website. Student handbooks may also contain information on district policies, procedures and protocols. This information can be made available through Parent Teacher Associations/Organizations, parent engagement programming, and other related programming. It is recommended that materials 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 and by increasing the awareness of talking with youth about substance use prevention. Effective programs involve parents/guardians through regular activities and by using more than one approach. Some tips on how and when to start conversations and prevention resources for parents/guardians can be found at <https://www.samhsa.gov/underage-drinking>, <https://drugfree.org/>, <https://www.mass.gov/learn-about-marijuana> and <https://www.mass.gov/substance-use-prevention-for-parents>.

**VERBAL SCREENING TOOLS**

As of 2017-1018 school year, state law requires public schools 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.

The verbal screening tool approved by DESE and DPH for district/school use is the CRAFFT-II Screening Interview. Training in the CRAFFT-II Screen is available from DPH to school district staff at no charge. Information on Screening, Brief Intervention, and Referral for Treatment in Schools (SBIRT), which includes training in the CRAFFT-II Screen as well as information on implementation and other resources, can be found at [SBIRT in Schools](http://www.masbirt.org/schools). Districts/schools can access information on the program there.

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

1. “Tobacco product”, a product containing, made or derived from tobacco or nicotine that is intended for human consumption, whether smoked, chewed, absorbed, dissolved, inhaled, snorted, sniffed or ingested by other means including but not limited to, cigarettes, cigars, chewing tobacco, pipe tobacco, snuff, electronic cigarettes, electronic cigars, electronic pipes, electronic delivery systems or any other similar product that rely on vaporization or aerosolization. [↑](#footnote-ref-1)