

**Education Alert  
October 2016**

**REMINDER: SUBSTANCE USE PREVENTION POLICIES  
DUE TO DESE BY OCTOBER 28, 2016**

*For a discussion of these and other legal issues, please visit our website at [www.mhtl.com](http://www.mhtl.com)  
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As noted in our March 2016 Client Alert, as part of Massachusetts' Omnibus Substance Abuse Legislation, there were several action items for schools. One of those action items was the requirement that all public schools must file their policies regarding substance use and prevention and educating students about the dangers of substance abuse with the Department of Elementary and Secondary Education ("DESE"). According to Commissioner Mitchell Chester's September 16, 2016 Weekly Update, by **October 28, 2016** all public schools (including charter schools and vocational-technical schools) must accomplish the following:

1. Have a policy regarding substance use prevention and the education of its students about the dangers of substance abuse;
2. Notify parents and guardians of all students attending the school of the policy;
3. Post the policy on the school's website; and
4. File the school's substance abuse prevention and abuse education policies with DESE by **5:00 PM on October 28, 2016**. Superintendents should file the policy/policies by emailing the address of the website where the policies can be found to [ATOD@doe.mass.edu](mailto:ATOD@doe.mass.edu). Superintendents may also include the policies by attachment to the email, but that is not required.

A copy of the Commissioner's Weekly Update can be found here: <http://www.doe.mass.edu/commissioner/?update=9/16/2016>. Also posted at that address is guidance from DESE regarding substance abuse prevention policies. Attached to this alert are two commonly used MASCS policies that have been reviewed and slightly revised to meet the requirements of this new law.

In addition to these policy requirements, as part of the Omnibus Substance Abuse Legislation, schools were also required to provide educational materials to students participating in extracurricular activities prior to the commencement of their athletic seasons about the dangers of opiate use and misuse. The Department of Public Health ("DPH") was tasked with generating these educational materials. We have been advised by DPH that schools should use and distribute the materials that can be downloaded from this website for this purpose <http://massclearinghouse.ehs.state.ma.us/product/SA1011kit.html>.

To view our March 2016 Client Alert discussing the impact of the Omnibus Substance Abuse Legislation on schools, please go to: <http://www.mhtl.com/news-and-resources/education-alerts/>.

**Labor & Employment Alert**  
**April 2015**

*This Client Alert was prepared by Sarah Catignani. If you have any questions about this issue, please contact Sarah Catignani or the attorney responsible for your account, or call (617) 479-5000.*

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## TEACHING ABOUT ALCOHOL, TOBACCO, AND DRUGS

In accordance with state and federal law, the District shall provide age-appropriate, developmentally appropriate, evidence-based alcohol, tobacco, and drug prevention education programs in grades K-12.

The alcohol, tobacco, and drug prevention program shall address the legal, social, and health consequences of alcohol, tobacco, and drug use, with emphasis on nonuse by school-age children. The program also shall include information about effective techniques and skill development for delaying and abstaining from using, as well as skills for addressing peer pressure to use alcohol, tobacco, or drugs.

The objectives of this program, as stated below, are rooted in the Committee's belief that prevention requires education, and that the most important aspect of the policies and guidelines of the District should be the education of children and youth on healthy decision-making:

- To prevent, delay, and/or reduce alcohol, tobacco, and drug use among children and youth.
- To increase students' understanding of the legal, social, and health consequences of alcohol, tobacco, and drug use.
- To teach students self-management skills, social skills, negotiation skills, and refusal skills that will help them to make healthy decisions and avoid alcohol, tobacco, and drug use.

The policy, and any standards and rules enforcing the policy, shall be prescribed by the school committee in conjunction with the superintendent.

This policy shall be posted on the district's website and notice shall be provided to all students and parents in accordance with state law. Additionally, the district shall file a copy of this policy with DESE in accordance with law in a manner requested by DESE.

SOURCE: MASC March 2016

LEGAL REFS.: M.G.L. 71:1 ;71:96

CROSS REFS: GBEC, Drug Free Workplace Policy  
JICH, Drug and Alcohol Use by Students

## **ALCOHOL, TOBACCO, AND DRUG USE BY STUDENTS PROHIBITED**

A student shall not, regardless of the quantity, use or consume, possess, buy or sell, or give away any beverage containing alcohol; any tobacco product, including vapor/E-cigarettes; marijuana; steroids; or any controlled substance. The School Committee prohibits the use or consumption by students of alcohol, tobacco products, or drugs on school property or at any school function.

Additionally, any student who is under the influence of drugs or alcoholic beverages prior to, or during, attendance at or participation in a school-sponsored activity, will be barred from that activity and may be subject to disciplinary action.

This policy shall be posted on the district's website and notice shall be provided to all students and parents of this policy in accordance with state law. Additionally, the district shall file a copy of this policy with DESE in accordance with law in a manner requested by DESE.

SOURCE: MASC March 2016

LEGAL REFS.: M.G.L.71:2A; 71:96; 272:40A

CROSS REFS.: IHAMB, Teaching About Alcohol, Tobacco and Drugs  
GBEC, Drug Free Workplace Policy