



# **Baystate Academy Charter Public School**

## **Substance Use Prevention, Deterrence and Intervention Plan**

**May 11<sup>th</sup>, 2017**

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## INTRODUCTION

### I. LEADERSHIP

*Leadership at all levels will play a critical role in developing and implementing the Substance Use Prevention, Deterrence and Intervention Plans (“the Plan”) in the context of other whole school and community efforts to prevent and educate students around substance use. Leaders have a primary role in educating students about alcohol, tobacco and other drugs in relation to their overall well-being (physical, social, emotional, intellectual, occupational, environmental and spiritual), with an emphasis on non-usage by the school age student. In adopting or updating policies, the board of directors will work in conjunction with 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. Leadership is responsible for setting priorities and for staying up-to-date with current research on ways to prevent and effectively respond to substance use. 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*

Planning and oversight: The Substance Use Prevention, Deterrence and Intervention Plan along with the supporting policies will be reviewed annually and updated as needed. The Wellness Committee will review data to determine the effectiveness of curriculum and activities and professional development and training. The Committee will also serve as the clearinghouse of information, about professional development opportunities and resources for staff, students and parents.

Developing priority statements: Priority statements will be used to communicate within the Plan the school’s vision in creating and implementing its substance use prevention and intervention strategies. The priority statement of BACPS position on substance use is explicit in the policy and says:

A student shall not, regardless of the quantity, use, consume, possess, buy/sell, or give away any beverage containing alcohol; any tobacco product (including NA or near beer, e-cigarettes, VAP pens and all similar devices); marijuana; steroids; or any controlled substance on school grounds and at any school event. It is not a violation for a student to be in possession of a legally defined drug specifically prescribed for the student’s own use by his/her doctor. (Please note that carrying prescription medication is a violation of the Baystate Academy Medication Policy except as noted: Students are not allowed to carry any medication on their person, in their lockers, backpacks, pocketbooks, etc. with the exception of an inhaler to treat asthma and/or an Epi-Pen to treat an allergic reaction and/or if wearing an insulin pump to treat diabetes. Students prescribed these medications may carry them on their person only if they are properly labeled and the parent/guardian has notified the school’s nurse Office in writing and has provided the required physician documentation. It is strongly recommended that a second set of medication be left in the nurse’s office in case the student forgets his/her inhaler or Epi-Pen).

Baystate Academy Charter Public School prohibits and does not tolerate the use or possession of drugs including alcohol. The Alcohol Detection Policy supports the Baystate Academy Chemical Health Policy. Students exhibiting signs of alcohol consumption such as glassy eyes, slurred speech, unsteadiness on the feet, or the emission of an alcoholic odor may be required to take a test using an alcohol detection device administered by a school administrator. If a student tests positive for alcohol consumption he or she will receive two additional opportunities to take the test. Students who test positive for alcohol consumption or students who refuse to take the test upon determination that there is reasonable cause to suspect they have consumed alcohol, will be disciplined under the Baystate Academy Discipline policies

Any adult shall not, regardless of the quantity, use, consume, buy/sell, or give away any beverage containing alcohol; any tobacco product (including e-cigarettes, VAP pens and all similar devices); marijuana; steroids; or any controlled substance while on school grounds or at any school event.

Baystate Academy, in accordance with the MA Interscholastic Athletic Association (MIAA), recognizes the use of chemicals as a significant health problem for adolescents, resulting in negative effects on behavior, learning, and development. Baystate Academy, in order to participate in MIAA athletics, is required to adopt the MIAA Chemical Health Policy as a minimum standard for its athletes.

In order to provide disciplinary equity for all students, Baystate Academy has adopted its own, more comprehensive Chemical Health Policy. The Baystate Academy Chemical Health Policy is intended to provide meaningful consequences for illegal and harmful activities, with the hope that families affected by these consequences will use their experience as an opportunity to teach and learn alternative healthy lifestyle choices.

These policies are an integral part of the schools comprehensive efforts to prevent substance use and serve as a deterrent to enable students to achieve their personal and academic potential and become successful citizens in our increasingly diverse society.

It is a violation of this policy for any administrator, teacher or other employee, or any student to engage in or condone the use of illegal drugs, including alcohol and any tobacco product or failure to report or otherwise take reasonable corrective measures when they become aware of any incident.

It is the responsibility of every employee to recognize acts of use, consumption, possession, buying/selling, or giving of any beverage containing alcohol; any tobacco product (including NA or near beer, e-cigarettes, VAP pens and all similar devices); marijuana; steroids; or any controlled substance on school grounds and at any school event and take every action necessary to ensure that the applicable policies and procedures of this school district are implemented. In an effort to respond to a potential opioid overdose the district has a policy for responding. (See Appendix A Baystate Academy Charter Public School Policy and Procedures for School Nurse, Athletic Director and Athletic Trainer Management of Potential Life Threatening Opioid

Overdose Program)

Further, all reasonable efforts shall be made to maintain the confidentiality and protect the privacy of all parties, but proper enforcement of this policy may require disclosure of any or all information received to appropriate administration staff.

The Principal/Designee, social worker, guidance counselor and nurse shall be responsible for assisting employees and students seeking guidance and support in treatment with substance use and addressing matters relating to substance use treatment. This policy is not designed or intended to limit the school's authority to take disciplinary action or take remedial action when such substance use occurs out of school, but carries over into school, or, is disruptive or substantially interferes with an employee's work, personal life, a student's school work, or participation in school related opportunities or activities.

When a reported incident involves the principal, the Executive Director shall be responsible and if the Executive Director is involved, the Board of Directors, shall be responsible for assisting employees and students seeking guidance or support in addressing matters relating to substance use.

## **II. PROFESSIONAL DEVELOPMENT**

Staff training of the Plan: Training will be provided for all staff, including but not limited to, educators, administrators, counselors, school nurses, cafeteria workers, custodians, athletic coaches, advisors to extracurricular activities, and Para educators.

The training will include early warning signs and behaviors that indicate a student maybe experiencing substance use problems, and should be aware of building base referral systems and other protocols to follow. Staff that are qualified and identified to administrator a verbal screening tool to screen students for risk or related problems will be trained. Those staff that will be responsible for implementing substance use prevention curricula will be provided with specific training and professional development and effective strategies for preventing substance use.

Ongoing professional development: The goal of professional development is to establish a common understanding of tools necessary for staff to recognize warning signs and behaviors that might indicate possible substance use. Professional development will build the skills of staff members to prevent, identify, and respond to substance use.

Professional development will also address ways to prevent and respond to substance use for students with disabilities that must be considered when developing students' Individualized Education Programs (IEPs).

Written notice to staff: The school will provide all staff with an annual written notice of the Plan by publishing information about it in the school's employee handbook and the code of conduct.

### III. ACCESS TO RESOURCES AND SERVICES

Identifying Resources: School staff can play a key role in identifying and referring students with substance use related problems and working with their families. Educators, nurses, and school counseling personnel will 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 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. A resource list is available for the network of services available through the agencies in the area.

Collaboration among school 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.

Personnel immediately available to assist or refer students with substance use or related problems are as follows:

- Principal
- Dean of Students
- Guidance Counselors
- Social Worker
- School nurse
- Screening, Brief, Intervention, Referral Treatment (SBIRT) team members
- Behavioral Health Providers

Resources will be made available and may include, but are not limited to the following:

- Publications
- Books
- Video tapes and/or DVDs
- Suggest helpful and viable Websites
- Use resources from MDPH.
- Interpreter services

School Newsletters, and websites will be used to keep parents/guardians informed of the system-wide strategies that are implemented to assist all students:

Baystate Academy Charter Public School has a protocol for referring students and families to outside services. We have a list of community agencies that help students and families access appropriate and timely services. Guidance counselor, Social Worker and School nurse communicate and collaborate several times yearly to update and evaluate the community referrals.

#### IV. ACADEMIC AND NON-ACADEMIC STRATEGIES

In accordance with state and federal law, Baystate Academy will provide age-appropriate, developmentally appropriate, evidence-based alcohol, tobacco, and drug education and prevention programs in grades 6-12. The overarching goals of the Baystate Academy Charter Public School health education programs are for students to be able to...

- Make decisions to maintain or enhance health
- Analyze multiple influences on their attitudes and behaviors
- Advocate for themselves and others
- Effectively communicate in order to maintain or enhance health

Currently, the Baystate Academy offers health education in grades 6, 7, 8 and high school health electives. The health education classes use a skills based approach that is aligned with the Massachusetts State Frameworks and National Standards to teach fundamental life skills and wellness concepts.

Within the health curriculum the alcohol, tobacco and drug education and prevention programs will address the legal, social, and health consequences of using alcohol, tobacco and other drugs. They include special instruction as to the effects of alcohol, tobacco, or other drugs upon the human system; the emotional, psychological and social dangers of such use with emphasis on non-use by school age children and the illegal aspects of such use. The program also includes information about effective techniques and skill development for delaying and abstaining from using alcohol, tobacco, or other drugs, as well as effective techniques and skill development for resisting peer pressure to use alcohol, tobacco, or other drugs.

The Social Worker, guidance counselors, school nurse and other outside mental health professionals will be working directly with young people who are identified as being at risk. At least one adult in the school will be designated as the point of contact and support for students who are considered to be at risk.

General teaching approaches that support substance use prevention efforts: In addition to the curriculum that is used, several non-academic activities are in place to prevent substance use.

Specific substance use prevention approaches: Substance use prevention curricula will be informed by current research. Initiatives will also teach students about the student-related sections of the Substance Use Prevention, Deterrence and Intervention Plan at the beginning of the school year.

General teaching approaches that support substance use prevention efforts: The following approaches are integral to establishing a safe and supportive school environment. These underscore the importance of our substance use intervention and prevention initiatives:

- Setting clear expectations for students and establishing school and classroom routines;
- Creating safe school and classroom environments for all students, including for students

- with disabilities, lesbian, gay, bisexual, transgender students, and homeless students;
- Using appropriate and positive responses and reinforcement, even when students require discipline
- Using positive behavioral supports
- Using motivational interviewing
- Encouraging adults to develop positive relationships with students;
- Modeling, teaching, and rewarding pro-social, healthy, and respectful behaviors;
- Using positive approaches to behavioral health, including collaborative problem-solving, conflict resolution training, teamwork, and positive behavioral supports that aid in social and emotional development;
- Using the Internet safely;
- Supporting students' interest and participation in non-academic and extracurricular activities, particularly in their areas of strength.

## **V. POLICIES AND PROTOCOLS**

Baystate Academy Charter Public School has policies prohibiting substance use, on school grounds, and at any school-sponsored or school-related activity, function, or program whether on or off school grounds. The policies 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 discusses the policies annually with students.

Policies related to the use of verbal screening tools to screen pupils for substance use disorders are well defined and publicized, including opt-out provisions.

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

At the beginning of each school year, the administration shall provide the school community, including, but not limited to, educators, administrators, school nurses, custodians, athletic coaches, advisors to extracurricular activities, paraprofessionals, students, and parents or guardians, with written notice of its policies for substance use.

The principal or designee will implement appropriate strategies for protecting from substance use or retaliation a student/staff who has reported a student/staff that provides information during an investigation, or a student/staff that has reliable information about a reported act of substance use.

## **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, help identify and prioritize

the needs of the school community. Ways in which Baystate Academy collaborates and communicates with families may include, but are not limited to the following:

- Individual and group meetings with parents and guardians to engage parental support and to reinforce the substance use curricula and 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.
- Posting the policy on our website and in student handbooks contains information on district policies, procedures and protocols.
- School-community-home collaborations 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.

## **Appendix A**

### **Baystate Academy Charter Public School Policy and Procedures for School Nurse, Athletic Director and Athletic Trainer Management of Potential Life Threatening Opioid Overdose Program**

#### Policy

In order to recognize and respond to a potential life threatening opioid overdose as part of the MDPH opioid overdose prevention pilot program, the Baystate Academy Charter Public School will maintain a system-wide plan for addressing potential life threatening opioid overdose reaction. This plan shall include:

- Building-based general medical emergency plan
- The School Nurse will have the responsibility for the development and management of the naloxone administration program in the school setting in accordance with MDPH protocols.
- The school physician will provide oversight to monitor the program and ensure quality improvement and quality control.
- Training per MDPH protocols will be provided for the Nurse, Athletic Director and Athletic Trainer responders.
- Integration with the local emergency medical services (EMS) system will be included in the implementation of this program.

#### Background

It is strongly recommended by the Massachusetts Department of Public Health, that School Nurses, Athletic Director, and Athletic Trainer have access to Nasal Naloxone medication in the school setting to ensure its immediate availability to students, staff and building visitors.

Recognizing that fatal and non-fatal overdoses from opioids play an increasing role in the mortality and morbidity of Massachusetts residents, the Massachusetts Department of Public Health launched the Overdose Education and Naloxone Distribution (OEND) prevention program using intra-nasal Narcan (naloxone) in an attempt to reverse this trend. Naloxone is an opioid antagonist which means it displaces the opioid from receptors in the brain. An overdose occurs because the opioid is on the same receptor site in the brain that is responsible for breathing. Naloxone usually acts dramatically, allowing slowed or absent breathing to resume. It is both safe and effective and has no potential for abuse. Naloxone has been used by paramedics in ambulances and by emergency room clinicians for decades. While not a controlled substance, naloxone is what is known as a “scheduled” drug and therefore does require a prescription. The Department of Public Health is operating a naloxone distribution program as a pilot program in accordance with M.G.L. c. 94C and DPH/Drug Control Program regulations at 105 CMR

700.000. The distribution of naloxone by approved trainers is authorized by the Department of Public Health and the standing orders issued by the Medical Director of the naloxone pilot.  
What are Opioids

Opioids are chemicals that are either derived from the opium poppy or are synthetically manufactured by pharmaceutical companies. Whether synthetic or naturally occurring, opioids all act in similar ways at specific sites in the body. They are depressants, and slow down the central nervous system. At high levels, opioids reduce consciousness and decrease breathing (respiratory depression). Opioids attach to specific receptors in the brain, spinal cord, and gastrointestinal tract and block the transmission of pain messages. They induce euphoria and users generally report feeling warm, drowsy, and content. Opioids relieve stress and discomfort by creating a relaxed detachment from pain, desires, and activity. They also cause slow heart rate, constipation, a widening of blood vessels, and decrease the natural drive to breathe.

### Severe Opioid Reaction (Overdose)

Description: An overdose occurs when the body has more drugs in its system than it can handle, resulting in potentially life threatening dysfunction. People can overdose on many different substances including other drugs or alcohol. During an opioid overdose there are so many opioids or a combination of opioids and other drugs in the body that the victim becomes unresponsive to stimulation and/or breathing becomes inadequate. Those experiencing an overdose become unresponsive, or unconscious, because opioids fit into specific brain receptors that are responsible for breathing. When the body does not get enough oxygen, lips and fingers turn blue. These are the signs that an overdose is taking place. A lack of oxygen eventually affects other vital organs including the heart and brain, leading to unconsciousness, coma, and then death.

With opioid overdoses, the difference between surviving and dying depends on breathing and oxygen. Fortunately, opioid overdose is rarely instantaneous; people slowly stop breathing after the drug was used. There is usually time to intervene between when an overdose starts and a victim dies. Furthermore, not all overdoses are fatal. Without any intervention, some overdose victims may become unresponsive with slowed breathing, but will still take in enough oxygen to survive and wake up.

#### Signs and Symptoms of Opioid Overdose:

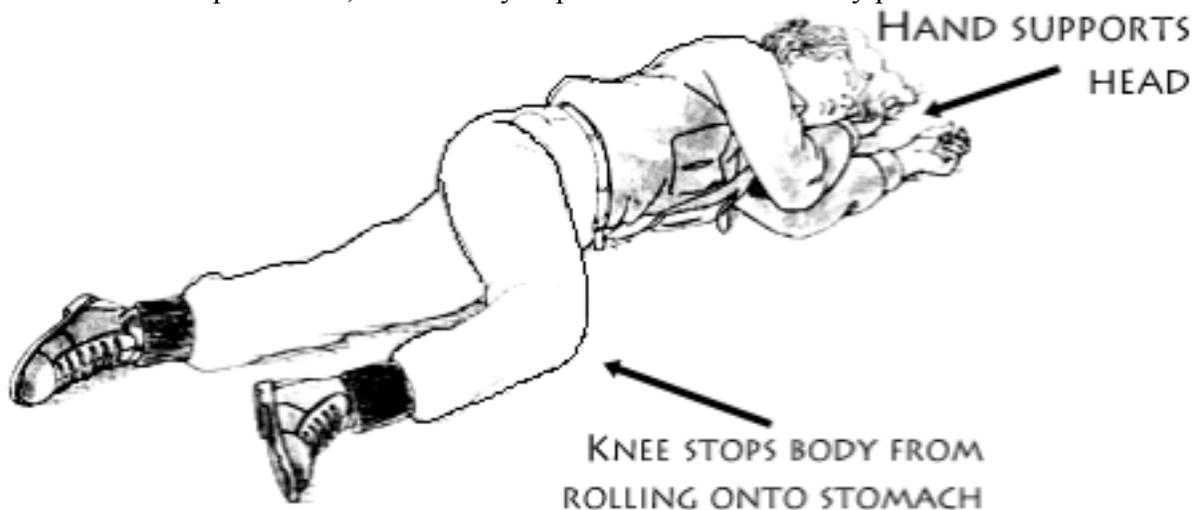
- Blue skin tinge- usually lips and fingertips show first
- Body is very limp
- Face is very pale
- Pulse (heartbeat) is slow, erratic or not there at all
- Throwing up
- Passing out
- Choking sounds or a gurgling/snoring noise
- Breathing is very slow, irregular or has stopped
- Unresponsive

### Assessing for Responsiveness and Breathing:

- In order to determine if the individual is experiencing an overdose, the most important things to consider are presence of breathing and responsiveness to stimulation. There are some relatively harmless ways to stimulate a person. These strategies are:
- Yelling their name
- Rubbing knuckles over either the upper lip or up and down the front of the rib cage called a sternal rub
- If an individual responds to these stimuli, they may not be experiencing an overdose at that time. It is best to stay with the person, to make sure the person wakes up and is ok. It is possible that the person could become unresponsive and require further assistance.
- Continued attempts at stimulation will waste valuable time in helping the individual breathe.

### Responding to an Opioid Overdose:

- Call 911 to get help
- Perform rescue breathing to provide oxygen
- Administer Naloxone
- Stay with the person until help arrives
- Individuals who overdose can die because they choke on their own vomit (aspiration). This can be avoided by putting the individual in the recovery position. The recovery position is when you lay the person on his or her side, his or her body supported by a bent knee, with his or her face turned to the side. This position decreases the chances of the individual choking on his or her vomit. If you have to leave the person at all, even for a minute to phone 911, make sure you put them in the recovery position.



### Procedures:

The School Nurse, Athletic Director and Athletic Trainer when the school nurse is not available, will respond to any member of the school community when on school property with a life

threatening opioid overdose in the school setting. The management of a Life Threatening Opioid Overdose takes a multidisciplinary approach of collaboration between school community, emergency responders, and law enforcement officers. Awareness, prevention and emergency preparedness are crucial elements in the management of a person with a potential Life Threatening Opioid Overdose.

#### School Nurse, Athletic Director and Athletic Trainer Responsibilities

The school nurse is the key resource for medical direction, assessment and response to a potential Life Threatening Opioid Overdose. The school nurse or the athletic director and athletic trainer when there is no school nurse available, MUST be contacted as soon as a potential Opioid overdose is identified. The Athletic Director and Athletic Trainer are the key resource at athletic events when the school nurse is not present and can act under the Good Samaritan Law and administer nasal Naloxone at athletic events when a potential Opioid overdose is identified.

#### Call 911

It is important to report to the dispatcher if the victim's breathing has slowed or stopped, he or she is unresponsive, and the exact location of the individual. If Naloxone was given and if it did/did not work, this is important information to tell the dispatcher.

#### Perform rescue breathing

For a person who is *not breathing*, rescue breathing is an important step in preventing an overdose death. When someone has stopped breathing and is unresponsive, rescue breathing should be done as soon as possible because it is the quickest way to get oxygen into the body.

Steps for rescue breathing are:

1. Place the person on his or her back and pinch their nose or use Ambu bag to administer rescue breaths
2. Tilt chin up to open the airway. Check to see if there is anything in the mouth blocking the airway. If so, remove it.
3. Give 2 slow breaths.
4. Blow enough air into the lungs to make the chest rise.
5. Assess each breath to ensure the chest is rising and falling. If it doesn't work, tilt the head back more.
6. Breathe again every 5-6 second

Administer Nasal Naloxone (Narcan). Naloxone is a medication that reverses overdose from heroin or other opioids. Naloxone is the generic name for Narcan.

Nasal Naloxone may work immediately, but can take up to 8 minutes to have an effect. The effect of the naloxone will last for about 30 to 90 minutes in the body. Because most opioids last longer than 30 to 90 minutes, the naloxone may wear off before the effects of the opioids wear off and the person could go into an overdose again. This depends on several things, including:

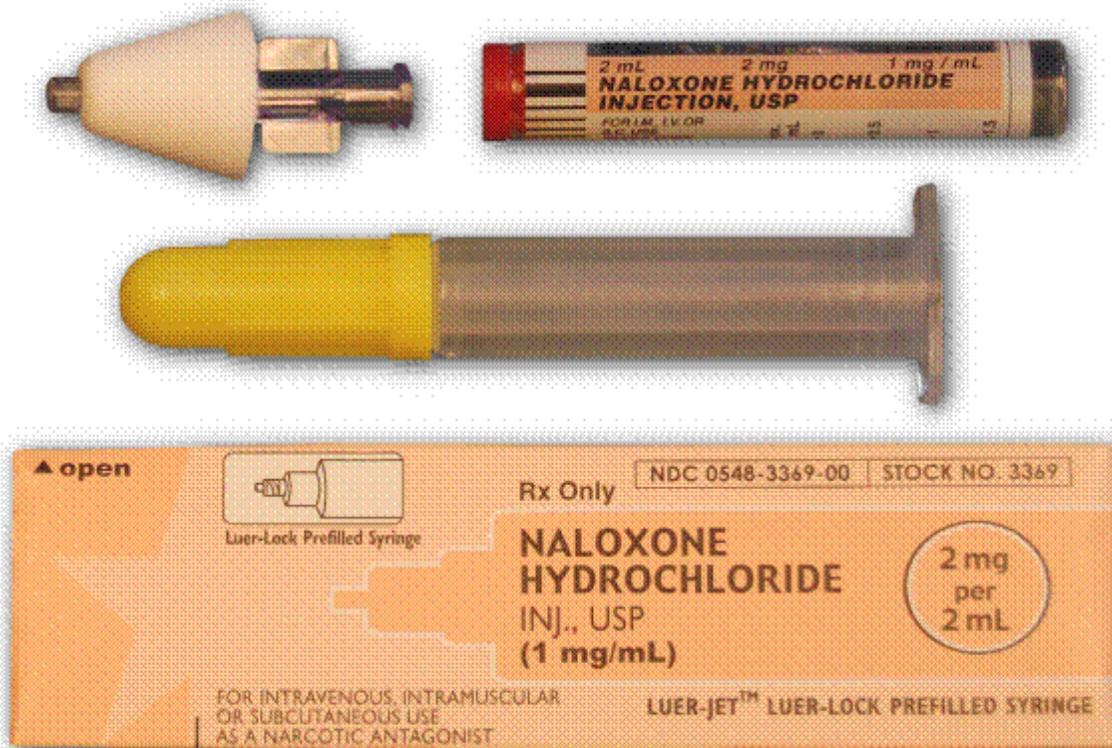
- The quantity and purity of opioids used
- The presence of other drugs or alcohol
- The effectiveness of the liver to filter out the drugs
- If the victim uses opioids again once the naloxone is administered
- Naloxone administration may be repeated without harm if the person overdoses after the first dose wears off. Due to the complex nature of each of these medical emergencies, it further highlights the necessity of calling 911.

### Bleeding from the nose

If the person overdosing has substantial nasal bleeding, naloxone may not work because the blood will interfere with absorption of the naloxone. Call for help and rescue breathe.

How to assemble nasal naloxone device and administer nasal naloxone:

1. Pop off two yellow caps and one red (or purple) cap.



2. Hold spray device and screw it onto the top of the plastic delivery device.
3. Screw medicine *gently* into delivery device
4. Administering Naloxone (Narcan):

Spray half of the naloxone (1 ml) up one side of the nose and the other half (1 ml) up the other side of the nose. If there is no breathing or breathing continues to be shallow, continue to perform rescue breathing while waiting for the naloxone to take effect. If there is no change in 3-5 minutes, administer another dose of naloxone (use another box) and continue rescue breathing until the person breathes for themselves or help arrives.

### Monitor the victim

Naloxone blocks opioids from acting so it can cause withdrawal symptoms in someone with opioid tolerance. Therefore, after giving someone naloxone, he or she may feel withdrawal symptoms and want to use again. It is important that the victim does not use opioids again after receiving naloxone so that an overdose does not re-occur. If possible, the bystander who administered the naloxone should stay with the person who overdosed.

**Key Points:** School Nurse, Athletic Director and Athletic Trainer will respond to an opioid overdose

1. Call 911
2. Perform rescue breathing
3. Administer nasal naloxone
4. Place the person in the recovery position
5. Stay with the victim

**Storage:** Nasal Naloxone Hydrochloride will be kept in the emergency First Aid bag when the trained school nurse is in the building and then placed into the locked medication cabinets in the school nurse's office when the school nurse is not in the building. For the Director of Athletics and Athletic Trainer: the Nasal Naloxone hydrochloride will be kept on the Athletic Director and Athletic Trainer person when attending athletic events.

School Nurse, Athletic Director and Athletic Trainer yearly Training:

### Training of Naloxone Administration by (School) Nurses and Director of Athletics:

A school nurse, as defined by the Massachusetts Department of Elementary and Secondary Education, may be trained by Massachusetts Department of Public Health (aka "the Department") approved trainers to administer naloxone by nasal administration in a life-threatening situation when first responders are not immediately available. Athletic Director and Athletic Trainer approved trainer to administer nasal naloxone under the Good Samaritan Law, may be trained by the Department approved trainers to administer naloxone by nasal administration in a life threatening situation when first responders and school nurse are not immediately available.

### Department planning and implementation:

1. The Department approves policies, curriculum and procedures for training.
2. In consultation with the prescribing physician, designated school nurses, Athletic Director, and Athletic Trainer, including "approved trainers" are trained and tested for competency in accordance with standards and a curriculum established by the Department.
3. Approved trainers arrange for trainings of school nurses, athletic director and athletic trainer in local communities, in accordance with standards and curriculum established by the Department.
4. The school nurse, athletic director, and athletic trainer will document the training and testing of competency, in accordance with standards and curriculum established by the Department.

5. The training, at a minimum, will include:
  - (a) Procedures for risk reduction;
  - (b) Recognition of the symptoms in an individual with an opiate overdose;
  - (c) The importance of following the prescribed method of medication administration;
  - (d) Proper use of the nasal administration method;
  - (e) The requirement to call local emergency services prior to administration, and
  - (f) Requirements for proper storage and security, notification of appropriate person following administration and record keeping.
6. The school nurse shall maintain and make available upon request by the Department a list of all licensed individuals trained to administer naloxone by nasal administration if any.
7. All trainings in the administration of naloxone will be done in accordance with prescribed methods. The school nurse will keep record of yearly training of all trained staff and documentation of completion of competency test and performance.
8. Priorities for trainings will be in communities where individuals most at risk have been identified.
9. The school nurse will be notified of any administration of naloxone by trained staff and will submit a report to the Department of Public Health School Health Unit each time training and naloxone administration is completed.
10. All other medication administration procedures will hold forth including:
  - (a) reporting of any medication errors per 105 CMR 210.00
  - (b) proper disposal of a used naloxone administration delivery system.

#### Policy Review and Revision

Review and revision of these and procedures shall occur as needed but at least every two years.

## **Appendix B**

### **Baystate Academy Chemical Health Policy**

#### **Overview**

Baystate Academy, in accordance with the Massachusetts Interscholastic Athletic Association (MIAA), recognizes the use of chemicals as a significant health problem for adolescents, resulting in negative effects on behavior, learning, and development. Baystate Academy, in order to participate in MIAA athletics, is required to adopt the MIAA Chemical Health Policy as a minimum standard for its athletes.

In order to provide disciplinary equity for all students, Baystate Academy has adopted its own, more comprehensive Chemical Health Policy. The Baystate Academy Chemical Health Policy is intended to provide meaningful consequences for illegal and harmful activities, with the hope that families affected by these consequences will use their experience as an opportunity to teach and learn alternative healthy lifestyle choices.

#### **Policy**

The MIAA Chemical Health Policy states: From the earliest fall practice date, to the conclusion of the academic year or final athletic event (whichever is latest), a student shall not, regardless of the quantity, use, consume, possess, buy/sell, or give away any beverage containing alcohol; any tobacco product (including e-cigarettes, VAP pens and all similar devices); marijuana; steroids; or any controlled substance. This policy includes products such as “NA or near beer”. It is not a violation for a student to be in possession of a legally defined drug specifically prescribed for the student’s own use by his/her doctor

The practical application of the Baystate Academy policy is carried out in partnership with the Springfield Police Department. By law, any underage person in the presence of the above described substances is deemed to be “in possession”. The police have the right to criminally charge students who have been deemed in possession, and these students are listed on a police report prepared by the officers at the scene.

Baystate Academy considers the police officer(s) at the scene to be a credible witness to events that take place outside of school. Information detailed in a police report is the basis for determining when the consequences of the Chemical Health Policy will be imposed.

#### **Chemical Health Policy Consequences**

Those students who have violated the Chemical Health Policy will be subject to the following disciplinary consequences:

- For offenses occurring on school grounds or at school sponsored events:

- Suspension for a period of 1-10 days
  - Social probation
  - MIAA consequences
- For offenses outside of school:
- Social Probation
  - MIAA consequences

### **Alcohol Detection Policy**

Baystate Academy prohibits and does not tolerate the use or possession of drugs including alcohol. The Alcohol Detection Policy supports the Baystate Academy Chemical Health Policy. Students exhibiting signs of alcohol consumption such as glassy eyes, slurred speech, unsteadiness on the feet, or the emission of an alcoholic odor may be required to take a test using an alcohol detection device administered by a school administrator. If a student tests positive for alcohol consumption he or she will receive two additional opportunities to take the test. Students who test positive for alcohol consumption or students who refuse to take the test upon determination that there is reasonable cause to suspect they have consumed alcohol, will be disciplined under the Baystate Academy Chemical Health Policy.

### **Social Probation**

#### **Overview**

Social Probation means that a student may not attend or participate in any school sponsored or related function or activity. This includes, but is not limited to, clubs, athletics, competitions, dances, proms, trips, banquets, and graduation.

Offenses for which Social Probation may be assigned:

- Violation of the Baystate Academy Chemical Health Policy
- Violation of the Memorandum of Understanding
- Any violation of the discipline code
- Disruption or disturbance of any school sponsored activity or public assembly any action that threatens safety and security or disrupts the school environment not listed herein, which the administrator deems appropriate for Social Probation.

Social Probation Guidelines:

- A student who is under Out-of-School suspension is automatically under Social Probation from the moment it is assigned by the administration until the morning of the return date or date assigned by the administrator
- For offenses not involving suspension, social probation is for a period of three (3) weeks from the date that the school notifies the student and parent/guardian; subsequent offenses will be six (6) weeks social probation.
- Social Probation may carry over to the following school year
- Any student who violates the terms of his or her Social Probation will receive an Out-of-School Suspension and will be placed on Social Probation indefinitely.

- Students who are in a position of leadership may jeopardize their privilege to serve in that capacity. See next section for specific guidelines.
- These rules are in effect seven days a week, 24 hours a day, from the first day of school to the conclusion of the academic year

### Social Probation & MIAA Disciplinary Consequences

For athletes: In accordance with MIAA Rule 62.1, students involved in sports may practice but will not be allowed to participate in games or scrimmages during the social probation period. In addition, athletes who are team captains will not be allowed to hold their team leadership positions if they are in violation of the Baystate Academy Chemical Health Policy.

If a student is unable to participate in interscholastic sports due to injury or academics, the penalty will not take effect until that student is able to participate again.

- **First Violation:** When the Principal confirms, following an opportunity for the student to be heard, that a violation occurred, the student shall lose eligibility for the next consecutive interscholastic contests totaling 25% of all interscholastic contests in that sport. No exception is permitted for a student who becomes a participant in a treatment program. It is recommended that the student be allowed to remain at practice for the purpose of rehabilitation. All decimal part of an event will be truncated i.e. All fractional part of an event will be dropped when calculating the 25% of the season.
- **Second and Subsequent Violations:** When the Principal confirms, following an opportunity for the student to be heard, that a violation occurred, the student shall lose eligibility for the next consecutive interscholastic contests totaling 60% of all interscholastic contests in that sport. All decimal part of an event will be truncated i.e. All fractional part of an event will be dropped when calculating the 60% of the season. See chart on following page.
- If after the second or subsequent violations the student of his/her own volition becomes a participant in an approved chemical dependency program or treatment program, the student may be certified for reinstatement in MIAA activities after a minimum of 40% of events provided the student was fully engaged in the program throughout that penalty period. The principal in collaboration with a Chemical Dependency Program or Treatment Program must certify that student is attending or issue a certificate of completion. If the student does not complete program, penalty reverts back to 60% of the season. All decimal part of an event will be truncated i.e. All fractional part of an event will be dropped when calculating the 40% of the season. See chart on following page.
- Penalties shall be cumulative each academic year, but serving the penalty could carry over for one year. Or, if the penalty period is not completed during the season of violation, the penalty shall carry over to the student's next season of actual participation, which may affect the eligibility status of the student during the next academic year. (e.g. A student plays only football: he violates the rule in winter and/or the spring of same

academic year: he would serve the penalty [ies] during the fall season of the next academic year.

- If, while serving a penalty for violation of the Chemical Health Policy and the beginning of a new athletic season coincide, the student will be granted the opportunity to try out for an athletic program.

1st Offense - 25%	
# of Events / Season	# of Events / Penalty
1-7	1
8-11	2
12-15	3
16-19	4
20 or over	5
2nd Offense - 60%	
# of Events / Season	# of Events / Penalty
1-3	1
4	2
5-6	3
7-8	4
9	5
10-11	6
12-13	7
14	8
15-16	9
17-18	10
19	11
20 or over	12

2nd Offense w/Dependency Program – 40% if in the program throughout the penalty period	
# of Events / Season	# of Events / Penalty
1-4	1
5-7	2
8-9	3
10-12	4
13-14	5
15-17	6
18-19	7
20 or over	8

Students who are members of the National Honor Society or Student Government may attend regularly scheduled meetings but will not be allowed to participate in other school-sponsored activities during the period of the Social Probation. In addition, these organizations have internal ethics committees that will determine if students who hold leadership positions will be allowed to continue in their leadership role after the period of Social Probation has ended. A factor in the decision making process would be whether or not loss of leadership position would prevent the student from participating in the club or activity as a general member.

Students involved in any other school sponsored clubs and activities may attend regularly scheduled meetings but will not be allowed to participate in other school-sponsored activities during the period of the Social Probation. The club advisors in conjunction with Baystate Academy administrators will determine if students who hold leadership positions will be allowed to continue in their leadership role after the period of social probation has ended. A factor in the decision making process would be whether or not loss of leadership position would prevent the student from participating in the club or activity as a general member.

## **Appendix C**

### **Rules and Regulations Affecting the Use or Possession of Tobacco Products and Nicotine Delivery Products on School Property**

Every infraction of the tobacco policy will be a permanent part of the student's high school discipline record, and a repeat offense automatically goes to the next level of consequences. If a student possesses and/or uses tobacco the following will occur:

#### **Tobacco First Offense Procedure**

1. The student's parent(s)/guardian(s) will be notified by the Dean of Students or designee.
2. The student will undergo drug testing.

#### **Tobacco Second Offense Procedure**

1. The student's parent(s)/guardian(s) will be notified by the Dean of Students or designee.
2. The student will undergo drug testing.
3. The student will serve a one-day suspension.
4. The student will participate in a tobacco cessation program.
5. If the student is using chewing tobacco, the student must obtain an examination by a dental or medical professional.

#### **Tobacco Third Offense Procedure**

- The procedure for a third offense will be the same as for a first offense for alcohol and/or drug possession and/or use.

#### **Tobacco Fourth Offense Procedure**

- The procedure for a fourth offense will be the same as for a second offense for alcohol and/or drug possession and/or use.

#### **Tobacco Fifth Offense Procedure (will apply to readmitted students)**

- The procedure for a fifth offense will be the same as for a third offense for alcohol and/or drug possession and/or use.

## **Appendix D**

### **Policy of Baystate Academy Charter Public School Relative to Illegal Distribution, Use, and Possession of Drugs and Alcohol:**

#### **3.0 Selling Drugs or Possession with Intent to Sell During Regular School Day or at Any School Sponsored Function:**

3.1 Any student found selling, or in possession of a quantity of a controlled substance with intent to sell, shall be subject to expulsion by the Principal. The student shall be notified in writing of an opportunity for a hearing and have the right to representation, along with the opportunity to present evidence and witnesses at said hearing. Any student expelled shall have the right to appeal to the Executive Director. The student shall have ten days from the date of the expulsion in which to notify the Executive Director of his/her appeal. The student shall have the right to counsel at a hearing before the Executive Director.

#### **4.0 Uses and/or Possession of Drugs or Alcohol during Regular School Day or at a School Sponsored Function:**

##### **4.1 First Offense:**

Any student found using and/or in possession or constructive possession of any form of drugs or alcohol during the regular school day or at school sponsored or related events, including athletic games, shall be subject to suspension or expulsion from school by the Principal. The student shall be notified in writing of an opportunity for a hearing and have the right to representation, along with the opportunity to present evidence and witnesses at said hearing. Any student expelled shall have the right to appeal to the Executive Director. The student shall have ten days from the date of the expulsion in which to notify the Executive Director of his/her appeal. The student shall have the right to counsel at a hearing before the Executive Director. A student who is suspended shall not participate in any extracurricular school activities for a period of three weeks, as outlined in the Chemical Health Policy in the Student-Parent Handbook. Student athletes will also be subject to an athletic suspension in accordance with the MIAA/Baystate Academy Chemical Health Policy.

##### **4.2 Second Offense:**

Any student found using and/or in possession or constructive possession of any form of drugs or alcohol during the regular school day or a school sponsored or related event, including athletic games, shall be subject to suspension or expulsion from school by the Principal. The student shall be notified in writing of an opportunity for a hearing and have the right to representation, along with the opportunity to present evidence and witnesses at said hearing. Any student expelled shall have the right to appeal to the Executive Director. The student shall have ten days from the date of the expulsion in which to notify the Executive Director of his/her appeal. The student shall have the right to counsel at a hearing before the Executive Director. A student who is suspended shall not participate in any extracurricular school activities for a period of six weeks, as outlined in the Chemical Health Policy in the Student-Parent Handbook. Student

athletes will also be subject to an athletic suspension in accordance with the MIAA Chemical Health Policy.

#### **5.0 Use and/or Possession of Drugs or Alcohol Outside of the Regular School Day and Off School Grounds**

5.1 Regardless of where any student is found using and/or in possession or constructive possession of alcohol or a controlled substance, or the distribution or intent to distribute a controlled substance takes place, paragraphs 4.1 and 4.2 will be followed as if the offense took place on school property with the exception that no suspension from school will be imposed.

#### **Other Procedures:**

6.0 The Principal will collect all confiscated illicit drugs and paraphernalia and weapons on the day that the violation took place and with a report. A written description of the confiscated material, which is signed and dated by the receiving police officer, will be given to the school official.

7.0 In such cases, students may be subject to disciplinary action and/or prosecution in the normal course, but in addition may be eligible to be diverted from prosecution in appropriate circumstances. Any crime is a violation of school rules and is governed by this memorandum if it occurs in the school building, on school grounds, at school sponsored events, at activities or events which may be conducted off school grounds, on school buses, and at or around the school bus stops, during loading and unloading procedures or on the way to or from school.

8.0 The Executive Director or Principal will coordinate the Police Department's action in cases of students found to be in possession of drugs or drug paraphernalia committing criminal activity.

9.0 The Principal of the school will report to the parents all incidents of students found to be under the influence of drugs.

10.0 This memorandum shall become part of the Codes for Student Conduct established in each school.

11.0 Every precaution will be taken by school officials and the Police Department to insure that the educational program of students is not disrupted.

## **Appendix E**

### **Massachusetts General Laws Chapter 71, Sections 37H, 37H1/2 and 37H3/4**

#### **DUE PROCESS FOR DISCIPLINARY REMOVALS**

Student disciplinary offenses resulting in removal from the classroom (i.e., suspensions and expulsions) are subject to due process procedures, including notices, hearings, appeals, and educational services during removals. The following sections provide you with information about these rights.

Please note that students have the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense, at any and all hearings concerning student discipline. If you wish to bring an attorney to any hearing or meeting at the school, please inform Baystate Academy immediately. If you fail to inform the school prior to bringing an attorney to a hearing, and Baystate Academy's attorney is not present, then Baystate Academy will exercise its right to cancel and reschedule the meeting to ensure that its attorney can attend. This rescheduling may delay the hearing or meeting, and if so, your child's disciplinary removal will be extended until a decision is rendered following the rescheduled hearing or meeting. Baystate Academy hereby notifies you that it may have its legal counsel present at any hearings and meetings involving student discipline.

#### **A. NOTICE OF STUDENT AND PARENT RIGHTS UNDER G.L. c. 71 §37H**

*This Notice of Student and Parent Rights applies to student misconduct that involves weapons, drugs, and assault on school staff.*

Specifically, any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife, may be subject to expulsion from the school by the principal. Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a controlled substance, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school by the principal. Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school by the principal.

Any student who is charged with any of the misconduct detailed above has an opportunity for a hearing before the principal. At the hearing, the student may have representation at his or her own expense, along with the opportunity to present evidence and witnesses at said hearing before the principal. After said hearing, the principal may, in his discretion, decide to suspend rather than expel a student who has been determined by the principal to have committed the misconduct detailed above.

Any student who has been expelled from school pursuant to GL c. 71 §37H shall have the right

to appeal to the Executive Director. The expelled student shall have ten days from the date of the expulsion in which to notify the Executive Director of his appeal. The student has the right to counsel, at his or her own expense, at a hearing before the Executive Director. The Executive Director shall hold a hearing with the student and the student's parent within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf. The Executive Director shall have the authority to overturn or alter the decision of the principal, including recommending an alternate educational program for the student. The Executive Director shall render a decision on the appeal within five calendar days of the hearing. The Executive Director's decision shall be the final decision of Baystate Academy with regard to the suspension. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

Students who are suspended or expelled under §37H are entitled to receive educational services during the period of suspension or expulsion under Baystate Academy's Education Service Plan, which is described below in Section D. If the student withdraws from the charter school and/or moves to another school district during the period of suspension or expulsion, the new school/district/district of residence shall either admit the student to its schools or provide educational services to the student under the new school or district's education service plan.

## **B. NOTICE OF STUDENT AND PARENTS RIGHTS UNDER G.L. c. 71 §37H1/2**

*This Notice of Student and Parent Rights applies to student misconduct that involves student criminal or felony delinquency charges, findings, or admissions.*

### **Suspension Following Criminal or Felony Delinquency Complaint**

Upon the issuance of a criminal or felony delinquency complaint against a student, the principal of a school in which the student is enrolled may suspend such student for a period of time determined appropriate by the principal if he or she determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student is entitled to receive written notification of the charges and the reasons for such suspension prior to such suspension taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such suspension; provided, however, that such suspension shall remain in effect prior to any appeal hearing conducted by the Executive Director.

The student shall have the right to appeal the suspension to the Executive Director. The student shall notify the Executive Director in writing of his request for an appeal no later than five calendar days following the effective date of the suspension. The Executive Director shall hold a hearing with the student and the student's parent within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The Executive Director shall have the authority to overturn or alter the decision of the principal, including recommending an alternate educational program for the student. The Executive Director shall render a decision on the appeal within five calendar days of the hearing. The Executive Director's decision shall be

the final decision of Baystate Academy with regard to the suspension.

### **Expulsion Following Felony Adjudication or Admission**

Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the principal of a school in which the student is enrolled may expel said student if the principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school. The student shall receive written notification of the charges and reasons for such expulsion prior to such expulsion taking effect. The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the Executive Director.

The student shall have the right to appeal the expulsion to the Executive Director. The student shall notify the Executive Director, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The Executive Director shall hold a hearing with the student and the student's parent within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The Executive Director shall have the authority to overturn or alter the decision of the principal or headmaster, including recommending an alternate educational program for the student. The Executive Director shall render a decision on the appeal within five calendar days of the hearing. The Executive Director's decision shall be the final decision of Baystate Academy with regard to the expulsion.

Students who are suspended or expelled under §37H1/2 are entitled to receive educational services during the period of suspension or expulsion under Baystate Academy's Education Service Plan, which is described below in Section D. If the student withdraws from the charter school and/or moves to another school district during the period of suspension or expulsion, the new school/district/district of residence shall either admit the student to its schools or provide educational services to the student under the new school or district's education service plan.

### **C. NOTICE OF STUDENT AND PARENT RIGHTS UNDER G.L. c. 71 §37H3/4**

*This section governs all student offenses that may be subject to short- or long-term suspensions that do not involve dangerous weapons, controlled substances, assault on school staff, felony or felony delinquency charges, and/or felony delinquency findings or admissions, all of which are governed by G.L. C.71 §§37H and 37H1/2, as detailed above.*

In every case of student misconduct for which suspension may be imposed, the principal is required to exercise discretion in deciding the consequence for the offense; consider ways to re-engage the student in learning; and avoid using long-term suspension from school as a consequence until alternatives have been tried. The following document outlines student and parent rights when the principal is considering and/or decides to implement a removal from school as a consequence for student misconduct.

Students who are suspended under §37H3/4 are entitled to receive educational services during

the period of suspension or expulsion under Baystate Academy's Education Service Plan, which is described below in Section D. If the student withdraws from the charter school and/or moves to another school district during the period of suspension, the new school/district/district of residence shall either admit the student to its schools or provide educational services to the student under the new school or district's education service plan.

### **Notice of Suspension and Hearing under §37H3/4**

Unless the principal or his designee determines that an emergency removal is required (*see* Emergency Removals section below), the principal or his designee may not impose a suspension as a consequence for a disciplinary offense without first providing the student and the parent with verbal and written notice, and providing the student an opportunity for a hearing on the charge and the parent an opportunity to participate in such hearing.

The principal or his designee is required to provide this verbal and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate. The notice must set forth the following information:

- a) The disciplinary offense;
- b) The basis for the charge;
- c) The potential consequences, including the potential length of the student's suspension;
- d) The opportunity for the student to have a hearing with the principal concerning the proposed suspension, including the opportunity to dispute the charges and to present the student's explanation of the alleged incident, and for the parent to attend the hearing;
- e) The date, time, and location of the hearing;
- f) The right of the student and the student's parent to interpreter services at the hearing if needed to participate;
- g) The student may be placed on long-term suspension following the hearing with the principal, the student's short and long term suspension hearing rights and the right to appeal the principal or his designee's decision to the Executive Director (*see* Hearing Rights section below).

The principal or his designee is required to make and document reasonable efforts to notify the parent verbally of the opportunity to attend the hearing. The principal or his designee is presumed to have made reasonable efforts, and therefore may conduct a hearing without the parent present, if the principal or his designee has sent written notice (by hand delivery, first-class mail, certified mail, email, or any other method of delivery agreed to by the principal or his designee and parent) and has documented at least two attempts to contact the parent in the manner specified by the parent for emergency notification.

### **Emergency Removal**

A principal or his designee has the authority to remove a student from school temporarily when a student is charged with a disciplinary offense and the principal or his designee determines that the continued presence of the student poses a danger to persons or property, or materially and substantially disrupts the order of the school, and, in the judgment of the principal or his

designee, there is no alternative available to alleviate the danger or disruption. The principal or his designee is required to notify the Executive Director immediately in writing of an emergency removal and the reason for it, and describe the danger presented by the student. The temporary removal shall not exceed two (2) school days following the day of the emergency removal, during which time the principal is required to:

- a) Make immediate and reasonable efforts to orally notify the student and the student's parent of the emergency removal, the reason for the need for emergency removal, and the Hearing Rights outlined below;
- b) Provide written notice to the student and parent;
- c) Provide the student an opportunity for a hearing with the principal or his designee that complies with the rights outlined below in the Hearing Rights section, as applicable, and the parent an opportunity to attend the hearing, before the expiration of the two (2) school days, unless an extension of time for hearing is otherwise agreed to by the principal or his designee, student, and parent.
- d) Render a decision orally on the same day as the hearing, and in writing no later than the following school day.

The principal may not remove a student from school on an emergency basis for a disciplinary offense until adequate provisions have been made for the student's safety and transportation.

### **Hearing Rights**

#### ***Principal's Hearing under §37H3/4: Short-term Suspension***

Short-term suspension means the removal of a student from the school premises and regular classroom activities for ten (10) consecutive school days or less.

The purpose of the hearing with the principal or his designee is for the principal or his designee to hear and consider information regarding the alleged incident; provide the student an opportunity to dispute the charges and explain the circumstances of the alleged incident; and determine if the student committed the disciplinary offense, and if so, the consequences for the infraction. At a minimum, the principal or his designee is required to discuss the disciplinary offense, the basis for the charge, and any other pertinent information. The student and parent both shall have an opportunity to present and offer information, including mitigating facts, that the principal or his designee should consider in determining whether other remedies and consequences may be appropriate. Based on the available information, including mitigating circumstances, the principal or his designee shall determine whether the student committed the disciplinary offense, and, if so, what remedy or consequence will be imposed.

The principal or his designee is required to provide written notification to the student and parent of the determination and the reasons for it, and, if the student is suspended, the type and duration of suspension and the opportunity to make up assignments and such other school work as needed to make academic progress during the period of removal.

#### ***Principal's Hearing under §37H3/4: Long-term Suspension***

Long-term suspension means the removal of a student from the school premises and regular classroom activities for more than ten (10) consecutive school days, or for more than ten (10) school days cumulatively for multiple disciplinary offenses in any school year.

The purpose of the long-term suspension hearing is the same as the purpose of a short-term suspension hearing. At a minimum, in addition to the rights afforded a student in a short-term suspension hearing, the student shall have the following rights during a long-term suspension hearing:

- a) In advance of the hearing, the opportunity to review the student's record and the documents upon which the principal or his designee may rely in making a determination to suspend the student or not;
- b) the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense;
- c) the right to produce witnesses on his or her behalf and to present the student's explanation of the alleged incident, but the student may not be compelled to do so;
- d) the right to cross-examine witnesses presented by the school district; and
- e) the right to request that the principal or his designee record the hearing, and to receive a copy of the audio recording upon request. If the student or parent requests an audio recording, the principal or his designee shall inform all participants before the hearing that an audio record will be made and a copy will be provided to the student and parent upon request.

The principal or his designee shall provide the parent, if present, an opportunity to discuss the student's conduct and offer information, including mitigating circumstances, that the principal or his designee should consider in determining consequences for the student.

Based on the evidence, the principal or his designee shall determine whether the student committed the disciplinary offense, and, if so, after considering mitigating circumstances and alternatives to suspension, what remedy or consequence will be imposed, in place of or in addition to a long-term suspension. The principal or his designee shall send the written determination to the student and parent by hand-delivery, certified mail, first-class mail, email to an address provided by the parent for school communications, or any other method of delivery agreed to by the principal or his designee and the parent. If the principal or his designee decides to suspend the student, the written determination will:

1. Identify the disciplinary offense, the date on which the hearing took place, and the participants at the hearing;
2. Set out the key facts and conclusions reached by the principal or his designee;
3. Identify the length and effective date of the suspension, as well as a date of return to school;
4. Include notice of the student's opportunity to receive education services to make academic progress during the period of removal from school;
5. Inform the student of the right to appeal the decision of the principal or his designee to the Executive Director or designee (only if the principal or his designee has imposed a

long-term suspension). Notice of the right of appeal shall be in English and the primary language of the home if other than English, or other means of communication where appropriate, and shall include the following information stated in plain language:

- a) the process for appealing the decision, including that the student or parent must file a written notice of appeal with the Executive Director within five (5) calendar days of the effective date of the long-term suspension; provided that within the five (5) calendar days, the student or parent may request and receive from the Executive Director an extension of time for filing the written notice for up to seven (7) additional calendar days; and that
- b) the long-term suspension will remain in effect unless and until the Executive Director decides to reverse the determination of the principal or his designee on appeal.

### **Executive Director's Hearing under §37H3/4**

A student who is placed on long-term suspension following a hearing with the principal or his designee has the right to appeal the decision to the Executive Director.

In order to appeal the decision principal or his designee to impose a long-term suspension, the student or parent must file a notice of appeal with the Executive Director within five calendar days of the effective date of the long-term suspension (in the alternative, within five calendar days of the effective date of the long-term suspension the parent may request and receive from the Executive Director an extension of time for filing the written notice for up to seven additional calendar days). If the appeal is not timely filed, the Executive Director may deny the appeal, or may allow the appeal in his or her discretion, for good cause.

The Executive Director shall hold the hearing within three school days of the student's request, unless the student or parent requests an extension of up to seven additional calendar days, in which case the Executive Director shall grant the extension.

The Executive Director must make a good faith effort to include the parent in the hearing, and will be presumed to have made a good faith effort if he or she has attempted to find a day and time for the hearing that would allow the parent and Executive Director to participate. The Executive Director shall send written notice to the parent of the date, time, and location of the hearing.

The Executive Director will conduct a hearing to determine whether the student committed the disciplinary offense of which the student is accused, and if so, what the consequence will be. An audio recording of the hearing will be made, a copy of which shall be provided to the student or parent upon request.

The student and parent shall have all the rights afforded them at the principal's hearing for long-term suspension, as detailed above in the sections entitled Principal's Hearing under §37H3/4: Short-term Suspension and Principal's Hearing under §37H3/4: Long-term Suspension.

The Executive Director shall issue a written decision within five calendar days of the hearing. If the Executive Director determines that the student committed the disciplinary offense, the

Executive Director may impose the same or a lesser consequence than the principal or his designee, but shall not impose a suspension greater than that imposed by the decision of the principal or his designee. The decision of the Executive Director shall be the final decision of the school.

### **Education Services and Academic Progress under §37H3/4**

Students serving a short-term suspension, long-term suspension, or expulsion have the opportunity to earn credits, as applicable, make up assignments, tests, papers, and other school work as needed to make academic progress during the period of his or her removal from the classroom or school.

Students who are expelled or suspended from school for more than ten (10) consecutive days, have an opportunity to receive education services and make academic progress toward meeting state and local requirements, through the school-wide Education Service Plan.

### **D. SERVICES DURING REMOVALS AND SCHOOL-WIDE EDUCATION SERVICE PLAN**

Students who are suspended from school for 10 or fewer consecutive days, have the opportunity to make academic progress during the period of suspension; make up assignments; and earn credits missed including, but not limited to, homework, quizzes, exams, papers and projects missed.

Baystate Academy has developed a school-wide Education Service Plan for all students who are expelled or suspended from school for more than 10 consecutive school days. The Principal shall ensure these students have an opportunity to make academic progress during the period of suspension or expulsion, to make up assignments and earn credits missed, including, but not limited to, homework, quizzes, exams, papers and projects missed.

Baystate Academy's Education Service Plan is subject to change, and may include, but is not limited to, tutoring, alternative placement, Saturday school, and online or distance learning.

If Baystate Academy expels a student or suspends a student for more than 10 consecutive school days, Baystate Academy is required to provide the student and the parent or guardian of the student with a list of alternative educational services. Upon selection of an alternative educational service by the student and the student's parent or guardian, the school shall facilitate and verify enrollment in the service.

## **Appendix F**

### **Expulsion Policy**

#### **DUE PROCESS FOR DISCIPLINARY REMOVALS**

Student disciplinary offenses resulting in removal from the classroom (i.e., suspensions and expulsions) are subject to due process procedures, including notices, hearings, appeals, and educational services during removals. The following sections provide you with information about these rights.

Please note that students have the right to be represented by counsel or a lay person of the student's choice, at the student's/parent's expense, at any and all hearings concerning student discipline. If you wish to bring an attorney to any hearing or meeting at the school, please inform Baystate Academy immediately. If you fail to inform the school prior to bringing an attorney to a hearing, and Baystate Academy's attorney is not present, then Baystate Academy will exercise its right to cancel and reschedule the meeting to ensure that its attorney can attend. This rescheduling may delay the hearing or meeting, and if so, your child's disciplinary removal will be extended until a decision is rendered following the rescheduled hearing or meeting. Baystate Academy hereby notifies you that it may have its legal counsel present at any hearings and meetings involving student discipline.

#### **A. NOTICE OF STUDENT AND PARENT RIGHTS UNDER G.L. c. 71 §37H**

*This Notice of Student and Parent Rights applies to student misconduct that involves weapons, drugs, and assault on school staff.*

Specifically, any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a dangerous weapon, including, but not limited to, a gun or a knife, may be subject to expulsion from the school by the principal. Any student who is found on school premises or at school-sponsored or school-related events, including athletic games, in possession of a controlled substance, including, but not limited to, marijuana, cocaine, and heroin, may be subject to expulsion from the school by the principal. Any student who assaults a principal, assistant principal, teacher, teacher's aide or other educational staff on school premises or at school-sponsored or school-related events, including athletic games, may be subject to expulsion from the school by the principal.

The principal will provide verbal and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate of the intent to expel the student. The notice will include the following information:

- h) the disciplinary offense;
- i) the basis for the charge;
- j) the potential consequences, including the potential length of the student's expulsion;

- k) the date, time, and location of the hearing;
- l) the right of the student and the student's parent to interpreter services at the hearing if needed to participate;

A student who is charged with the above violations shall be notified in writing of an opportunity for a hearing provided, however, that the student may have representation, along with the opportunity to dispute the charges and present evidence and witnesses at said hearing before the principal. The parents are also invited to attend the hearing.

After said hearing, the principal may, in their discretion, decide to suspend rather than expel a student who has been determined by the principal to have committed the misconduct detailed above. If the principal decides to expel the students, they will provide written notification to the student and parent at the hearing of their right to appeal the expulsion and of the opportunity to receive educational services.

Any student who has been expelled from school pursuant to GL c. 71 §37H shall have the right to appeal to the Executive Director. The expelled student shall have ten days from the date of the expulsion in which to notify the Executive Director of his appeal. The student has the right to counsel, at his or her own expense, at a hearing before the Executive Director. The Executive Director shall hold a hearing with the student and the student's parent within three calendar days of the student's request for an appeal. At the hearing, the student shall have the right to present oral and written testimony on his behalf. The Executive Director shall have the authority to overturn or alter the decision of the principal, including recommending an alternate educational program for the student. The Executive Director shall render a decision on the appeal within five calendar days of the hearing. The Executive Director's decision shall be the final decision of Baystate Academy with regard to the expulsion. The subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provisions of this section.

Students who are expelled under §37H are entitled to receive educational services during the period of expulsion under Baystate Academy's Education Service Plan, which is described below in Section C. If the student withdraws from the charter school and/or moves to another school district during the period of suspension or expulsion, the new school/district/district of residence shall either admit the student to its schools or provide educational services to the student under the new school or district's education service plan. The principal shall notify the parent and student of the opportunity to receive education services at the time the student is expelled. Notice shall be provided in English and in the primary language spoken in the student's home if other than English or other means of communication where appropriate. The notice shall include a list of the specific education services that are available to the student and contact information for a staff member who can provide more detailed information.

## **B. NOTICE OF STUDENT AND PARENTS RIGHTS UNDER G.L. c. 71 §37H1/2**

*This Notice of Student and Parent Rights applies to student misconduct that involves student criminal or felony delinquency charges, findings, or admissions.*

## **Expulsion Following Felony Adjudication or Admission**

Upon a student being convicted of a felony or upon an adjudication or admission in court of guilt with respect to such a felony or felony delinquency, the principal of a school in which the student is enrolled may expel said student if the principal determines that the student's continued presence in school would have a substantial detrimental effect on the general welfare of the school.

The principal will provide verbal and written notice to the student and the parent in English and in the primary language of the home if other than English, or other means of communication where appropriate of the intent to expel the student. The notice will include the following information:

- a) the disciplinary offense;
- b) the basis for the charge;
- c) the potential consequences, including the potential length of the student's expulsion;
- d) the date, time, and location of the hearing;
- e) the right of the student and the student's parent to interpreter services at the hearing if needed to participate;

The student shall also receive written notification of his right to appeal and the process for appealing such expulsion; provided, however, that the expulsion shall remain in effect prior to any appeal hearing conducted by the Executive Director.

The student shall have the right to appeal the expulsion to the Executive Director. The student shall notify the Executive Director, in writing, of his request for an appeal no later than five calendar days following the effective date of the expulsion. The Executive Director will hold a hearing with the student and the student's parent within three calendar days of the expulsion. At the hearing, the student shall have the right to present oral and written testimony on his behalf, and shall have the right to counsel. The Executive Director shall have the authority to overturn or alter the decision of the principal, including recommending an alternate educational program for the student. The Executive Director will render a decision on the appeal within five calendar days of the hearing. The Executive Director's decision shall be the final decision of Baystate Academy with regard to the expulsion.

Students who are expelled under §37H1/2 are entitled to receive educational services during the period of expulsion under Baystate Academy's Education Service Plan, which is described below in Section C. If the student withdraws from the charter school and/or moves to another school district during the period of expulsion, the new school/district of residence shall either admit the student to its schools or provide educational services to the student under the new school or district's education service plan.

## **C. SERVICES DURING REMOVALS AND SCHOOL-WIDE EDUCATION SERVICE PLAN**

Students who are expelled from school for 10 or fewer consecutive days, have the opportunity to

make academic progress during the period of expulsion; make up assignments; and earn credits missed including, but not limited to, homework, quizzes, exams, papers and projects missed.

Baystate Academy has developed a school-wide Education Service Plan for all students who are expelled from school for more than 10 consecutive school days. The Principal shall ensure these students have an opportunity to make academic progress during the period of expulsion, to make up assignments and earn credits missed, including, but not limited to, homework, quizzes, exams, papers and projects missed.

Baystate Academy's Education Service Plan is subject to change, and may include, but is not limited to, tutoring, alternative placement, Saturday school, and online or distance learning.

If Baystate Academy expels a student for more than 10 consecutive school days, Baystate Academy is required to provide the student and the parent or guardian of the student with a list of alternative educational services. Upon selection of an alternative educational service by the student and the student's parent or guardian, the school shall facilitate and verify enrollment in the service.

## Appendix G

### BAYSTATE ACADEMY CHARTER PUBLIC SCHOOL HEALTH SERVICES PROTOCOL FOR THE IMPLEMENTATION OF THE MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH SBIRT (Screening, Brief Intervention, Referral to Treatment) PROGRAM

**Purpose:** The purpose of this policy is to ensure the proper management and implementation of the SBIRT screening program, keep all students healthy and provide appropriate prevention, intervention and referrals as determined necessary.

**Goal:** The goal of the SBIRT (Screening, Brief Intervention and Referral to Treatment) Screening Program is to provide education for prevention and early intervention of substance use to middle school and high school students through use of the CRAFFT II screening tool, and to keep students mentally and physically healthy. Students found to be currently using substances, or at risk to use substances, will be referred for a brief intervention by a guidance counselor or school nurses and receive follow up counseling and referred for evaluation and treatment as needed. Students who are not identified as using substances will have their healthy choices reinforced by positive feedback.

**The Opioid Bill:** The Opioid Bill signed by Governor Baker on March 14, 2016, mandates a verbal screening for substance use (also known as Screening, Brief Intervention, Referral to Treatment – SBIRT). /Bills/189/House/H4056. An Act relative to substance use, treatment, education and prevention Section 15, and under that 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 Executive Director 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 64. The department of elementary and secondary education, in consultation with the department of public health, shall create a notice and opt out form relative to substance use disorder screenings required by section 97 of chapter 71 of the General Laws.

Retrieved from: <https://malegislature.gov/Bills/189/House/H4056>, on May 19, 2016

**1. Management of the SBIRT Screening Program in the Baystate Academy Charter Public School:**

The school nurses, guidance counselors and all those participating in the program must attend an initial training session given by the Department of Public Health prior to implementing the screening process. A yearly refresher training course will be required. Upon successful completion of the training session the identified staff will be able to effectively screen students for substance use, and/or risk of substance use using the CRAFFT-II screening tool.

**2. The screeners will include: nurses, guidance counselors, school psychologist and other identified SBIRT trained staff and the Program Coordinator for the Baystate Academy Charter Public School. The SBIRT Coordinator will be responsible for:**

- a. Appoint/hire a program coordinator for the SBIRT Planning grant.
- b. View online SBIRT in Schools modules prior to attendance at SBIRT in Schools Training program, and provide a certificate of participation. It is required that this program be viewed, at a minimum, by the school principal and SBIRT Coordinator. It is recommended that all school personnel involved in the SBIRT planning process view this program prior to the attendance at the SBIRT in Schools Training program.
- c. Attend SBIRT in Schools Training as required and complete evaluation to receive a certificate

of attendance.

d. Identify resources in region and plan for linkage of students to behavioral/mental health programs (as needed) within the school or through an outside referral; to be noted on final work plan.

e. Collaborate/consult/network with local community substance abuse agencies and coalitions.

**3. Each Screener, and those Participating in the Program, will be responsible for:**

a. Maintaining student confidentiality.

b. Reporting participation numbers and results to the Program Coordinator as needed for reports to be submitted to the Department of Public Health

**CONFIDENTIALITY OF STUDENT HEALTH INFORMATION**

School health records are temporary records governed by the Massachusetts Department of Education's record regulations: Student Records, 603 CMR 23.00. Maintaining and accessing school health records must also adhere to the federal Family Educational Rights and Privacy Act of 1974 (FERPA). In addition, certain transactions may have Health Insurance Portability and Accountability Act (HIPAA) implications.

Not all health information belongs in the student health record. While it is appropriate practice for a nurse or other health professional to document observable facts with respect to a health condition, health needs, treatment plan, and the care provided, some information is not sufficiently related to the educational progress of a student to be appropriate for documentation in the student record. In addition, health professionals may have an ethical and legal duty to protect certain medical information which they possess. Placement of medical information in the school record, where persons other than the school nurse may see it, may violate this duty.

Given these statutes concerning confidentiality, it is recommended that information of the types covered by the statutes (and other sensitive material) be placed in a nurse's or guidance personal files and regarded as confidential. According to Department of Elementary and Secondary Education regulations, 603 CMR 23.04, information maintained in the personal files of a school employee, if not accessible to or revealed to school personnel or third parties, is not considered part of the school record. Such information may be shared with the student, parent, or a temporary substitute of the maker of the record but otherwise should be released only with proper consent or court order. Such records should be kept in a separate locked file, accessible only to the nurse, guidance or the nurse's, guidance substitute. Federal regulations provide that once information in a nurse's or guidance personal files is disclosed to a third party, it must afterwards be included as part of the student's health record and will subsequently be subject to all the provisions of 603 CMR 23.00.

**State and Federal Laws that Govern Minor Rights to Confidentiality of Information Shared with Health Care Providers:**

Laws/Regulations Concerning Drug and Alcohol-Related Treatment

Under Massachusetts law (M.G.L. c.112, s.12E), drug-dependent minors may consent to medical treatment related to their drug dependency. The law states:

“A minor twelve years of age or older who is found to be drug dependent by two or more physicians may give his consent to the furnishing of hospital and medical care related to the diagnosis or treatment of such drug dependency. Such consent shall not be subject to disaffirmance because of minority. The consent of the parent or legal guardian of such minor shall not be necessary to authorize hospital and medical care related to such drug dependency and, notwithstanding any provision of section fifty-four of chapter one hundred and twenty-three to the contrary, such parent or legal guardian shall not be liable for the payment of any care rendered pursuant to this section. Records shall be kept of such care. The provisions of this section shall not apply to methadone maintenance therapy.”

In instances such as drug overdose, M.G.L. c.112, s.12F, which governs emergency treatment of minors, also applies. Section 12F states:

“No physician, dentist or hospital shall be held liable for damages for failure to obtain consent of a parent, legal guardian, or other person having custody or control of a minor child, or of the spouse of a patient, to emergency examination and treatment, including blood transfusions, when delay in treatment will endanger the life, limb, or mental well-being of the patient.”

It is important to note that under M.G.L. c.111B, s.10, the consent of the minor and a parent may be needed for some substance treatment programs.

Federal medical privacy rules under the Health Insurance Portability and Accountability Act (HIPAA) allow adolescent health care providers to "honor their ethical obligations to maintain confidentiality consistent with other laws". For example, HIPAA only allows parents to have access to the medical records of a minor child if that access does not conflict with a State or other confidentiality law.

Additionally, federally funded treatment centers are subject to the Code of Federal Regulations (42 CFR Part 2), which protect the confidentiality of records on and drug use of minor patients. These records cannot be shared with anyone - including a parent or legal guardian - without written consent of the minor patient.

### **Notification of Parents/Guardians:**

A letter of notification will be mailed to the student's home with details describing the screening process. Parent/guardian have the right to opt out their child if they so desire. To opt out of the SBIRT screening, the parent/guardian will be required to notify Kelly McCarthy, school nurse, by written notification. Additionally, screening is voluntary and students may choose not to answer any or all of the screening questions.

### **Space and Confidentiality:**

A space providing privacy and confidentiality will be determined to complete each individual screening. Each student will complete the CRAFFT-II interview form and will be screened in private by an SBIRT trained staff member. Results will be reviewed, remain confidential and

will be destroyed after the screening process has been completed.

### **CRAFFT-II Screening Interview Tool:**

#### Using the CRAFFT-II Screening Tool

A paper screening tool will be utilized and the screening will be performed face to face in a private area. The Guidance Counselor or School Nurse will review the answers with the student. The student will receive educational materials and resources. The screening document will remain with the screener to be shredded at the end of the session. Screening using the CRAFFT-II tool begins by the provider asking the adolescent to answer the following questions honestly:

During the last 12 months, on how many days did you:

1. Drink more than a few sips of beer, wine, or any drink containing alcohol?
2. Use any marijuana (for example, pot, weed, or hash) or "synthetic marijuana" (for example "K2" or "Spice")?
3. Take a prescription medication or pill that was NOT prescribed to you or MORE than was prescribed to you (for example, prescription pain pills or ADHD medications)?
4. Use anything else to get high? (for example, other illegal drugs, over-the-counter medications, and things that you sniff or "huff")

If the student answers "no" to all four questions in Part A, the screener only needs to ask the first question on the CRAFFT-II tool Part B. If the student answers "yes" to any 1 or more of the first 4 questions in Part A, then the screener asks all 6 CRAFFT-II questions in Part B:

1. Have you ever ridden in a **CAR** driven by someone (including yourself) who was "high" or had been using alcohol or drugs?
2. Do you ever use alcohol or drugs to **RELAX**, feel better about yourself, or fit in?
3. Do you ever use alcohol or drugs while you are by yourself, or **ALONE**?
4. Do you ever **FORGET** things you did while using alcohol or drugs?
5. Do your **FAMILY** or **FRIENDS** ever tell you that you should cut down on your drinking or drug use?
6. Have you ever gotten into **TROUBLE** while you were using alcohol or drugs?

Each question is scored 1 point. **Those students who report no use and score a "0" on the CRAFFT-II will receive praise and encouragement from the screener.** A student who reports use but scores a 0 or 1 on the CRAFFT-II will receive brief advice on the health risks of use and encouragement to stop. This advice would be done immediately, or if there are time constraints, a brief follow-up meeting with the school nurse or guidance counselor later that day or the next day will take place. A score of 2 or greater is a positive screen and will result in a referral to the school guidance counselor, school nurse or psychologist for further assessment of risk, counseling, and if appropriate, with student consent, parents will be contacted and/or a referral to outside treatment sources as needed.

**Documenting results:**

Screened students will be tracked via a check off list and a separate anonymous data collection sheet will be kept for recording and reporting screening results to the DPH. The only demographic identifiers will be student's age and gender for which they identify as belonging. No individual identifying information is to be collected, documented in any form (written, electronic or otherwise) or reported to any state agency. Students with positive screening results will be referred to a guidance counselor, nurse or school psychologist for brief intervention and counseling, and referral to treatment if necessary.

**Preparation: time/place/letter/"which brain" education and resources for both parents and students**

**FOLLOW-UP****Absentees**

Students who were not screened because of absence will be identified and assigned a SBIRT trained staff to be screened at a later time when they return to school.

At the end of each screening session we will have a "debriefing" meeting with TEAM members to make sure all staff feel confident and have no questions or concerns. No student identifiers will be discussed during the "debriefing" meeting.

Dear Parent or Guardian,

On Monday, March 14, 2016, Governor Charlie Baker signed into law a new set of rules designed to combat the opioid addiction crisis. One of the requirements of the new law is that 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. Adolescent Health Survey data has consistently demonstrated that a small number of our students try alcohol, marijuana, and other drugs and, by the end of high school, many more report substance use. Research has shown that our brains are continuing to develop during adolescence and substance use in the early years can substantially alter brain functioning for a lifetime.

This year, we are initiating a screening program related to the use of alcohol, marijuana and other substances. Screening Brief Intervention Referral to Treatment (SBIRT) is evidence-based screening to promote prevention and identify early risk for substance use in adolescents. Our goal is to let the students know that we are available to reinforce healthy decisions and to assist them in obtaining support if needed for substance-use related problems. Baystate Academy school nurse, counseling, and health education staff will be providing an interview-based screening for the 9<sup>th</sup> grade students about the use of alcohol, marijuana, and other drugs. This screening utilizes the most commonly used substance use screening tool for adolescents in Massachusetts, the CRAFFT. Student screening sessions will be brief (approximately 5 minutes) and conducted confidentially in private, one-on-one sessions by the school nurse, guidance counselor, or health education teacher. Students who are not using substances will have their healthy choices reinforced by the screener. The screener will provide brief feedback to any student who reports using substances, or is at risk for future substance use. If needed, the student will be referred to our guidance department for further evaluation. Results of the screening will not be included in your student's school record, nor will the results be shared with any staff other than the SBIRT Team. The SBIRT Team is composed of the school nurse, guidance counselor, and health education teachers. All students will receive some educational material and a resource list at the time of the screening.

As with any screening you have the right to opt your child out of this screening. Please contact Kelly McCarthy, our school nurse, via email at [kmccarthy@bacps.net](mailto:kmccarthy@bacps.net). If you wish to exclude your child from this screening by December 22, 2017. Additionally, screening is voluntary and students may choose not to answer any or all of the screening questions and may choose not to participate.

**Screening will be conducted during your child's Physical Education class during the month of January or February.**

Together, schools and parents/guardians can make a difference for the youth at Baystate Academy. We encourage all parents/guardians to talk with their child about substance use. For ideas on how to begin these conversations, please refer to the parent resources included in this packet.

For more information on the SBIRT screening program please feel free to join us early on. We will have computers set up in the lobby for you to view the screening process and staff available to answer your questions.

Thank you,

Timothy L. Sneed  
Executive Director

See Resources below

### **Resources**

#### **The Massachusetts Substance Abuse Helpline**

1-800-327-5050 [www.helpline-online.com](http://www.helpline-online.com)

Free and confidential. It links callers and online visitors with comprehensive and current information about treatment and prevention services throughout Massachusetts.

Services are available Monday through Friday from 8am-11pm and on Saturday and Sunday from 9am-5pm. Language interpreters are available.

#### **Alcoholics Anonymous & Narcotics Anonymous**

### **FAMILY SUPPORT**

#### **Learn to Cope Support Group**

**ALANON/ALATEEN-** support group meetings available by town/community- see website for locations and details.

**ALANON/ALATEEN-** support group meetings available by town/community- see website for or call **1-888-425-2666**

or visit [al-anon.org](http://al-anon.org)  
[www.ma-al-anon-alateen.org](http://www.ma-al-anon-alateen.org)

## Appendix H

### 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: Baystate Academy will begin verbal screening to all 9th grade students school year 2017-2018 using the CRAFFT II screening Tool. Mass. General Laws chapter 71, section 97 (as amended by St. 2016, c. 52, s. 15): Section 97.

1. 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.
2. 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.
3. 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.
4. 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 Executive Director 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.

5. 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.

Guidance on School Policies Regarding Substance Use Prevention  
Massachusetts Department of Elementary and Secondary Education

September 2016 Section 63 of St. 2016, c. 52, 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](mailto:achievement@doe.mass.edu).