

LEGAL Alert

TO: ALL SCHOOL COMMITTEE MEMBERS AND SUPERINTENDENTS

FROM: STEPHEN J. FINNEGAN, ESQ.

DATE: JUNE 15, 2016

RE: REMINDER OF NECESSARY POLICY CHANGES CONCERNING THE IMPLEMENTATION OF THE RECENTLY ENACTED OPIOID BILL

MA General Laws Chapter 71, section 96 states as follows: Each public school shall have a policy, regarding substance use prevention and the education of its students about the dangers of substance abuse. The school shall notify the parents or guardians of all students attending the school of the policy and shall post the policy on the school's website. The policy, and any standards and rules enforcing the policy, shall be prescribed by the school committee in conjunction with the superintendent or the board of trustees of a charter school.

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

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

Added by: St. 2016, c. 52. S. 15, effective March 14, 2016. [Emphasis Added]

On March 16, 2016 all school committee members and superintendents were informed by MASC Legislative Bulletin of the newly enacted Opioid Law, which requires that each public school have a policy regarding substance use prevention and the education of its students about the dangers of substance abuse. Soon after the Bulletin, districts were provided by MASC with the revised policies. Schools are required to post the policy on the school's website and to notify the parents or guardians of all students attending the school of the policy. The law does not require that the policy be placed in the student handbooks pursuant to Chapter 71, S. 37H; however for secondary students and their parents the handbook procedure does provide the district with a parental signature acknowledging the receipt of the essential parts of the policy. Otherwise parents must receive other means of notification, perhaps email, will be necessary. We need not address matters related to verbal screenings until later, due to its 2017-2018 implementation date. MASC, MASS and Charter Schools are required to provide an update by July 1, 2016 to DESE and others on our ongoing efforts to ensure compliance with the provisions of section 96 as found above. The most relevant policies are IHAMB and JICH, which previously have been sent to you and may be found on the MASC website. **These policies should be in place prior to the start of the 2016-2017 school year**, and should be posted on the school's website and parents and students should be appropriately notified of the policies.

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