

**Cambridge Public Schools
Administrative Guidelines and Procedures**

ALCOHOL AND OTHER DRUGS

The following guidelines concern the possession, use, and distribution of controlled substances by employees and students of the Cambridge Public Schools (“CPS”). Controlled substances, as defined in Chapter 94C of the Massachusetts General Laws, include but are not limited to: alcohol, cannabis/marijuana, cocaine and other stimulants, heroin and other narcotics, depressants, and hallucinogens, including any such prescription drugs.

All Employees

In compliance with the Federal Drug-Free Workplace Act, CPS is committed to maintaining a drug-free workplace. Under the provisions of the Act, at any site where school business is conducted, all employees are prohibited from unlawfully possessing, using, distributing, manufacturing, or dispensing controlled substances, including alcohol, in the workplace.

As a condition of employment, all CPS employees are required to comply with the prohibition against drugs in the workplace and to notify the Superintendent of Schools of any conviction under a criminal drug statute, for any violation occurring on or off of CPS premises, within five (5) days of the conviction. CPS will take action against employees who possess, use, or distribute any controlled substance on or off the job. Employees who possess, use, or distribute any controlled substance on the job are subject to disciplinary action up to and including termination, and any substance confiscated will be turned over to local law enforcement.

CPS recognizes dependency on alcohol and/or other drugs as an illness requiring medical treatment. Accordingly, it is CPS procedure to:

- encourage affected individuals to seek medical help voluntarily at an early stage;
- assist supervisors in dealing with associated problems related to work performance; and
- discourage supervisors, fellow employees, and family members from ‘covering up’ for the affected individual.

Medical treatment may be obtained by one of two basic avenues:

1. *Voluntary referral*: An employee who feels that they may have a problem with alcohol and/or other drugs is encouraged to seek the advice and help of their medical provider or any agency with special interest in handling such problems. When the help of a medical provider is sought on a voluntary basis, the case will be handled confidentially, as with any other kind of illness.
2. *Mandatory referral*: An employee may be referred by an administrator or supervisor to a health provider for medical help because of deteriorating job performance or excessive absenteeism associated with the abuse of alcohol and/or other drugs.

Controlled Substance Testing of Union Personnel

Consult the union member's applicable collective bargaining agreement to determine if there are procedures in place governing the administration of screening tests for the unauthorized use of any controlled substance, including alcohol. The collective bargaining agreements of seven of the eight unions (Family Liaisons, Food Service, Custodians, Safety Specialists, Cambridge Education Association Units A & B (teachers and administrators), Unit C (clerical), and Cambridge Education Association Unit E (paraprofessionals) include such provisions; the collective bargaining agreement of the remaining union, Cambridge Education Association Unit D (substitutes) does not.

Controlled Substance Testing of Non-Union Personnel

The administration of the controlled substance screening process by CPS to test non-union personnel for unauthorized use of any controlled substance, including alcohol, will be conducted on those individual employees where the facts are sufficient to constitute reasonable suspicion of such unauthorized use. CPS shall have the right to require that the employee submit without delay to a urinalysis test and/or a breath alcohol test.

Reasonable suspicion shall be based on information of objective facts obtained by CPS and the rational inferences which may be drawn from those facts. The credibility and reliability of the information shall be weighed in determining the presence or absence of reasonable suspicion.

The employee to be tested for alcohol and/or other drugs will be notified of the test requirement just prior to obtaining the urine sample or administering the breath alcohol test. Advance notification of testing will not be given in any circumstances, so as to prevent or lessen the likelihood of urine sample tampering. The testing officer will maintain the sterility of the sample and the integrity of the sampling process by executing a chain-of-custody process for the sample given and all related documentation.

If an employee refuses to submit to a screening test for alcohol and/or other drugs, it shall be considered insubordination warranting discipline under a just cause standard.

An employee with a positive confirmatory screening result will be suspended or terminated under a just cause standard. An employee with two (2) positive confirmatory screening results will be terminated. A breath alcohol level of .02 or greater will be sufficient for a positive confirmatory screening result.

An employee who tests positive for a controlled substance, including alcohol, shall be medically evaluated, counseled, and treated for rehabilitation as recommended by the employee's personal medical provider. An employee who completes a rehabilitation program will be retested randomly once per three (3) month period for the following twenty-four (24) months. An employee who tests positive during the twenty-four (24) month period shall be subject to disciplinary action, up to and including termination.

Nothing in this provision shall preclude CPS from disciplining or terminating an employee under a just cause standard for any misconduct by the employee, such as assault and battery, collateral to the abuse of alcohol or the use of another controlled substance, provided that a positive confirmatory screening result may not be used in any way to prove such misconduct.

All Students

As detailed in the Cambridge Public Schools *Rights and Responsibilities Handbook*, every effort should be made to help students solve conduct problems without resorting to extreme disciplinary measures. Examples of interventions that may be employed before resorting to suspension of a student include, but are not limited to, the following; apology, restitution, community referral/services, conflict mediation, correction assignment, counseling exclusion for school activities, lunch detention, office discipline referral, parent/guardian/caregiver contact, privilege loss, student contract, referral to Guidance Counselor, referral to grade level or building administrator, referral to Student Support Team (SST) for interventions, student behavior agreement, behavior support plan, teacher conference with parent/guardians/caregivers, teacher conference with parents/guardians/caregivers and student, teacher confine with student, warnings, in-school suspension and/or out of school suspension. It should be noted, however that this list is not exhaustive and that not every intervention listed is used in every situation; rather interventions that are utilized related to the severity of the infraction. However, in those cases where as student's behavior is disruptive to school, hurtful to himself/herself or others, or engages in activity forbidden by the laws of the Commonwealth of Massachusetts, then discipline is warranted. Based upon the specific circumstances of a violation of these requirements, a student may be disciplined and may also be referred to an appropriate city/health education program.

Intervention

Any employee who observes or becomes aware of the following student behaviors with respect to any controlled substance, including but not limited to, alcohol, cannabis/marijuana, cocaine and other stimulants, heroin and other narcotics, depressants and hallucinogens, including any such prescription drugs, shall immediately report the student to the principal/head of upper school or designee:

- *Possession*: The student is in possession of the substance, whether on their person, within their property, or under their control, such as in their locker.
- *Use*: The student is “reasonably known” to have made use of the substance or is “reasonably found” to be under the influence of the substance. Use also includes the unauthorized use or abuse of a prescription drug.
- *Distribution*: The student transfers the substance to another person, with or without the exchange of money.
- *Suspicious Conduct*: If an employee believes that a student is involved with the possession, use, or distribution of any controlled substance but has not observed such activity personally, the employee will report such information to the principal/head of upper school or designee.

- *In the Presence:* The student has been found in the immediate area of the selling, distribution, use or possession of a controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind on school grounds or while under school jurisdiction or the selling, distribution, use or possession of drug paraphernalia of any kind on school grounds or while under school jurisdiction where the controlled and/or dangerous substance was used, detected or confiscated, and makes no reasonable attempt to leave.

Procedure

In such cases, the employee is to adhere to the following procedure:

1. Obtain the student's name.
2. Inform the student of the apparent violation.
3. Note any others in the area who may have witnessed the student's behavior.
4. Confiscate the controlled substance and/or evidence of its use.
5. Escort the student to the office of the principal/head of upper school or designee.
6. Document and report details of the incident.

Employees should be alert to any unexplained change in the pattern of a student's behavior, conduct, or academic performance including:

- change in attitude or appearance;
- change in friends or peer group;
- poor or deteriorating academic performance;
- mood swings, erratic behavior, depression, time disorientation;
- disruptive or verbally abusive behavior, angry outbursts, defensiveness;
- lack of concentration or motivation, inattention, daydreaming;
- sleeping in class, hyperactivity, nervousness;
- poor school attendance, tardiness, cutting classes;
- deterioration of family interactions;
- reference to alcohol and/or other drugs; or
- possession of drug paraphernalia.

If concerned, an employee should utilize standard measures, such as conferring with the student, explaining in what ways their behavior and/or performance is unacceptable, stating the consequences for failure to improve, and discussing strategies for making improvements. If the student responds and performance and behavior improves, no further action may be necessary.

If the student is unable or unwilling to change their behavior, it may be necessary to involve other people. The employee should complete a referral form or confer with either the Student Support Team or Guidance/School Counselor at the school.

If a student discloses their own use of alcohol and/or other drugs, or expresses concern about a family member's use, their name should be sent to either the Student Support Team or

Guidance/School Counselor at the school. The Teen Health Center at CRLS has a Substance Abuse Counselor available to talk to students who have concerns and to perform assessments.

In accordance with Massachusetts General Laws Chapter 71, § 37H, the principal/head of upper school or designee must hold a hearing to determine whether to expel or suspend a student who is found to have possessed, used, or distributed a controlled substance. The disciplinary proceedings to be followed in making such a determination must afford the student certain due process protections, including notification in writing of the student's opportunity for a hearing before the principal/head of upper school, representation at the hearing, the opportunity to present evidence and witnesses at the hearing, and the right to appeal an expulsion to the Superintendent of Schools within ten (10) days. At an expulsion hearing before the Superintendent of Schools, the student has the right to counsel. The subject matter of the appeal is not limited to the student's possession, use, or distribution of the controlled substances for which disciplinary proceedings had been initiated. For further details on this process, see Section 19.0 of the *Rights and Responsibilities Handbook*.

While the principal/head of upper school or designee has the right to expel the student, he/she may choose to follow alternate procedures in lieu of expulsion upon review of the student's school history and other information that the principal/head of upper school or designee deems relevant to the situation. At the discretion of the principal/head of upper school or designee, the student may be given the opportunity, and may be encouraged, to attend a facility specializing in the treatment of substance abuse. All communications regarding such problems are to be kept in strictest confidence.

Student Athletes

During either the practice season or season of play, a student athlete shall not possess, use, buy, sell, or distribute any of the following, regardless of the quantity:

- any beverage containing alcohol;
- any tobacco product;
- cannabis/marijuana;
- anabolic steroids, except as to its possession and use when prescribed to the student by a licensed physician; or
- any other controlled substance.

Employees should report violations to the principal/head of upper school, coach, or Director of Athletics.

First violation: After the violation has been confirmed through the proper disciplinary proceedings, the student shall lose eligibility for the next two (2) interscholastic events or two (2) weeks of a season in which the student is a participant, whichever encompasses the greater number of contests.

Second violation: After the violation has been confirmed through the proper disciplinary proceedings, the student shall lose eligibility for the next twelve (12) interscholastic events or

twelve (12) weeks of a season in which the student is a participant, whichever encompasses the greater number of contests. Any student who voluntarily joins an approved chemical dependency or treatment program may be certified for reinstatement in MIAA activities after a minimum period of six (6) weeks or six (6) contests, whichever penalty is greater.

Policy references: GBEC, JICH, JICHA

Legal references: Mass. Gen. Laws, ch. 71, § 37H; Mass. Gen. Laws, ch. 94C; 21 U.S.C. §§ 812, 829, 841, 844, 859-860

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