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June 21, 2016

TO THE HONORABLE MEMBERS OF THE SCHOOL COMMITTEE:

Approval of Revisions to Substance Abuse/Drugs Policy and Alcohol Use by Students Policy

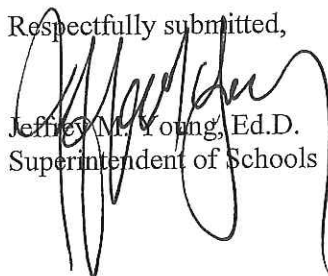
Recommendation: That the School Committee approve the revisions to the substance abuse/drugs policy and alcohol use by students policy as detailed in the attached document.

This is a second reading of the revisions to these policies.

Description: These revisions to the substance abuse/drugs policy and alcohol use by students policies are being presented to align the policy to the current provisions of M.G.L.c. 71, §37H and M.G.L.c. 76, §21, the existing language of the Rights and Responsibilities Handbook and to align the language of the policy in connection with the report filed by the school district in connection with the most recent Civil Rights Audit conducted by the Massachusetts Department of Elementary and Secondary Education.

Supporting Data: Redline of Substance Abuse Policy and Alcohol Use by Students Policy

Respectfully submitted,

  
Jeffrey M. Young, Ed.D.  
Superintendent of Schools

**SUBSTANCE ABUSE/DRUGS**

It is the policy of the Cambridge School Committee that every effort should be made to help students solve conduct problems without resorting to extreme disciplinary measures, suspension should at always be considered a last resort and alternatives to suspension should always be considered first. 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, restorative justice, correction assignment, ~~restitution~~, counseling, exclusion from school activities, lunch detention, office discipline referral, out-of-class time out, parent/guardian contact, parent/guardian meeting, 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 parents/guardians, teacher conference with parents/guardians and student, teacher conference with student, warning, in-school suspension, and/or out-of-school suspension. Additionally, in certain instances, it may be necessary for a principal/head of school to consider whether it is appropriate to file a report with the Massachusetts Department of Children and Families with respect to a violation that falls under the provisions of this policy. 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 relate to the severity of the infraction. However, in those cases where a 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 may be 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.

The principal/head of upper school has the right to expel any student who has been found to have been in possession of a controlled substance as defined in M.G.L.c. 94C, including but not limited to alcohol, marijuana, cocaine or heroin, while on school premises or at a school-sponsored or school-related event, including athletic games.

Additionally, in view of the fact that the use of alcohol can endanger the health and safety of the user, and recognizing the deleterious effect the use of alcoholic beverages can have on the maintenance of general order and discipline, the School Committee prohibits the use of, serving of, or consumption of any alcoholic beverage on school property or at any school function.

Additionally, any student, regardless of age, who has been drinking alcoholic beverages while on school grounds, prior to attendance at, or participation in, a school sponsored activity, including athletic events, will be barred from that activity and subject to disciplinary action as detailed in the Rights and Responsibilities Handbook. Furthermore, any student, regardless of age, who is found to be in possession of, using, in the presence of, distributing or selling alcoholic beverages while on school grounds, prior to attendance at, or participation in, a school sponsored activity, including athletic events, may be subject to disciplinary action as detailed in the Rights and Responsibilities Handbook.

Any student who is suspended from school under the provisions of M.G.L.c. 71, §37H shall have an opportunity to receive educational services and make academic progress during the period of removal as set forth in the applicable provisions of the Rights and Responsibilities Handbook.

Definitions:

- a. **Substance** is any drug considered illegal under federal or state law, or any drug controlled by the Food and Drug Administration.
- b. **Use** of a controlled and/or dangerous substance implies that a student is reasonably known to have made use of the same (e.g., drinking alcohol, using cocaine or an opiod, smoking marijuana, taking a pill, etc.) or is reasonably found to be under the influence of same while under the jurisdiction of school authorities. Use shall also include the unauthorized use or abuse of a prescription drug.
- c. **Possession** of such a substance implies that a student has it on his/her person or within his/her personal property, or under his/her control (e.g., locker) while under the jurisdiction of school authorities.
- d. **Distribution** of such a substance implies the transfer of such substance to another person, with or without the exchange of money or other valuables.
- e. In the **presence** of controlled and/or dangerous substance implies that a student has been found to be in the immediate area of the selling, distribution, use or possession of a controlled substance, non-prescribed controlled substance, narcotic -drug, hallucinogenic drug, amphetamine, -barbiturate, marijuana, opiod, 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 the area. For example, a student may be found to be in the presence of a controlled and/or dangerous substance if he/she was found to be walking down the hallway of a school in the company of one or more students who are actively in the process of selling, distributing, using and/or possessing a controlled substance, non-prescribed controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, opiod, alcoholic beverage or intoxicant of any kind, and the student who is accompanying the student engaged in the prohibited conduct has made no reasonable attempt to leave the area. In other words, the student is aware of the violation of the code of conduct that is occurring and continues to remain in the presence of the violation as opposed to leaving the other students and the on-going violation.

STUDENT SUPPORTS

In appropriate cases where a student is under the influence of alcoholic beverages or drugs, while in school, the principal/head of upper school or designee may send the student to the school nurse or doctor, notify the student's parent/guardian and refer the matter to appropriate medical and/or legal authorities, and a meeting with the student and the student's parent(s)/guardian(s) will be scheduled. At the discretion of the principal/head of upper school or assistant principal, such a student may be given the opportunity and encouraged to attend a facility specializing in

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the treatment of persons with such problems. Students with drug, and alcohol or other substance abuse problems and their parents/guardians are encouraged to seek the assistance of school personnel for planning, intervention and referral to appropriate city/health agencies for substance abuse treatment and support. All communication regarding such problems is to be kept in strictest confidence.

Additionally, principals/heads of upper schools will assess each incident and its impact not only on the students involved but also those that may have witnessed the incident to ensure that appropriate emotional/social wellness measures are implemented as necessary.

## PROCEDURE

If a student is found possessing, distributing alcohol or a controlled substance or in the presence of alcohol or a controlled substance on school premises or at a school-related or school-sponsored event, including athletic games, the following procedure will apply:

1. The staff member involved will contact the Principal/Head of Upper School and/or the Assistant Principal or Dean.
2. The Principal/Head of Upper School and/or the Assistant Principal or Dean will notify:
  - a) the Director of Safety and Security, and
  - b) the parent(s) or guardian(s) by telephone, with a follow-up letter, and, if necessary, by certified mail; and
  - c) the Chief Operating Officer.
3. The Director of Safety and Security will send to the Superintendent or his/her designee an incident report.
4. The student will be removed from school grounds in accordance with the applicable provisions of section 15.0 of the Rights and Responsibilities Handbook.
5. When a law has been violated, the Director of Safety and Security will notify the Cambridge Police and may file a complaint with the Middlesex County District Court, and will, if necessary, take other appropriate action.
6. The Principal/Head of Upper School will conduct a suspension hearing in accordance with the applicable provisions of sections 15.0 and 16.0 of the Rights and Responsibilities Handbook. ~~The hearing may be delayed one (1) day at the parent's/guardian's request to allow him or her to be present. The hearing will include the student, the parents or guardian, the principal or designee, and the staff member who reported the incident. Additional witnesses and evidence may be presented at the hearing. At the hearing the student will be told the reason for the contemplated suspension and be given a chance to explain to the principal or designee if he or she believes that the suspension is not deserved.~~

7. If the Principal/Head of Upper Schools finds the student to be in violation of this policy, the Principal/Head of Upper School may suspend the student for up to ten (10) days for a violation of this policy in accordance with the applicable provisions as detailed in Sections 14 and 19 of the Rights and Responsibilities Handbook. It is recommended that the student's grade level and the nature of the infraction be considered when determining the number of days of suspension and whether to proceed with an expulsion hearing for the student for the violation. In accordance with this recommendation, suggested guidelines for suspension of a student for such an infraction are as follows:

- ~~Grades K-2~~ Up to three days
- ~~Grades K-2~~ No suspension, but a meeting with the parent(s)/guardian(s) of the student will be scheduled
- ~~Grades 3-5~~ Up to ~~three~~ three to five days
- ~~Grades 6-8~~ Up to ~~five~~ five to ten days
- ~~Grades 9-12~~ Up to ~~five~~ five to ten days

Based upon the specific circumstances of a violation, a student may also be referred to an appropriate city/health education program and/or other support services or programs may be made available to the student.

For students in the presence of alcohol or a controlled substance, if it is evident that someone was using, dealing, displaying drugs or alcohol and the student made no reasonable attempt to leave, there will be up to a three day suspension and referral to an appropriate city/health agency education program on substance abuse and/or other support services or programs may be made available to the student.

At the conclusion of any such suspension, the Principal/Head of Upper School will request that the parents/guardians and student attend a re-entry conference meeting with the Principal/Head of Upper School.

During the above designated suspension period, and if the Principal/Head of Upper School's findings warrant it, the Principal/Head of Upper School shall initiate procedures to conduct a formal expulsion hearing. To initiate expulsion proceedings, the Principal/Head of Upper School shall notify the student and the student's parent(s) or guardian(s) in writing of an opportunity to have a hearing at the school level. The expulsion notice must be in writing ~~and in both~~ English and ~~in~~ the student's home language, if different. The notice must also set forth the section of the Rights and Responsibilities Handbook violated and the facts pertaining to the alleged violation and that the student has a right to representation at the hearing along with an opportunity to present evidence and witnesses and that an interpreter will be provided if needed. In the case of students with special needs an individualized education program (IEP) or Section 504 Plan, however, a hearing may only occur after a team determination that the conduct in question was not a manifestation of a disability in accordance with the applicable provisions of as detailed in Section 18 of the Rights and Responsibilities Handbook. Moreover, a special education student must receive a free appropriate education during any exclusion period.

If, after the hearing, the Principal/Head of Upper Schools decides to expel the student, the Principal/Head of Upper School shall provide written notification to the student and the student's parents/guardians as to the reasons for the decision. Such notice shall also inform the student of his/her right to file a written appeal with the Superintendent or his/her designee within ten (10) days of receipt of the notification of the expulsion decision, and the right to be represented by counsel at the appeal and shall include a request that the parents/guardians and student attend a re-entry conference meeting with the Principal/Head of Upper School upon the conclusion of the expulsion period.

At the hearing before the Superintendent or his/her designee, the subject matter of the appeal shall not be limited solely to a factual determination of whether the student has violated any provision of this policy. In presenting his/her appeal, the student should state his/her grievance, including a statement of the ground(s) for the appeal and a brief statement of the facts and the specific relief that is being requested.

The hearing conducted before the Superintendent or designee shall comport to the following requirements:

- a. The hearing shall be in closed session and conducted informally
- b. All parties are entitled to be represented by counsel or by another person of the party's choice
- c. All parties may inspect the school records and all other documents relevant to the appeal
- d. All parties shall be permitted to question all witnesses;
- e. All parties shall have the right to present witnesses and evidence; and
- f. The Superintendent or his/her designee may cause legal counsel to be present either for the purpose of acting as counsel for any school personnel or for the purpose of advising the Superintendent or designee in conduct of the conference. Any counsel who advises the Superintendent or designee in conduct of the conference may not also act as counsel for school personnel.

The Superintendent or designee shall determine whether the student has been deprived of the specific right(s) set forth in the appeal. If the Superintendent or designee determines that a deprivation of rights has occurred, she/he shall further recommend whatever relief is necessary to assure that the deprivation of right(s) is immediately and permanently ceased. The Superintendent or designee may also request that the parents/guardians and student attend a re-entry meeting with the Principal/Head of Upper School upon the conclusion of the expulsion period.

Any school that suspends or expels a student in accordance with the applicable provisions of the Rights and Responsibilities Handbook for an alcohol or drug violation shall continue to provide educational services to the student during the period of suspension or expulsion under section 21 of chapter 76 and in accordance with the applicable provisions of the Rights and Responsibilities Handbook.

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When a student has been expelled under the provisions of this policy and applies for admission to another school, the Superintendent or his/her designee of the sending school system shall notify the Superintendent or his/her designee of the receiving school system of the reasons for the student's expulsion.

The Superintendent of Schools shall take the necessary steps to ensure that students and their parents/guardians are provided with and acknowledge receipt of a copy of the substance abuse/drugs policy at the start of each school year.

LEGAL REF: M.G.L.c. 272, §40A

M.G.L.c. 71, §37H

M.G.L.c. 94C

CROSS REF.: IHAMA Teaching About Drugs, Alcohol and Tobacco

GBEC Drug-Free Work Place Policy

*Adopted: November 20, 2012*

**ALCOHOL USE BY STUDENTS**

In view of the fact that the use of alcohol can endanger the health and safety of the user, and recognizing the deleterious effect the use of alcoholic beverages can have on the maintenance of general order and discipline, the school committee prohibits the use of, serving of, or consumption of any alcoholic beverage on school property or at any school function.

Additionally, any student, regardless of age, who has been drinking alcoholic beverages while on school grounds, prior to attendance at, or participation in, a school sponsored activity, including athletic events, will be barred from that activity and subject to disciplinary action as detailed in the Cambridge Public Schools Rights and Responsibilities Handbook. Furthermore, any student, regardless of age, who is found to be in possession of, using, in the presence of, distributing or selling alcoholic beverages while on school grounds, prior to attendance at, or participation in, a school sponsored activity, including athletic events, may be subject to disciplinary action as detailed in the Cambridge Public Schools Rights and Responsibilities Handbook .

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