

**The Atlantis Charter School  
Fall River, Massachusetts  
K-12 Substance Abuse Policy**

**Rev.B: Jan-Sep 2016**

**DRUGS, ALCOHOL, TOBACCO  
(Substance Abuse)**

**Drugs, Alcohol, Tobacco, Opioids, and Steroids**

It is the responsibility of the Atlantis Charter School (ACS) to safeguard the health, character, citizenship, and personality development of the students in its schools. As such, ACS must maintain that the use of drugs and the unlawful possession and use of alcohol is wrong and harmful and that the misuse of drugs, alcohol, tobacco, opioids, or steroids threatens the positive development of the student and the welfare of the entire school community. ACS is committed to the prevention of drug, alcohol, tobacco, opioid, and anabolic steroid abuse, and the rehabilitation of identified abusers.

**Students**

For the purpose of this policy, “drug” includes all controlled dangerous substances and all chemicals that release toxic vapors as set forth in the reference as follows and the definitions noted at the end of this policy. <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter6/Section118> and Chapter 52 of the Acts of 2016, and as amended in St. 2016, c. 52, s. 15.

ACS prohibits the use, possession and/or distribution of any drug, alcohol, tobacco, opioids, or anabolic steroids on school premises, and at any event away from the school sponsored by the ACS. Compliance with a drug-free standard of conduct at all schools and school functions is mandatory for all students. Pupils suspected of being under the influence of drugs, alcohol, tobacco, opioids, or anabolic steroids will be identified, evaluated, and reported in accordance with the law. Assessment will be provided by individuals who are certified by the State of Massachusetts as substance awareness coordinators or by individuals who are appropriately certified by the State of Massachusetts and trained in alcohol and other drug abuse prevention. A pupil who uses, possesses, or distributes drugs, alcohol, tobacco, opioids, or anabolic steroids on school premises, or while attending a school-sponsored activity, will be subject to discipline that may include suspension or expulsion, and may be reported to appropriate law enforcement personnel. Pupils suspended for involvement with alcohol, drugs or anabolic steroids away from school premises will be offered appropriate treatment and remediation. Treatment services for students who are affected by alcohol or other drug use will be provided by such individuals who are certified as substance awareness coordinators or who are otherwise appropriately trained in drug and alcohol prevention, intervention, and follow-up.

ACS will enforce the laws of Massachusetts requiring a program of drug, alcohol, tobacco, opioids, and anabolic steroid education. The Executive/Designee shall prepare a comprehensive curriculum for such instruction in grades K through 12 offering a minimum of 10 clock hours per school year of alcohol and other drug education in accordance with department of education chemical health guidelines, pursuant to St. 2016, c. 52, s. 15. Drug, alcohol, tobacco, opioid, and anabolic steroid education shall be integrated and implemented within the ACS Health Curriculum. Additionally, the district will offer a special class or course designed to meet the needs of pupils with alcohol or other drug use problems.

**DRUGS, ALCOHOL, TOBACCO (Substance Abuse) (Continued)**

All ACS personnel shall be alert to signs of alcohol, drug, tobacco, opioid and anabolic steroid use by pupils and shall respond to those signs in accordance with procedures established by the Executive Director/designee. ACS will provide in-service training to assist teaching staff members in identifying the pupil who uses drugs, alcohol, tobacco, opioids and/or anabolic steroids, and in helping pupils with drug, alcohol, tobacco, opioid, and anabolic steroid-related problems in a program of rehabilitation. ACS directs the establishment of a program designed to provide short-term counseling and support services for pupils who are in care or returning from care for alcohol and other drug dependencies. ACS shall establish a parent/guardian substance abuse program offered at times and places convenient to the parents/guardians of the ACS district on school premises or other facilities.

The Executive Director/designee shall ensure:

1. A comprehensive program of drug, alcohol, tobacco, opioid, and anabolic steroid education;
2. The identification and remediation of pupils involved with drugs, alcohol, tobacco, opioids, and anabolic steroids;
3. The immediate examination and treatment of pupils suspected of being under the influence of drugs, alcohol, tobacco, opioids, or anabolic steroids to determine the extent of the pupil's drug or alcohol use dependency;
4. The treatment and discipline of pupils who use, possess or distribute drugs, alcohol, tobacco opioids, and anabolic steroids in violation of law or this policy through referral to an appropriate drug/alcohol abuse program as recommended by the department of health and at the cost of the student's legal guardian(s); and
5. The readmission to school and treatment of pupils who have been convicted of drug, alcohol, tobacco, opioid, and/or anabolic steroid offenses.

ACS shall annually review the effectiveness of its alcohol and other drug policies and procedures and shall solicit community input as well as consult with local agencies recommended by the state department of health in the review process. Alcohol and other drug policies and procedures for discipline, evaluation, and treatment of pupils shall be made available annually to all school staff, pupils and parent/guardians. This policy shall be in each building.

Any staff member who reports a pupil to the Site Leader and/or Principal or his/her designee in compliance with the provisions of this subsection shall not be liable for civil damages as a result of making such a report as provided for under St. 2016, c. 52, s. 15.

All policies and procedures must comply with the confidentiality requirements established in federal regulation found at 42 CFR Part II.

Substance abuse in ACS is considered a health risk. It is the expressed position of ACS that when school rules have been violated and when a student's health is at risk, we must notify the student's parents/guardians and attempt to involve family in the rehabilitation plan subject to the confidentiality restrictions per federal regulations 42 CFR Part II.

Refusal or failure by a parent/guardian to comply with the provisions of St. 2016, c. 52, s. 15 shall be deemed a violation of the compulsory education and/or child neglect laws per Mass. Gen. Laws c. 71, s. 96.

**DRUGS, ALCOHOL, TOBACCO (Substance Abuse) (Continued)****Enforcement of Drug-Free School Zones**

ACS recognizes its responsibility to ensure continuing cooperation between school staff and law enforcement authorities in all matters relating to the use, possession, and distribution of controlled dangerous substances and drug paraphernalia on school property. ACS further recognizes its responsibility to cooperate with law enforcement authorities in planning and conducting law enforcement activities and operations on school property. ACS will record and maintain formal Memorandum of Agreement with the appropriate law enforcement authorities.

**Law Enforcement Liaison**

The ACS Incident Commander and/or its designee serves as the ACS liaison to law enforcement agencies.

**Undercover Operations**

ACS is authorized to request that law enforcement authorities conduct an undercover operation in the school if he/she has reason to believe that drug use and/or drug trafficking is occurring in the school and that a less intrusive means of law enforcement intervention would be ineffective.

ACS recognizes that law enforcement authorities may contact the Executive Director/designee to request that an undercover operation be established in ACS schools. ACS recognizes that the Executive Director/designee is prohibited from discussing the request with the board.

The Executive Director/designee and school Site leaders and/or Principals shall cooperate with law enforcement authorities in the planning and conduct of undercover school operations. The Executive Director/designee, Site Leaders, and/or Principal, or any other school staff or district board member who may have been informed about the undercover operation is required to immediately communicate information to law enforcement or designee if the integrity of the undercover school operation has been compromised in any way.

**Summoning Law Enforcement Authorities onto School Property for the Purpose of Conducting Investigations, Searches, Seizures and Arrests**

Any school employee who has reason to believe a student or a staff member is using or distributing controlled dangerous substances, including opioids, anabolic steroids, or drug paraphernalia on school premises, shall bring that information to the school Site Leaders and/or Principal who, in turn, shall report the same to the Executive Director/designee and/or its Incident Commander, who shall immediately report that information to the appropriate law enforcement agency. If, after consultation with the law enforcement official, it is determined that further investigation is necessary, ACS will cooperate with the law enforcement authorities in accordance with the law and administrative code. He/she will provide the officials with an Incident Command post in an area away from the general student population in which to conduct their law enforcement duties. If law enforcement officials do not choose to investigate the incident, the Executive Director/designee may continue the investigation to determine if any school rules have been broken and whether any school discipline is appropriate.

If an arrest is necessary, and no urgent circumstances exist, the Executive Director/designee, Site Leaders and/or Principal and staff will cooperate with the law enforcement officials and provide them access to the office of a school administrator or some other area away from the general student population. Every effort shall be made to enable law enforcement personnel to carry out the arrest in a manner that is least disruptive to the educational environment. The Executive Director/designee, Site Leaders and/or Principal shall immediately notify the student's parent/guardian whenever a pupil is arrested for violating any laws prohibiting the possession, use, sale, or distribution of any controlled substance or drug paraphernalia.

**DRUGS, ALCOHOL, TOBACCO (Substance Abuse) (Continued)**

**Student Searches and Securing Physical Evidence**

The Site Leaders/Principal or his/her designee may conduct a search of a student's person or belongings if the search is necessary to maintain discipline and order in the school, and the school official has a reasonable suspicion that the student is concealing contraband. All searches and seizures conducted by designated school staff shall comply with the standards prescribed by the United States Supreme Court in and covered by the protections of the Fourth Amendment to the United States Constitution and Article 14 of the Massachusetts Declaration of Rights which includes all public schools.

If, as a result of the search, a controlled dangerous substance or drug paraphernalia is found, or if a controlled dangerous substance or drug paraphernalia is by any means found on school property, the individual discovering the item or substance shall immediately notify the building Site Leaders, and/or Principal; who shall immediately notify the Executive Director/designee who shall immediately, in turn, notify the appropriate law enforcement agency. The Site Leaders and/or Principal shall ensure that the controlled or dangerous substance and/or drug paraphernalia is labeled and secured in a locked cabinet or desk until law enforcement officials pick it up. The Site Leaders and/or Principal shall then contact the student's parents/guardians to inform them of the occurrence.

If, and when, law enforcement officials are called into the school, and a search of a student's person or belongings is necessary, or an interrogation is to be conducted, the Executive Director/designee shall request that the law enforcement officials participate in conducting the search, seizure or interrogation. ACS continues to reserve the right to search school property in cases where there is probable cause that a student may have violated the substance abuse policy through consumption, possession, and/or distribution prior to law enforcement notification.

**Police Presence at Extracurricular Activities**

The Executive Director/designee may contact the appropriate law enforcement agency and arrange for the presence of an officer(s) in the event of an emergency or when the Executive Director/designee believes that uniformed police presence is necessary to deter illegal drug use or trafficking or to maintain order or crowd traffic control at a school function.

**Resolving Disputes Concerning Law Enforcement Activities**

The Executive Director/designee may contact the chief executive officer of the law enforcement agency involved with any dispute or objection to any proposed or ongoing law enforcement operation or activity on school property. If for any reason the dispute or objection is not satisfactorily resolved with the chief executive officer of the agency, the Executive Director/designee shall work in conjunction with law enforcement, and where appropriate, the local Fall River division of criminal justice to take appropriate steps to resolve the matter. Any dispute that cannot be resolved at the city level shall be reported to the board and shall be resolved by the attorney general whose decision will be binding.

**Confidentiality of Pupil Involvement in Intervention and Treatment Programs**

Nothing in this policy shall be construed in any way to authorize or require the transmittal of any information or records that are in the possession of a substance-abuse counseling or treatment program including, but not limited to, the school district's own substance abuse programs. All information concerning a pupil's or staff member's involvement in a school intervention or treatment program shall be kept strictly confidential. See 42 CFR Part II and St. 2016, c. 52, s. 15.

## **DRUGS, ALCOHOL, TOBACCO (Substance Abuse) (Continued)**

### In-service Training

The Executive Director/designee will ensure that all ACS employees receive annual in-service-professional development training to make them aware of their responsibilities in accordance with ACS board policies and St. 2016, c. 52, s. 15.

### Annual Review

ACS will review annually the effectiveness of these policies and the Memorandum of Agreement entered into with the appropriate law enforcement agency. As part of this review, ACS will consult with the county superintendent, local community members, and the county prosecutor's office.

### Availability of Policy

The policies and procedures contained herein shall be made available to all staff, pupils, and parents/guardians on an annual basis, including the mailing of a written notification summarizing the same as well as inclusion on the ACS Website.

### Application and Use of Verbal substance use disorder Screening Tools:

Per Section 63 of St. 2016, c. 52, ACS 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.

### Definitions: Banned Substances: Illegal substances, as defined by federal/state laws, including:

- a. Amphetamines
- b. Opiates
- c. Phencyclidine (PCP)
- d. Cocaine
- e. THC (Marijuana/Cannabinoids)
- f. Intoxicants (drug and alcohol)
- g. Synthetic drugs and Steroids

### Legal References and Acknowledgements:

- <https://malegislature.gov/Laws/GeneralLaws/PartI/TitleII/Chapter6/Section118>
- Chapter 52 of the Acts of 2016, and as amended in St. 2016, c. 52, s. 15.
- 42 CFR Part II
- New Jersey v. T.L.O., 469 U.S. 325, 336-337 (1985)
- Commonwealth v. Carey, 407 Mass. 528, 531 (1990) at 531-532
- New Jersey v. T.L.O., 469 U.S. at 337 n.5
- New Jersey v. T.L.O., 469 U. S. at 341-342.
- Ref: Acknowledgement-NPSDSAP2009