

**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 Unit B 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 & Responsibilities Handbook*, every effort should be made to help students solve conduct problems, including without limitation, problems involving substance abuse, without resorting to extreme disciplinary measures. Examples of interventions that may be employed before resorting to suspension or expulsion of a student include, but are not limited to: mediation, conflict resolution, restorative justice, collaborative problem solving, community referral/services, and student behavior conference with parent/guardians/caregivers and student. It should be noted, however, that this list is not exhaustive and that not every intervention is used in every situation if such remedies are unsuitable to a documented specific incident or are counter-productive or the student's continued presence in school would pose a specific, documentable concern about the infliction of serious bodily injury or serious harm to another person while in school. However, in those cases where a student's behavior is disruptive to school, hurtful to themselves or others, or where a student's behavior is the engagement in an activity forbidden by the laws of the Commonwealth of Massachusetts then an in-school suspension, out of school short term suspension, or out of school long term suspension, or expulsion may be warranted. Based upon the specific circumstances of a violation, 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 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 or designee.

- *In the Presence:* The student has been in and made no reasonable effort to leave the vicinity of the selling, distribution, use or possession of a controlled substance, non-prescribed controlled substance, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage or intoxicant of any kind or the selling, distribution, use or possession of drug paraphernalia of any kind on school grounds or while under school jurisdiction.

For a fuller description of these issues, consult the Cambridge Public Schools' *Rights & Responsibilities Handbook*.

## **Procedure**

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

1. Obtain the student's name.
2. Note any others in the area who may have witnessed the student's behavior.
3. Escort the student to the office of the principal, assistant principal or dean, or designee.
4. Document and report details of the incident.

In appropriate cases where a student is under the influence of alcohol, drugs or other controlled substances, while in school, the Principal or designee may send the student to the school nurse, notify the student's parent/guardian/caregiver and refer the matter to appropriate medical and/or legal authorities, including, when appropriate, referring the parents/guardians/caregivers and student to programs and/or facilities that specialize in the treatment of persons with substance abuse problems. Students with drug and alcohol problems and their parents/guardians/caregivers 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. Based upon the specific circumstance of a violation, a student may also be referred to an appropriate City/health education program and /or other support services or programs maybe be made available to the student. All communication regarding such issues are to be kept in strict confidence.

Additionally, the principal may also follow the procedures set forth in the *Rights & Responsibilities Handbook* with respect to any discipline that may be imposed as a result of the student's conduct. Principals will assess each incident and its impact not only on the students involved but also those that may have witnessed the incident to ensure appropriate emotional/social wellness measures are implemented as necessary.

## **Staff Concerns Regarding a Student**

School staff 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, a staff member 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 staff. The staff member should complete a referral form or confer with the Principal and Student Support Team, Guidance/School Counselor, Dean of Students or other designated staff at the school.

### **Student Self-Disclosure**

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 the Principal and either the Student Support Team, Guidance/School Counselor or other designated staff at the school.

### **Substance Abuse Screening**

In accordance with the requirements of state law, the Cambridge Public Schools, through its School Health Services, which are provided by the Cambridge Public Health Department, will implement a voluntary and confidential verbal substance abuse screening process of students at grade levels to be designated by the Massachusetts Department of Elementary and Secondary Education. Parents/guardians/caregivers and students will be provided with advance notice of this screening in accordance with the requirements of state law and with an opportunity to opt-out of participation in this screening. The goal of the screening is to provide individualized prevention supports for students and, when necessary, as a result of the screening to provide referrals to parents/guardians/caregivers and the student to appropriate City/health agencies for substance abuse treatment and support.

## **Student Athletes**

During either the practice season or season of play, student athletes are subject to the rules and regulations as set forth in the Cambridge Public Schools' *Rights & Responsibilities Handbook* with respect to prohibitions about the use of drugs, alcohol and other controlled substances, on school premises or at school-sponsored or school-related events, including athletic games. Additionally, student athletes are subject to the prohibitions of the Massachusetts Interscholastic Athletic Association regarding the use of drugs, alcohol and other controlled substances. Staff should report violations to the principal, coach, and/or Athletic Director.

***Policy references:*** GBEC, JICH, JICHA. IHAMA

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

***Last updated:*** July 11, 2023