

## Verbal Substance Use Screening Policy Draft – January 18, 2017

In accordance with M.G.L. Acts of 2016, Chapter 52, in an effort to prevent and treat substance use-related problems in our students, the Hanover Public Schools will utilize a verbal screening tool, beginning in the 2017 – 2018 school year to reinforce prevention, screen pupils for substance use, provide counseling and make referrals as necessary. Screenings shall occur on an annual basis and will occur at 2 different grade levels (one grade in middle school and one grade in high school) as recommended by the Department of Elementary and Secondary Education, in consultation with the Department of Public Health. Parents or guardians of a pupil to be screened pursuant to this section shall be notified prior to the start of the school year. Verbal screening tools approved by the Department of Elementary and Secondary Education, in conjunction with the Department of Public Health will be utilized. De-identified screening results will be reported to the department of public health, not later than 90 days after completion of the screening.

A pupil or the pupil's parent or guardian may opt out of the screening by written notification at any time prior to or during the screening. Hanover Public Schools shall comply with the Department of Elementary and Secondary Education's regulations relative to consent.

Any statement, response or disclosure made by a pupil during a verbal substance use disorder screening shall be considered confidential information and shall not be disclosed by a person receiving the statement, response or disclosure to any other person without the prior written consent of the pupil unless there is an immediate risk of harm to themselves or others. Responses may also be disclosed with pupil, parent or guardian consent for evaluation and treatment outside of school or in cases where disclosure is otherwise required by state law. Such consent shall be documented on a form approved by the Department of Public Health and, according to Massachusetts Law, shall not be subject to discovery or subpoena in any civil, criminal, legislative or administrative proceeding. No record of any statement, response or disclosure shall be made in any form, written, electronic or otherwise, that includes information identifying the pupil.

According to Massachusetts Law, no person shall have a cause of action for loss or damage caused by an act or omission resulting from the implementation of this verbal substance use screening process.

### References:

MGL Acts of 2016, Chapter 52, An Act Relative to Substance Use, Treatment, Education and Prevention

MGL Chapter 71, Section 97 (c)

45 C.F.R. Part 2, Confidentiality and Drug Abuse Student Records

The Health Insurance Portability and Accountability Act of 1996 ("HIPAA")

45 C.F.R. Parts 160 and 164