

NO 51. AN ACT TO AMEND 16 V.S.A. §1045 AND TO ADD 16 V.S.A. §907, 1165 (e) AND (f) AND 33 V.S.A. CHAPTER 50 RELATING TO ALCOHOL AND DRUG ABUSE

(H.453)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. LEGISLATIVE FINDING

It is the finding of the general assembly that:

- 1) problems related to alcohol abuse pervade our society at all levels;
- 2) abuse of alcohol can have a profound effect on many important aspects of an individual's life, including mental and physical health, family and social relationships and job performance;
- 3) the personal, financial and societal costs resulting from these problems are enormous;
- 4) the State of Vermont offers an array of treatment, educational and prevention programs through several agencies and departments;
- 5) these programs should be thoroughly reviewed to determine their effectiveness;
- 6) these programs, and any new ones, should be integrated into a comprehensive and coordinated state delivery system designed to insure the most effective provision of services to citizens of Vermont;
- 7) education at the school and community level is critical if there is to be a reduction of problems arising from alcohol and drug abuse;
- 8) the development of preventive programs is necessary including community education on alcohol and drug abuse and the use of an interdisciplinary approach in the training of students, teachers and parents.

Sec. 2. 33 V.S.A. Chapter 50 is added to read:

CHAPTER 50. ALCOHOL AND DRUG ABUSE

§ 3651. ALCOHOL AND DRUG ABUSE COUNCIL: CREATION: TERMS; PER DIEM

- A) The Alcohol and drug abuse council is established within the agency of human services to promote the reduction of problems arising from alcohol and drug abuse.
- B) The council shall consist of eleven members:
 - 1) the secretary of the agency of human services, commissioner of public safety, commissioner of education, commissioner of liquor control, and commissioner of motor vehicles;

- 2) one member shall be a member of a mental health agency who shall be appointed by the governor; and
 - 3) five members shall be appointed by the governor of which every consideration shall be given, if possible, to equal geographic apportionment. One of these members shall be a certified practicing teacher and one of these member shall be a school administrator.
- C) The term of office of members appointed pursuant to subsections (b) (2) and (b) (3) of this section shall be three years.
 - D) The secretary of the agency of human services shall serve as chairperson.
 - E) All members shall be voting members.
 - F) At the expiration of the term of an appointed member, or in the event of a vacancy during an unexpired term, the new member shall be appointed in the same manner as his predecessor. Members of the council may be re-appointed.
 - G) Each member of the council not otherwise receiving compensation from the State of Vermont or any political subdivision thereof shall be entitled to receive per diem compensation of \$30.00 for each day. Each member shall be entitled to his actual and necessary expenses.

§ 3652 ADMINISTRATIVE SUPPORT

The agency of human services shall provide the council with such administrative support as is necessary for it is accomplish the purposes of this chapter.

§ 3653 DUTIES

The council shall:

- 1) advise the governor as to the nature and extent of alcohol and drug abuse problems and the programs necessary to understand, prevent and alleviate those problems;
- 2) make recommendations to the governor for developing a comprehensive and coordinated system for delivering effective programs, including any appropriate reassignment of responsibility for such programs;
- 3) provide for coordination and communication among the regional alcohol and drug abuse councils, state agencies and departments, providers, consumers, consumer advocates and interested citizens;
- 4) jointly, with the state board of education, develop educational and preventive programs;
- 5) develop a five-year plan for effectively providing preventive, education and treatment services to the Vermont public.

Sec. 3. 16 V.S.A. § 907 is added to read:

§ 907 COURSE OF STUDY

- A) The department of education in conjunction with the alcohol and drug abuse council is hereby authorized and directed to develop a sequential alcohol and drug abuse prevention education curriculum for elementary and secondary schools.
- B) The department of education shall:
 - 1) provide for pre-service and in-service training programs for school personnel on alcohol and drug abuse prevention;
 - 2) provide teaching materials which are appropriate to the age and learning ability of the students;
 - 3) provide technical assistance to the local school districts for implementation of the curriculum;
 - 4) encourage coordination of effort with existing community resources.
- C) The teacher training and curriculum development under the provisions of this act shall begin during the 1983-1984 school year. Alcohol and drug abuse education programs shall be fully implemented by all school districts by the end of the 1986-1987 school year.
- D) No later than January 1, 1984 the commissioner of education shall file with the general assembly a preliminary report on the implementation of the program.

Sec. 4. 16 V.S.A. § 1165 (e) and (f) are added to read:

- E) No later than July 1 of each year, each school district shall file a report with the commissioner of education. The report shall include but not be limited to a description of its program, the apparent effectiveness of the program, an evaluation of the curriculum required under section 907 (c) and an assessment of the problems of alcohol and drug abuse within the school district.
- F) The commissioner of education shall submit by December 31 an annual report concerning the progress of alcohol and drug abuse education in the schools to the alcohol and drug abuse council.

§ 1045 DRIVER TRAINING COURSE

- A) A driver education and training course, approved by the department of education and the department of motor vehicles shall be made available to pupils whose parent or guardian is a resident of Vermont and who have reached their fifteenth birthday and who are regularly enrolled in a public or private high school approved by the state board;
- B) After June 30, 1984, all driver education courses shall include a course on instruction, approved by the state board and the council on the effects of alcohol and drugs on driving.

Sec. 6. EFFECTIVE DATE

This act shall take effect from passage.

Sec. s. 1 and 2 shall expire on July 1, 1988.

Approved: April 22, 1983

§ 1165 Alcohol and drug abuse

(a) The state board, in consultation with local school boards, the alcohol and drug division, the law enforcement authorities and the juvenile court system shall formulate a general policy for the education, discipline and referral for rehabilitation of students who are involved with alcohol or drug abuse on school property or at school functions.

(b) The state board shall adopt guidelines pursuant to chapter 25 of Title 3 for all school districts. The guidelines shall include standards consistent with due process of law for discipline, suspension or dismissal of students and recommended procedures for education, and for referral for treatment and rehabilitation.

(c) Each school district shall adopt its own policy consistent with the state board's guidelines setting forth: recommended procedures for education; referral for treatment, counseling and rehabilitation; and standards consistent with due process of law for discipline, suspension or dismissal of students in accordance with section 1162 of this title. Nothing contained herein is intended to mandate local school districts to employ counselors for treatment or rehabilitation.

(d) Each school district shall file its policy with the commissioner within thirty days of its adoption.

(e) No municipality, school district, or the five officers and employees of the school district shall be liable for civil damages in connection with the implementation of and carrying out the purposes of this section so long as they have acted in good faith and not knowingly in violation of the constitutional or civil rights of any person.

(f) No later than July 1 of each year, each school district shall file a report with the commissioner of education. The report shall include but not be limited to a description of its program, the apparent effectiveness of the program, an evaluation for the curriculum required under section 909 (c) and an assessment of the problems of alcohol and drug abuse within the school district.

(g) The commissioner of education shall submit by December 31 an annual report concerning the progress of alcohol and drug abuse education in the schools to the alcohol and drug abuse council. – Added 1979, No. 62, § 1, eff. April 27, 1979; amended 1983, No. 51, § 4, eff. April 22, 1983.

Revision note. Subsections (e) and (f), added by 1983, No. 51, § 4, eff. April 22, 1983, were redesignated as subsecs. (f) and (g), respectively, to conform with lettering of section.