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HOUSE BILL NO. 1432

Offered January 24, 2000

A BILL to amend and reenact § 22.1-277.02 of the Code of Virginia, relating to mandatory drug testing for certain students in public schools.

Patrons—O'Brien, Albo, Drake and Wardrup

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-277.02 of the Code of Virginia is amended and reenacted as follows:**

§ 22.1-277.02. Suspension and expulsion upon receipt of certain reports.

A. Any student for whom the division superintendent of the school division in which such student is enrolled has received a report pursuant to § 16.1-305.1 of an adjudication of delinquency or a conviction may be suspended or expelled from school attendance pursuant to § 22.1-277.

B. School boards may require, as a condition for reenrollment or continued attendance in a public school or program, students for whom the division superintendent has received a report of an adjudication of delinquent or a conviction of a crime based upon a law involving the manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances or marijuana pursuant to § 16.1-305.1, to submit to drug testing in accordance with regulations promulgated by the Board of Education.

The Board of Education shall promulgate regulations, pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.), to govern requirements by local school boards that students for whom such adjudications or convictions have been reported be required to submit, as a condition for reenrollment or continued attendance in a school or program, to drug testing as authorized in this subsection. The Board's regulations shall address the constitutional rights and restrictions relating to mandatory testing for controlled substance and marijuana use by students in the public schools and shall include, but not be limited to, provisions which address the following: (i) criteria for developing school board policies that govern mandatory testing programs; (ii) identification of those students, such as those for whom an adjudication or conviction of a drug-related offense has been reported, to be required to be tested; (iii) requirements for student or parental consent; (iv) funding sources for such programs; (v) standards for ensuring the confidentiality of test results; (vi) standards for the evidence of drug testing to be submitted by such students' parents, including requirements for two additional tests of such students at two sixty-day intervals within 120 days of such reenrollment; (vii) use of test results in any disciplinary actions, including requiring participation in substance abuse treatment programs; (viii) provisions for alternative education opportunities for students who have failed to provide satisfactory test results; (ix) any notice and due process procedures required to protect individual rights; and (x) provisions of relevant state and federal laws.

2. That the Board of Education shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

INTRODUCED

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