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HOUSE BILL NO. 2421

House Amendments in [] — February 7, 1995

A *BILL* to amend the Code of Virginia by adding a section numbered 22.1-280.2:1, relating to programs for voluntary, random testing for controlled substance and alcohol use in public schools.

Patron—Wagner

Referred to Committee on Education

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 22.1-280.2:1 as follows:****§ 22.1-280.2:1. Programs for voluntary, random testing for controlled substance and alcohol use.**

A. The Board of Education shall, in consultation with the office of the Attorney General, develop regulations authorizing local school boards to implement programs for the voluntary, random testing of students for controlled substance and alcohol use. Each [school board may approve the implementation of a voluntary, random testing program in the particular school division pursuant to these regulations, and each] public school in a school division in which such a program has been implemented shall be eligible to administer the program for the students attending such school. Student participation in these programs shall be voluntary, and the consent of the student or his parent or guardian to participate in the program shall be obtained pursuant to Board regulations. Results of individual random tests shall be disclosed only to the participating student and his parent or guardian. Comprehensive test results that do not identify individual students shall be made available to schools administering such programs and the division superintendent. The costs of the program shall be borne by funds [generated that may be received or appropriated for this purpose and] from fees assessed and paid by those students voluntarily participating in such programs. No state and local school basic aid funds shall be used to support the programs.

B. The Board of Education shall promulgate regulations for the implementation of such programs pursuant to the Administrative Process Act (§ 9-6.14:1 et seq.) which shall include, but not be limited to, the following: (i) criteria for developing school board policies which shall authorize and govern the programs in the school division; (ii) requirements for student or parental consent for student participation in a controlled substance and alcohol testing program; (iii) provisions to assist school boards in determining the amount and payment of fees for participation in the program; (iv) standards for ensuring the confidentiality of test results; (v) guidelines for agreements between participating schools within the school division for joint administration of the program, and with laboratories or companies providing testing, analysis, and data compilation services; and (vi) the provisions of relevant state and federal laws, and constitutional rights.

ENGROSSED

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