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HOUSE BILL NO. 579**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the House Committee on Education

on January 26, 1996)

(Patron Prior to Substitute—Delegate Wagner)

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

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. *Guidelines 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 guidelines for 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 guidelines, 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 guidelines. 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 to the division superintendent. The costs of the program shall be borne by funds 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's guidelines shall include, but shall not be limited to, provisions which address 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.

These guidelines shall not be subject to the requirements of the Administrative Process Act (§ 9-6.14:1 et seq.). However, to provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing such guidelines. Thirty days prior to conducting such hearings, the Board shall give written notice by mail of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to hold such hearings in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to the adoption of such guidelines.