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HOUSE BILL NO. 579

FLOOR AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by Delegate Wagner
on February 8, 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 regulations 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 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 to participate in the program shall be obtained pursuant to Board regulations. Any voluntary, random testing program approved by a school board shall be available to all students enrolled in the public schools of the relevant school division, and shall not be limited to any particular class or classes of students. All such testing authorized pursuant to this section shall be conducted solely by urinalysis. No teacher shall be required to participate in administering a testing program authorized under this section. Results of individual random tests shall be disclosed by the laboratory or company conducting the test only to the participating student and, to the extent permitted by state and federal law, to 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 regulations 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 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 which ensure that students are properly monitored and that their privacy is protected while specimens are being given, and which require the confidentiality of test results, in accordance with this section; (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; (vi) the provisions of relevant state and federal laws including those governing the consent by minors to outpatient drug treatment programs, the disclosure of information from the educational records of students, and the disclosure of information from records maintained by any federally assisted alcohol or substance abuse treatment program providing medical diagnosis, treatment, or referral of clients; (vii) the students' constitutional rights; and (viii) the substances for which testing may be offered.

The regulations shall be subject to the requirements of the Administrative Process Act (§ 9-6.14:1 et seq.).

HOUSE SUBSTITUTE

HB579H3