

1997 SESSION

INTRODUCED

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HOUSE BILL NO. 1802

Offered January 8, 1997

A *BILL to amend the Code of Virginia by adding a section numbered 22.1-280.2:1, relating to school board authority to require certain students to submit to testing for controlled substance and alcohol use in public schools; Board of Education regulations.*

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. School boards to require certain students to submit to testing for controlled substance and alcohol use.

A. School boards shall require, by September 1, 1997, as a condition for reenrollment or continued attendance in a particular school or program, students who have been convicted or found not innocent of violations of the Drug Control Act (§ 54.1-3400 et seq.) to submit to unannounced, random drug and alcohol testing pursuant to regulations promulgated by the Board of Education.

B. 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 who have been convicted or found not innocent of violations of the Drug Control Act (§ 54.1-3400 et seq.) submit, as a condition for reenrollment or continued attendance in a particular school or program, to unannounced, random drug and alcohol testing as authorized in subsection A above. The Board's regulations shall address the constitutional rights and restrictions relating to mandatory testing for controlled substance and alcohol use by students in the public schools and shall include, but shall not be limited to, provisions which address the following: (i) criteria for developing school board policies that govern mandatory testing programs in the school division; (ii) identification of those students, such as those who have been convicted or found not innocent of drug-related offenses, 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) models for agreements between participating schools within the school division for joint administration of such programs, and with laboratories or companies providing testing, analysis, and data compilation services; (vii) use of test results in any disciplinary actions; (viii) any notice and due process procedures required to protect individual rights; and (ix) provisions of relevant state and federal laws

The first set of such regulations shall be effective within 280 days or less of the date of the enactment of this section.

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