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HOUSE BILL NO. 950

Offered January 22, 1996

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

To promote compliance with the Drug Control Act (§ 54.1-3400 et seq.) and to protect individual rights, the Board of Education shall, in consultation with the Office of the Attorney General, develop guidelines on constitutional rights and restrictions relating to mandatory testing for controlled substance and alcohol use by students in the public schools. The Board's guidelines shall include, but shall not be limited to, provisions which address the following: (i) criteria for developing any school board policies that govern mandatory testing programs in the school division; (ii) the propriety and constitutionality of limiting testing to certain students, such as those who have been convicted of drug-related offenses; (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, 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.

INTRODUCED

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