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HOUSE BILL NO. 916

Offered January 25, 1994

A BILL to amend the Code of Virginia by adding in Article 3 of Chapter 14 of Title 22.1 a section numbered 22.1-280.3, relating to programs for voluntary, random testing for controlled substance and alcohol use in public schools.

Patrons—Wagner, O'Brien, Purkey and Tata

Referred to Committee on Education**Be it enacted by the General Assembly of Virginia:**

1. That the Code of Virginia is amended by adding in Article 3 of Chapter 14 of Title 22.1 a section numbered 22.1-280.3 as follows:

§ 22.1-280.3. 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 school divisions to implement voluntary programs for the random testing of students for controlled substance and alcohol use. Each public school in a school division participating in such a program shall be eligible to administer such a program. Student participation in these programs shall be voluntary, based upon individual consent obtained pursuant to Board regulations. Results of individual random tests shall be disclosed only to the participating student and his parent or guardian. Comprehensive tests results that do not identify individual students shall be made available to the participating school and the division superintendent. To ensure that no state or local funds are expended on these programs, all program costs shall be covered by fees paid by those students agreeing to participate in these programs.

B. The Board's regulations shall be promulgated under the provisions of the Administrative Process Act (§ 9-6.14:1 et seq.) and shall include, but shall not be limited to, provisions which address the following: action by the local school board authorizing the administration of these programs in the school division; requirements for student or parental consent for student participation in a controlled substance and alcohol testing program; the amount and payment of fees for participation in the program; the confidentiality of test results; agreements between participating schools and any companies providing testing, analysis, and data compilation services; and relevant state and federal constitutional concerns.

INTRODUCED

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