WEST virginia legislature

2021 regular session

Introduced

House Bill 2320

By Delegate Foster

[Introduced February 12, 2021; Referred to the Committee on Education then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §18-5-50, relating to mandatory drug testing of all classes of employees in K through 12 schools.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-50. Mandatory drug testing of all classes of employees.

(a) Notwithstanding any other provision of this code to the contrary, beginning with the school year 2022-2023, all classes of personnel and teachers hired for employment in K through 12 are subject to random drug testing in the manner prescribed in §21-3E-1 *et seq.* of this code.

(b) The State Board of Education shall propose rules for legislative approval in accordance with §29A-3-1 *et seq.* of this code to implement this section. The rules shall include: (1) That after being offered employment, the employee shall pass a drug test before beginning employment; (2) ten percent of all employees and volunteers (such as volunteer coaches) are subject to random drug testing each year.

NOTE: The purpose of this bill is to require drug testing of all classes of employees in K through 12 schools. It also provides for yearly random drug testing of 10 percent of all employees.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.