WEST virginia legislature

2021 regular session

Introduced

**FISCAL NOTE**

Senate Bill 23

By Senators Tarr, Woodrum, and Swope

[Introduced February 10, 2021; referred  
to the Committee on Education; and then to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §18-5-27, relating to requiring county boards of education to establish programs for random drug testing for illegal drugs of student drivers in grades 9-12 in public schools and student athletes in grades 7-12; and requiring referral to Child Protective Services and notice to parents when results are positive.

Be it enacted by the Legislature of West Virginia:

ARTICLE 5. COUNTY BOARD OF EDUCATION.

§18-5-27. Random drug testing of certain students.

(a) To promote the health, welfare, and safety of students and other members of the public in the district each county board of education shall implement a program for the random drug testing of:

(1) Student drivers and students possessing parking privileges in grades 9-12; and

(2) Student athletes in grades 7-12.

(b) The program shall, at minimum:

(1) Require tests for illegal drugs;

(2) Require immediate referral to the local Child Protective Services office when illegal drugs are detected;

(3) Require the student’s parent, parents, custodian, or legal guardian be notified of the referral and of the results of the drug test;

(4) Designate the individuals that have the responsibility for making the required notifications;

(5) Include the method used to select students for the testing; and

(6) Include uniform procedures for conducting the testing.

(c) All costs of the program shall be paid by the board of education.

NOTE: The purpose of this bill is to require county boards of education to establish a program for random drug testing of student drivers in grades 9-12 in public schools and student athletes in grades 7-12 for illegal drugs. It requires referral to Child Protective Services and notice to parents when results are positive.

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