

WEST VIRGINIA LEGISLATURE

2021 REGULAR SESSION

Introduced

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]

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

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

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

5 (2) Student athletes in grades 7-12.

6 (b) The program shall, at minimum:

7 (1) Require tests for illegal drugs;

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

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

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

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

15 (6) Include uniform procedures for conducting the testing.

16 (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.