

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2860**

BY DELEGATES JENNINGS, HOTT, PHILLIPS, MAYNARD

AND HANNA

[Introduced February 6, 2019; Referred  
to the Committee on Education then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto  
 2 a new section, designated §18-5-48, relating to mandatory drug testing of all classes of  
 3 employees in K through 12 schools.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 5. COUNTY BOARD OF EDUCATION.**

**§18-5-48. Mandatory drug testing of all classes of employees.**

1 (a) Notwithstanding any other provision of this code to the contrary, beginning with the  
 2 school year 2020-2021, all classes of personnel and teachers persons hired for employment in K  
 3 through 12 are required to submit to drug testing in the manner prescribed in §21-3E-1 et seq. of  
 4 this code.

5 (b) The State Board of Education shall propose rules for legislative approval in accordance  
 6 with §29A-3-1 et seq. of this code to implement this section. The rules shall include: (1) That after  
 7 being offered employment, the employee shall pass a drug test before beginning employment:  
 8 (2) Five percent of all employees and volunteers (such as volunteer coaches) are subject to  
 9 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.

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