

# **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]

1 A BILL to amend the Code of West Virginia, 1931, as amended, be amended by adding thereto  
 2 a new section, designated §18-5-50, 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.**

**§18-5-50. 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 2022-2023, all classes of personnel and teachers hired for employment in K through  
 3 12 are subject to random drug testing in the manner prescribed in §21-3E-1 et seq. of this code.

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