

MAR 3 1999
Place On Calendar

HOUSE FILE 499
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 215)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to drug and alcohol testing of students by
2 schools.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23

HF 499

1 Section 1. Section 808A.1, subsection 5, Code 1999, is
2 amended to read as follows:

3 5. "Student search rule" means a rule established by the
4 school board of a public school, pursuant to section 279.8 or
5 279.9, or the authorities in charge of a nonpublic school
6 controlling the manner of the searching of students or
7 protected student areas and school lockers, desks, and other
8 facilities or spaces owned by the school. A student search
9 rule, to be valid for purposes of this chapter, shall require
10 that all searches of students or protected student areas be
11 reasonably related in scope to the circumstances which gave
12 rise to the need for the search and based upon consideration
13 of relevant factors which include, but are not limited to, the
14 following:

15 a. The nature of the violation for which the search is
16 being instituted.

17 b. The age or ages and gender of the students who may be
18 searched pursuant to the rule.

19 c. The objectives to be accomplished by the search.

20 However, a student search rule may include a drug and
21 alcohol testing program which shall be deemed valid if
22 established pursuant to section 808A.5.

23 Sec. 2. Section 808A.2, subsection 1, paragraph a, Code
24 1999, is amended to read as follows:

25 a. The official has reasonable grounds for suspecting that
26 the search will produce evidence that a student has violated
27 or is violating either the law or a school rule or regulation,
28 or the search is conducted pursuant to a drug and alcohol
29 testing program as provided in section 808A.5.

30 Sec. 3. NEW SECTION. 808A.5 DRUG AND ALCOHOL TESTING
31 PROGRAM.

32 1. A school may adopt, as part of a student search rule, a
33 drug and alcohol testing program to authorize drug or alcohol
34 testing of middle school or high school students who seek to
35 participate in school-sponsored extracurricular activities.

1 2. A drug and alcohol testing program adopted pursuant to
2 this chapter shall include the following requirements:

3 | a. The school shall provide teachers with training in
4 identifying drug or alcohol use by students.

5 | b. The school's health curriculum shall include drug and
6 alcohol abuse education for students at each grade level.

7 | c. An explanation of the school's drug and alcohol testing
8 program shall be included in the school's student handbook.
9 The explanation shall include information on who is subject to
10 testing, and the rights of a student and the responsibilities
11 of the school as it relates to testing under the program.

12 | d. The school shall require that a parent or legal
13 guardian of a student be given advance notice that a drug or
14 alcohol test will be administered to the student and shall
15 permit the parent or legal guardian to be present, if testing
16 is done at the school, at the time of testing.

17 | e. The program shall include guidelines governing the
18 conducting of drug and alcohol testing. The guidelines shall
19 provide for the manner in which the test is to be conducted,
20 the confidentiality of test results, applicable safeguards to
21 ensure the accuracy of test results, chain of custody
22 considerations, the involvement of parents or legal guardians,
23 and the consequences for a refusal to test or a positive test
24 result.

25 EXPLANATION

26 This bill permits public and nonpublic schools to implement
27 a drug and alcohol testing program as part of the school's
28 student search rule as provided by Code chapter 808A.

29 The bill permits drug and alcohol testing of middle school
30 and high school students who seek to participate in school-
31 sponsored extracurricular activities if certain additional
32 requirements are met. The bill provides that, if a drug and
33 alcohol testing program is adopted, the program must include
34 teacher training, drug and alcohol abuse education for
35 students, an explanation of the program in the school's

1 student handbook, parental notice prior to testing and
2 parental presence during certain testing, and guidelines
3 governing the conduct of testing.

4

5

HOUSE FILE 499**H-1218**

1 Amend House File 499 as follows:

2 1. Page 2, line 8, by inserting after the word
3 "program" the following: ", including the rules and
4 regulations governing drug and alcohol usage,".5 2. Page 2, line 11, by inserting after the word
6 "program." the following: "Drug and alcohol testing
7 authorized by this chapter shall be conducted pursuant
8 to the rules and regulations explained in the
9 handbook."

By KREIMAN of Davis

H-1218 FILED MARCH 24, 1999

15

HOUSE FILE 499**H-1051**

1 Amend House File 499 as follows:

2 1. Page 1, line 34, by inserting after the word
3 "students" the following: ", in grade levels in which
4 participation in interscholastic athletics is
5 permitted,".

By RICHARDSON of Warren

H-1051 FILED MARCH 4, 1999

22

HOUSE FILE 499**H-1110**

1 Amend House File 499 as follows:

2 1. Page 2, line 6, by inserting after the word
3 "level." the following: "In addition, a school's
4 government curriculum shall provide for specific
5 instruction on the rights guaranteed by the fourth and
6 fifth amendments to the United States Constitution."

By WARNSTADT of Woodbury

H-1110 FILED MARCH 17, 1999

30

31

32

33

34

35

HOUSE FILE 499

H-1214

1 Amend House File 499 as follows:

2 1. Page 2, line 6, by inserting after the word
3 "level." the following: "The curriculum shall be
4 consistent with a model curriculum adopted by the
5 department of education by rule and developed jointly
6 by the department of education and the department of
7 public health, in consultation with local school
8 districts."

By KREIMAN of Davis

H-1214 FILED MARCH 24, 1999

HOUSE FILE 499

H-1215

1 Amend House File 499 as follows:

2 1. Page 2, line 4, by inserting after the word
3 "students" the following: "and in effectively
4 intervening to provide services to remediate problems
5 associated with drug and alcohol use. The training
6 must be provided by a facility licensed under chapter
7 125 or by a comprehensive prevention program funded by
8 the department of public health".

By KREIMAN of Davis

H-1215 FILED MARCH 24, 1999

HOUSE FILE 499

H-1216

1 Amend House File 499 as follows:

2 1. Page 2, line 24, by inserting after the word
3 "result." the following: "At a minimum, the
4 guidelines shall provide that test results be reviewed
5 by a medical review officer, as defined in section
6 730.5, that tests be conducted only during regular
7 school hours or during times in which the student is
8 involved in school-sponsored extracurricular
9 activities, and that testing be conducted pursuant to
10 the testing procedures provided in section 730.5,
11 subsection 7."

By KREIMAN of Davis

H-1216 FILED MARCH 24, 1999

HOUSE FILE 499

H-1217

1 Amend House File 499, as follows:

2 1. Page 2, line 2, by inserting after the word
3 "shall" the following: "comply with all applicable
4 federal requirements and shall".

By KREIMAN of Davis

H-1217 FILED MARCH 24, 1999

HOUSE FILE 499

H-1212

1 Amend House File 499 as follows:

2 1. Page 2, line 24, by inserting after the word
3 "result." the following: "The guidelines governing
4 the consequences for a refusal to test or a positive
5 test result shall provide that, following a refusal or
6 an initial positive test result from testing conducted
7 consistent with the testing procedures provided in
8 section 730.5, subsection 7, the student shall be
9 offered rehabilitation services and be provided with
10 an opportunity to complete the rehabilitative program,
11 prior to any sanctions being applied against the
12 student. The procedures and standards governing the
13 provision for rehabilitation following an initial
14 positive test result shall be consistent with rules
15 adopted by the department of education and developed
16 jointly by the department of education and the
17 department of public health."

By KREIMAN of Davis

H-1212 FILED MARCH 24, 1999

HOUSE FILE 499

H-1213

1 Amend House File 499 as follows:

2 1. Page 2, line 16, by inserting after the word
3 "testing." the following: "In addition, the parent or
4 legal guardian of a student shall be given an
5 opportunity prior to testing to sign an affirmative
6 statement that the parent or legal guardian wishes the
7 student to be subject to drug or alcohol testing. If
8 the parent or legal guardian does not sign the
9 affirmative statement consenting to testing, the
10 student cannot be subject to testing and cannot be
11 restricted from participating in school-sponsored
12 extracurricular activities due to the refusal to
13 consent to testing. The affirmative statement must be
14 provided by the school to the parents or legal
15 guardians, and must accurately and succinctly explain
16 the law and the options available to the parents or
17 legal guardians, and state that not signing the
18 consent form will not result in any restrictions on
19 the student's participation in extracurricular
20 activities."

By KREIMAN of Davis

H-1213 FILED MARCH 24, 1999