

## **BILL ANALYSIS**

Senate Research Center  
76R1144 KKA-D

C.S.S.B. 42  
By: Shapiro  
Education  
3/4/1999  
Committee Report (Substituted)

### **DIGEST**

Currently, Texas law does not allow school districts to perform random drug tests on students. Texas has no system in place that allows parents to take an active role in identifying drug abuse in their children. This bill would authorize school districts to give a student a drug test to be charged to the student's parents, and would authorize only the parents to receive the test results.

### **PURPOSE**

As proposed, C.S.S.B. 42 authorizes school districts to give drug tests to students with the permission of the student's parent.

### **RULEMAKING AUTHORITY**

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

### **SECTION BY SECTION ANALYSIS**

SECTION 1. Amends Chapter 38, Education Code, by adding Section 38.011, as follows:

Sec. 38.011. DRUG TESTING PROGRAM. (a) Defines "controlled substance," "marihuana," and "parent."

(b) Authorizes the school district to conduct a random drug testing program on a student at the request of the student's parent.

(c) Requires the school district to charge the parent of a student participating in the program a fee to cover the program costs.

(d) Provides that drug test results are confidential and may be disclosed only to a student and the student's parent. Requires the school district to ensure that the student's parent receives the test results directly from the lab or an appropriate person not employed by the district.

(e) Provides that this legislation will have no effect on any other drug testing program in a school district.

SECTION 2. Provides that this Act applies beginning with the 1999-2000 school year.

SECTION 3. Emergency clause.

Effective date: upon passage.

### **SUMMARY OF COMMITTEE CHANGES**

SECTION 1.

Adds Subsection (e), Education Code, to provide that this legislation will have no effect on any other drug testing program in a school district.