

**SUBJECT:** Voluntary random drug-testing program in school districts

**COMMITTEE:** Public Education — favorable, with amendment

**VOTE:** 8 ayes — Sadler, Dunnam, Grusendorf, Hochberg, Lengefeld, Oliveira, Olivo, Smith

0 nays

1 present, not voting — Dutton

**SENATE VOTE:** On final passage, March 15 — 28-2 (Barrientos, Gallegos)

**WITNESSES:** (*On House companion bill, HB 1195:*)  
For — Bob Finch, Little Cypress-Mauriceville CISD; Robert Jackson, Dallas Police Department; Jackie Lain, Texas Association of School Boards; Kathleen Leos, Dallas School Board

Against — None

**DIGEST:** SB 42 would authorize school districts to establish voluntary random drug-testing programs. At the request of a student's parent, a school district could test a student randomly for the presence of marijuana or a controlled substance in the student's body. A district that provided such a program could charge the parent of a student participating in the program a fee to cover costs of administering the program and conducting the drug tests.

Results of the drug tests would be confidential and could be disclosed only to the student and the parent, unless required by court order. The school district would have to ensure that the parent received the results directly from the lab analyzing the test or from an appropriate person not employed by the district. The bill would not affect any other drug-testing program in a district.

This bill would take immediate effect if finally passed by a two-thirds record vote of the membership of each house and would apply beginning with the 1999-2000 school year.

**SUPPORTERS  
SAY:**

SB 42 would allow Texas school districts to set up voluntary random drug-testing programs for students. School districts and parents grapple with the growing problem of teenage drug use every day. Although the problem is not new, there has been an increase in first-time drug use. Also, drugs are more powerful than before and more widely available to children.

Many parents do not know that their child is using drugs until the child has a serious problem. By the time the child's appearance or behavior changes, the child may have developed a serious drug habit. The program proposed in SB 42 would not replace parents' responsibility to communicate with their children about drug use, but it would provide an additional way for parents to detect early signs that their child was using drugs.

This bill also would help teenagers avoid peer pressure to use drugs. Children would have the excuse that their parents had enrolled them in a drug-testing program.

SB 42 would not require school districts to implement this program. Still, it is very important that the Legislature indicate clearly that state law encourages a voluntary random drug-testing program in districts that are trying to find ways to combat the growing problem of teenage drug use.

**OPPONENTS  
SAY:**

Children who use drugs display obvious signs, and parents should be responsible for noticing changes in their own child's behavior. Enrolling their children in random drug-testing programs would relieve parents of the duty to monitor their own child's behavior and push that responsibility onto the schools.

Parents who want to monitor their child's behavior through drug testing can use home drug-testing kits or take the child to a clinic for testing. Parents who remain involved in their children's lives and communicate with them are more likely to detect drug use than parents who choose to avoid that responsibility. This kind of communication and early detection would ensure that children who use drugs get the help they need.

Schools do not have the staff or funding to deal adequately with many other problems for which they already have responsibility. This bill would add one more thing for which schools would be responsible.

SB 42 represents unnecessary government interference. Because teenage drug use is a serious problem, the Legislature should encourage parents to take a more active role in their children's lives and communicate with them about the dangers of drug use.

NOTES:

The committee amendment would make the bill permissive, rather than mandatory, for the school district to charge parents a fee to enroll their children in the drug-testing program.