

106TH CONGRESS  
1ST SESSION

# H. R. 1735

To establish a grant program to enable local educational agencies to develop and implement a random drug testing program for students in grades 7 through 12.

---

## IN THE HOUSE OF REPRESENTATIVES

MAY 6, 1999

Mr. PETERSON of Pennsylvania (for himself and Mr. BARTON of Texas) introduced the following bill; which was referred to the Committee on Education and the Workforce

---

## A BILL

To establish a grant program to enable local educational agencies to develop and implement a random drug testing program for students in grades 7 through 12.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Empowering Parents  
5       to Fight Drugs Act of 1999”.

6       **SEC. 2. GRANT AUTHORIZATION.**

7       (a) STATE GRANTS.—

8               (1) IN GENERAL.—The Secretary is authorized  
9       to provide grants to specially qualified agencies and

1 to State educational agencies for use by local edu-  
2 cational agencies in the State to develop and imple-  
3 ment a random drug testing program for students in  
4 grades 7 through 12.

5 (2) STATE APPLICATION.—Any State edu-  
6 cational agency desiring to receive a grant under  
7 this Act for any fiscal year shall submit an applica-  
8 tion to the Secretary at such time and in such man-  
9 ner as the Secretary may require.

10 (b) LOCAL SUBGRANTS.—

11 (1) IN GENERAL.—Each State educational  
12 agency that receives a grant award under this Act  
13 shall award not less than 99.75 of such amount to  
14 provide subgrants to local educational agencies.

15 (2) LOCAL APPLICATION.—Each local edu-  
16 cational agency desiring to receive a grant under  
17 this Act for any fiscal year, other than a specially  
18 qualified agency, shall submit an application to the  
19 State at such time and in such manner as the State  
20 may require.

21 **SEC. 3. ALLOCATION.**

22 (a) IN GENERAL.—

23 (1) STATE ALLOCATION.—After reserving  
24 amounts for administrative costs in accordance with  
25 subsection (b)(1), from the total amount appro-

1        priated under section 7 in any fiscal year, the Sec-  
2        retary shall allocate to each State educational agen-  
3        cy an amount that bears the same ratio to such total  
4        amount as the number of students enrolled in grades  
5        7 through 12 in such State in the preceding fiscal  
6        year bears to the total number of such students for  
7        all States for that fiscal year.

8            (2)    LOCAL    ALLOCATION.—After    reserving  
9        amounts for administrative costs in accordance with  
10       subsection (b)(2), of the amount made available to  
11       the State under this Act in any fiscal year, the State  
12       shall allocate to each local educational agency an  
13       amount that bears the same ratio to such remaining  
14       amount as the number of students enrolled in grades  
15       7 through 12 in such agency bears to the total num-  
16       ber of such students in all local educational agencies  
17       in the State for that fiscal year.

18       (b) ADMINISTRATIVE COSTS .—

19            (1)    SECRETARY.—The Secretary may reserve  
20       the lesser of \$200,000 or 0.10 percent of the total  
21       amount appropriated to carry out this Act in each  
22       fiscal year for the costs of administration.

23            (2)    STATE    EDUCATIONAL    AGENCIES.—Each  
24       State educational agency may reserve not more than  
25       0.25 percent of any grant funds received under this

1 Act in each fiscal year for the costs of administra-  
2 tion.

3 (3) LOCAL EDUCATIONAL AGENCIES.—Each  
4 local educational agency may reserve not more than  
5 5 percent of any grant funds received under this Act  
6 in each fiscal year for the costs of administration.

7 (c) DIRECT GRANTS TO SPECIALLY QUALIFIED  
8 AGENCIES.—

9 (1) IN GENERAL.—If a State does not qualify  
10 or apply for funds reserved for allocation under sub-  
11 section (a)(1) by the application deadline established  
12 by the Secretary, any specially qualified agency in  
13 such State desiring to receive a grant under this Act  
14 shall apply to the Secretary to receive a portion of  
15 the amount allocated to the State.

16 (2) AWARD BASIS.—The Secretary may use the  
17 average amount allocated by the States to local edu-  
18 cational agencies under subsection (a)(2) as a basis  
19 for awarding grants under this subsection.

20 (3) REALLOCATION.—Any funds remaining in a  
21 fiscal year after the application of this subsection  
22 shall be redistributed to States which have a re-  
23 ceived a grant award under this Act for such fiscal  
24 year.

1 **SEC. 4. REQUIREMENTS AND OPTIONAL ACTIVITIES.**

2 (a) IN GENERAL.—Each local educational agency  
3 that receives a grant under this Act, other than a specially  
4 qualified agency, shall certify to the State educational  
5 agency and each specially qualified agency shall certify to  
6 the Secretary that—

7 (1) funds received under this Act shall be used  
8 in accordance with subsection (b);

9 (2) the agency shall develop a plan to imple-  
10 ment a random drug testing program;

11 (3) before implementation, any random drug  
12 testing plan or subsequent amendment to such plan  
13 shall be considered a public document and made  
14 available to the public for review, not later than 30  
15 days after such plan or amendment is available; and

16 (4) the agency shall provide, either directly or  
17 through private contributions, non-Federal matching  
18 funds equal to not less than 50 percent of the  
19 amount of the grant to carry out this Act.

20 (b) USES OF FUNDS.—

21 (1) REQUIRED USES OF FUNDS.—A local edu-  
22 cational agency that receives a grant under this Act  
23 shall, either directly or through contract with outside  
24 sources, provide for a random drug test of each stu-  
25 dent in grades 7 through 12 not less than once each  
26 year. Such test shall, at a minimum, include a drug

1 screening for marijuana, amphetamines,  
2 phencyclidine (PCP), opiates, and cocaine.

3 (2) OPTIONAL USES OF FUNDS.—After a local  
4 educational agency has complied with the require-  
5 ments of paragraph (1), the agency may use any re-  
6 maining funds available for the following:

7 (A) LAW ENFORCEMENT ASSISTANCE.—To  
8 contract with local law enforcement agencies to  
9 assist in drug detection in schools, including the  
10 use of drug sniffing dogs.

11 (B) ADDITIONAL TESTS.—To test students  
12 more than once during a school year.

13 **SEC. 5. GENERAL REQUIREMENTS.**

14 (a) REPORTING OF TEST RESULTS.—Each local edu-  
15 cational agency that receives funds under this Act shall  
16 inform parents in detail about the random testing pro-  
17 gram and ensure that—

18 (1) at the beginning of each school year, par-  
19 ents are notified of their right to withdraw their  
20 child from participation in the random drug testing  
21 program; and

22 (2) parents receive, on a timely basis, the posi-  
23 tive results of any drug test of a child who partici-  
24 pates in the program.

1       (b) CONFIDENTIALITY.—Each local educational  
2 agency shall develop and enforce standards designed to  
3 protect the confidentiality of all student drug test results.

4       (c) MEDICAL REVIEW OFFICER.—

5           (1) IN GENERAL.—Each local educational agen-  
6 cy that receives a grant under this Act shall provide,  
7 either directly or through contract, for a medical re-  
8 view officer.

9           (2) DUTIES.—Each medical review officer shall  
10 be designated to receive all student drug test results.

11           (A) FIRST POSITIVE RESULT.—In the case  
12 of the first positive test result of a student, the  
13 medical review officer shall be responsible to in-  
14 form only parents of the results by making  
15 every attempt feasible to meet with the parents  
16 of such student and inform the parents of the  
17 results and resources and services of rehabilita-  
18 tion and education available in the community.

19           (B) CONSECUTIVE POSITIVE RESULTS.—In  
20 the case of a student who has 2 or more con-  
21 secutive positive test results, the medical review  
22 officer shall be responsible to inform parents  
23 and school officials who may determine the ap-  
24 propriate action for the student based on school  
25 policy.

1 **SEC. 6. DEFINITIONS.**

2 For purposes of this Act—

3 (1) the term “medical review officer” means a  
4 licensed physician (medical doctor or doctor of oste-  
5 opathy) responsible for receiving laboratory results  
6 generated by a local educational agency’s random  
7 drug testing program who has knowledge of sub-  
8 stance abuse disorders and has appropriate medical  
9 training to interpret and evaluate a student’s con-  
10 firmed positive test result together with the stu-  
11 dent’s medical history and any other relevant bio-  
12 medical information;

13 (2) the term “parent” includes a legal guardian  
14 or other person standing in loco parentis;

15 (3) the term “Secretary” means the Secretary  
16 of Education;

17 (4) the term “specially qualified agency” means  
18 a local educational agency, located in a State that  
19 did not receive a grant under this Act in a fiscal  
20 year, that applies directly to the Secretary for a  
21 grant in accordance with section 3(c) for such year;  
22 and

23 (5) the term “State” means each of the 50  
24 States, the District of Columbia, the Commonwealth  
25 of Puerto Rico, the United States Virgin Islands,  
26 American Samoa, and Guam.



1 **SEC. 7. AUTHORIZATION OF APPROPRIATIONS.**

2       There are authorized to be appropriated such sums  
3 as may be necessary to carry out this Act for each of fiscal  
4 years 2000 through 2004.

○