

Department of Legislative Services
Maryland General Assembly
2008 Session

FISCAL AND POLICY NOTE

Senate Bill 824 (Senator Conway)
Education, Health, and Environmental Affairs

Education - Alcohol and Drug Testing for Pupils in Public or Private Schools

This bill requires public and private schools to conduct drug tests for students in grades 9 through 12 for whom there is reasonable suspicion of unlawful alcohol or controlled dangerous substance use. Local boards of education and the governing boards of private schools have to provide adequate notice of the drug testing policies to the parents and guardians of every student in the school, and records of drug tests must be kept confidential. Students who test positive will be referred to school counselors, substance abuse professionals, or other appropriate school staff in order to develop individualized courses of treatment that support scholastic success and address the unlawful use of alcohol or drugs.

The bill takes effect July 1, 2008.

Fiscal Summary

State Effect: Any additional administrative responsibilities for the Maryland State Department of Education (MSDE) could be handled with existing personnel and resources.

Local Effect: Local school expenditures would increase by an estimated \$48,800 to \$243,800 annually beginning in FY 2009 to train school staff to conduct drug tests and to administer an estimated 3,000 drug tests each year (2,000 initial tests and 1,000 confirmation tests). School systems could also incur legal fees related to drug testing.
This bill imposes a mandate on a unit of local government.

Small Business Effect: Minimal. Private schools enrolling students in grades 9 through 12 would incur costs to test students suspected of using alcohol or drugs.

Analysis

Current Law: Public schools have to implement drug education programs that start before the sixth grade. If a student seeks information from a teacher, counselor, principal, or other professional educator to overcome drug abuse, the student's statement is not admissible against the student in any proceeding.

Background: A June 2002 U.S. Supreme Court ruling gave public schools added authority to test students for illegal drug use. In a document entitled *What You Need to Know About Drug Testing in Schools*, the Office of National Drug Control Policy notes that the purpose of testing is to prevent drug dependence and suggests that a decision about whether to drug test students should be left to individual communities and schools. The report concludes that "parents and communities must make sure appropriate resources are in place to deal with students who test positive" before implementing drug testing programs.

MSDE advises that the federal government has supported random drug testing of students involved in school athletic programs or other school-sponsored activities as long as the students and their parents and guardians provide written consent to participate in the program. MSDE also notes that funding under the federal Safe and Drug-Free Schools and Communities program may be used to drug test students. In Maryland some of the funding from this program is used to conduct student surveys, which have indicated a downward trend in the use of alcohol and drugs.

Local Expenditures: Local school expenditures for drug testing would increase by an estimated \$48,800 to \$243,800, depending on the testing method that is used. This estimate was calculated using the following information and assumptions.

- Each high school will incur costs of approximately \$100 for two or three school employees to be trained in drug testing methods. With approximately 188 public high schools in the State, costs will total an estimated \$18,800.
- The cost to perform a drug test ranges from approximately \$10 to \$75, depending on the type of test that is administered.
- There were 1,706 high school students suspended for possession or use of alcohol or drugs in the 2006-2007 school year. It is assumed that approximately 2,000 initial drug tests per year will be conducted at a cost of \$20,000 to \$150,000.

- Assuming half of these students test positive, costs for confirmation tests will total approximately \$10,000 to \$75,000.

These are ongoing expenses that will be incurred annually beginning in fiscal 2009. Additional and potentially more significant costs could be incurred for legal fees related to student drug testing. One school system in Maryland, Talbot County, reported two years ago that it was under a federal court order not to drug test students.

Additional Information

Prior Introductions: SB 241 of 2007, an identical bill, was heard by the Senate Education, Health, and Environmental Affairs Committee but no further action was taken. SB 756 of 2006, a nearly identical bill, received an unfavorable report from the same committee.

Cross File: None.

Information Source(s): Montgomery County, Garrett County, Maryland State Department of Education, Department of Health and Mental Hygiene, Baltimore City, Department of Legislative Services

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mam/mwc

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