

FIFTEENTH CONGRESS OF THE REPUBLIC)
OF THE PHILIPPINES)
First Regular Session)

OFFICE OF THE SECRETARY

10 AUG -7 P2:44

SENATE
S. No. 2244

RECEIVED BY: 

Introduced by Senator Miriam Defensor Santiago

EXPLANATORY NOTE

This bill seeks to require schools to develop and implement a random drug testing and counseling program for students in high school. Under this bill, fifty percent of the grants would be used to perform random drug tests of high school students whose parents consent and fifty percent would be used to provide counseling services to high school students who test positive. This measure provides that the test results go to the school and then the parents; law enforcement is barred from the results.

However, when there is a second positive result, test results should go to a medical review officer and then directly to parents, and that school officials should also be notified. The only way to have drug-free schools is to follow the successful program of the military and the workplace.¹


MIRIAM DEFENSOR SANTIAGO

¹ This bill was originally filed in the Thirteenth Congress, Third Regular Session.

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1 AN ACT
2 TO REQUIRE LOCAL EDUCATIONAL AGENCIES TO DEVELOP AND IMPLEMENT
3 RANDOM TESTING AND COUNSELING PROGRAM FOR STUDENTS IN HIGH
4 SCHOOL

Be it enacted by the Senate and the House of Representatives of the Philippines in Congress assembled:

5 SECTION 1. *Short Title.* - This Act shall be known as the "Parental Consent Drug
6 Testing and Counseling Act".

7 SECTION 2. *Definition of Terms.* - The following terms as used in this Act shall be
8 defined as follows:

- 9 (1) "Parent" includes a legal guardian or other person standing in loco parentis;
10 (2) "Secretary" refers to the Secretary of Education;

11 SECTION 3. *Grant Authorization.* -

12 (a) The Secretary is authorized to provide grants to schools to develop and
13 implement a random drug testing and counseling program authorized by parents for
14 students in high school that shall be conducted on school premises.

15 (b) Any school that wishes to receive a grant under this part for any fiscal year
16 shall submit an application to the Secretary at such time and in such manner as the
17 Secretary may require.

18 SECTION 4. *Allocation.* - The Secretary shall allocate the amount available among such
19 local government units on the basis of their relative populations of students in high school, as
20 determined by the Secretary on the basis of the most recent satisfactory data. The Secretary may

1 reserve the lesser of 0.10 percent (0.10%) of the total amount appropriated to carry out this Act
2 in each fiscal year for the costs of administration.

3 SECTION 5. *Requirements and Optional Activities.* -

4 (a) IN GENERAL, - Each school that receives a grant under this Act shall certify that:

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

6 (2) the school shall develop a plan to implement a drug testing and counseling
7 program; and

8 (3) before implementation, any drug testing and counseling plan or subsequent
9 amendment to such plan shall be considered a public document and made available to the
10 public for review, not later than 30 days after such plan or amendment is available.

11 (b) USES OF FUNDS- A school that receives a grant under this Act shall utilize such
12 funds to provide, either directly or through contract with outside sources, the following:

13 (1) 50 percent of funds allocated under this Act shall be used to perform drug
14 testing for each student in high school for which the school has received parental
15 permission, not less than once each year. Such testing shall, at a minimum, include a drug
16 screening for marijuana, amphetamines, phencyclidine (PCP), opiates, and cocaine.

17 (2) 50 percent of funds allocated under this Act shall be used to provide
18 counseling services to any high school student who receives a positive test result with
19 such services continuing during the school year until a parent withdraws permission [or
20 such counseling.

21 (c) TESTING REQUIREMENTS- A school that receives a grant under this Act shall
22 implement policies regarding drug testing as follows:

23 (1) In the case of any student who receives a positive drug test result for the first
24 time during that school year, an additional drug test shall be administered.

25 (2) In the case of any student who receives a second positive drug test result,
26 additional drug tests will be provided every 4 to 6 weeks until the parents of the student
27 withdraw permission for drug testing.

28 SECTION 6. *General Requirements.* -

1 (a) REPORTING OF TEST RESULTS- Each school that receives funds under this Act
2 shall inform parents in detail regarding the random testing program and the counseling program
3 to ensure that:

4 (1) at the beginning of each school year parents are notified of the option to enroll
5 their child in the random drug testing program and informed of the counseling program
6 and services offered through the program; and

7 (2) parents are notified, on a timely basis, regarding--

8 (A) the positive results of any drug test of their child who participates in
9 the program; and

10 (B) the refusal of their child to take a drug test or participate in the
11 counseling program, if applicable.

12 (b) CONFIDENTIALITY- The school shall develop and enforce standards designed to
13 protect the confidentiality of all student test results with the results of such tests released only to
14 the parents of a student. No other public or private entity may receive or have access to drug
15 testing results. No law enforcement agency shall have access to drug testing results. Local
16 government units shall develop policies dealing with violations of confidentiality.

17 SECTION 7. *Appropriations.* - Such sums as may be necessary for the initial
18 implementation of this Act shall be taken from the current appropriations of the Department of
19 Education (DepEd). Thereafter, the fund necessary to carry out the provisions of this Act shall be
20 included in the annual General Appropriations Act.

21 SECTION 8. *Separability Clause.* - If any provision of this Act is held invalid or
22 unconstitutional, the remainder of the Act or the provision not otherwise affected shall remain
23 valid and subsisting.

24 SECTION 9. *Repealing Clause.* - Any law, presidential decree or issuance, executive
25 order, letter of instruction, administrative rule or regulation contrary to or inconsistent with the
26 provisions of this Act is hereby repealed, modified or amended accordingly.

1 SECTION 10. *Effectivity Clause.* - This Act shall take effect fifteen (15) days after its
2 publication in at least two (2) newspapers of general circulation..

Approved,

/ptm05july2010