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PROGRAMS AND STRATEGIES TO PREVENT AND REDUCE DRUG USE



STUDENT DRUG-TESTING COALITION
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Supreme Court rules Tecumseh School District student random drug-testing policy is reasonable

June 27, 2002. The U. S. Supreme Court, in a 5-4 ruling in the case of Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., held that Tecumseh's policy of random (suspicionless) testing of students involved in extra-curricular activities "is a reasonable means of furthering the School District's important interest in preventing and deterring drug use among its schoolchildren and does not violate the Fourth Amendment." It also stated that "the reasonableness inquiry cannot disregard the schools' custodial and tutelary responsibility for children." The Court emphasized throughout the opinion that "the Policy effectively serves the School District's interest in protecting its students' safety and health." As anticipated, the Court applied Vernonia's (1995) principles in considering the constitutionality of the Tecumseh case.

In addressing the issue that a school district "must demonstrate that there is an identifiable drug abuse problem among a sufficient number of those subject to testing . . .", the ruling states "we refuse to fashion what would in effect be a constitutional quantum of drug use necessary to show a drug problem." The Court further stated ". . .the need to prevent and deter the substantial harm of childhood drug use provides the necessary immediacy for a school testing policy." The Court, however, did state that "some showing of a problem does shore up an assertion of a special need for a suspicionless general search program."

Of note were key policy/program elements referred to in the ruling that made an impact on the ruling and should be considered when creating and implementing a student drug-testing policy.

These elements have been a part of proven workplace drug testing practices and standards for a number of years and consist of: a) emphasis on safety & health; b) establishing specific and strict confidentiality procedures such as keeping drug-testing records separate from other records; c) release of information on a strict "need to know" basis only; d) test result actions do not include law enforcement involvement; e) no requirement to report medications taken to anyone other than the testing laboratory in confidence; f) using proven test collection procedures, including chain of custody documentation; and g) minimal intrusion during collection process. Specific to

student testing, the Court took note that in Tecumseh's policy there are no academic consequences or disciplinary measures beyond disqualification from activity participation.

The 39-page ruling (pdf file) is available at this web site or at the Supreme Court web site [Bd. of Educ. ISD #92 of Pottawatomie v. Earls, et al. # 01-332].