

The following paper was written by David G. Evans, Esq., Executive Director of the Drug-free Schools Coalition and a leading member of the National Student Drug-Testing Committee. Mr. Evans also authored a successful amicus curiae brief submitted to the Supreme Court in a landmark case that expanded random student drug testing coverage to all students in extra-curricular activities (Board of Educ. Of Independent School Dist. No. 92 of Potawatomie County, petitioner v. Earls, et al., which may be found on this web site).

STUDENT DRUG TESTING WORKS

Recently, the United States Supreme Court came out with a common sense ruling in favor of student drug testing. The Court decided that the health and safety of schools and students outweighed a individual student's minimal privacy interest when it comes to drug testing. The Court upheld a school drug testing program that permitted random testing of students in athletics and extracurricular activities such as clubs. The Court spoke of the drug use "epidemic" that is destroying the lives of thousands of children a year and wreaking havoc with their families. In the face of this destruction, the Court said that it is reasonable to use drug testing to deter drug use as we do in the military, workplace, criminal justice system, and professional athletics.

When drugs invade a school, threatening the safety of students and disturbing the orderly learning environment, the school's interest in ridding the school of drugs outweighs the privacy interests of students. The school years are a critical passage in a young person's life. While in school, children face the challenge of learning in the academic, social, physical, and emotional realms. When drugs infect a school it cripples the learning process. Children become casualties. The physical and psychological effects of drug and alcohol use can cause lifelong and profound losses. Substance use decreases a child's chances of graduation and academic success.

Researchers continually report statistics demonstrating that student drug and alcohol use is at a dangerous level. For example, the National Center on Addiction and Substance Abuse (CASA) at Columbia University in New York City reports that for the last six years school children in the USA have listed drugs as the most important problem they face.

A 1997 CASA survey revealed that high school students see more drug deals at school than in their neighborhoods. In the survey, 76% of high school students claim that drugs are kept, used or sold on school grounds. In addition, 29% of high school students claim that a student in their school died from a drug or alcohol-related incident in the past year.

CASA also reports that substance abuse adds at least \$41 billion dollars to the costs of elementary and secondary education in terms of special education, teacher turnover, truancy, property damage, injury, counseling, and other costs.

According to a study in the Journal of the American Medical Association, students who use drugs are more likely to bring guns and knives to school leading to school violence. According to the New Jersey Department of Education report, assaults are up 30% with school staff as victims in 19% of the cases.

Random drug testing is intended to give schools a stronger weapon to get drugs out of schools. School drug testing programs are a proven low cost method to win the fight for our children's future. Consider the results of random drug testing of athletes at Hunterdon Central Regional High School in Flemington, New Jersey, USA. After two years of testing they experienced a decline in 20 of 28 categories of drug use in the whole student population. Studies in Oregon and Indiana in the USA also show substantial reductions in drug use due to testing (look at "effectiveness" section at: www.studentdrugtesting.org).

The critics of testing claim that giving drug tests to students who participate in extracurricular activities will make the activities less attractive to students. They claim that by having less participation in extracurricular activities that students will choose to participate in drug related behavior. While it is true that extracurricular activities help students to lead a positive life, there is no evidence that there is a drop off in participation because of drug testing. In fact, students report that drug testing gives them a reason to say "no" to drugs. We must remember that the majority of kids do not use drugs!!!

The Court based its reasoning, in part, on the fact that these extracurricular activities are voluntary. If students wish to avoid a drug test, they can do so easily by not participating in these activities. We want students to make choices such as "do I use a drug or do I stay on the football team?" Our experience is that students choose the extracurricular activity over the drug. During the first year of random testing, the Hunterdon Central football team won the state championship. The coaches reported that the students were doing better in practice and the students reported that drug testing gave them the opportunity to avoid drug parties.

Some critics say that extracurricular activities are a requirement to get into college and students should not be forced to choose between extracurricular activities and their beliefs about their privacy. School-based extracurricular activities are not needed to get into college. There are many activities outside of school such as athletics, plays, competitions like chess clubs, or service work.

Student testing should also include alcohol, although there is less need for alcohol testing because it is usually apparent when someone is under the influence of alcohol which is not always the case with drug use.

The goals of random drug testing are to deter drug use, and if a student is detected as using drugs, to offer education and treatment to the student. The goal is not to punish students. This was specifically noted by the Supreme Court in approving such programs.

Student confidentiality is protected by two important federal laws. The first is the Family Educational Rights and Privacy Act which prohibits student records from being released, including drug and alcohol testing results, without the consent of the parents or if the student is 18, without the student's consent (20 U.S.C. 1232g). Student treatment records are protected by the federal Alcohol and Drug Patient Regulations that carry federal criminal penalties for improperly releasing information (42 CFR Part 2).

Drug testing is not the final solution. Certainly we need to continue efforts at education and resolving our cultural problem with drugs. Drug testing only works when included in treatment and education.

For every student who claims that privacy is violated by having to take a drug test, we can show you parents who have buried their children because of drugs. Our schools must be allowed to fulfill their mission of educating students and protecting their health and safety. Drug testing is a valuable tool in achieving these goals.

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The Drug-Free Schools Coalition is an organization of school administrators, teachers, counselors, parents, and students dedicated to helping schools become drug and alcohol-free.