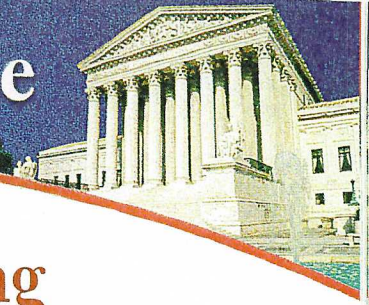


Supreme Court Cases to Debate



Does Mandatory Drug Testing Violate Students' Civil Rights?

Board of Education of Pottawatomie County v. Earls, 2002

The Fourth Amendment protects against “unreasonable searches.” Is a school policy that requires drug testing for extracurricular activities an “unreasonable search”?

Facts of the Case

In the fall of 1998, the Pottawatomie school district in Oklahoma said that there would be random drug testing for any middle or high school student who wanted to participate in extracurricular activities. Lindsay Earls, a National Honor Society student active in many such activities, objected. She and her family sued, saying the drug tests violated her constitutional right against unreasonable searches. The U.S. District Court dismissed her challenge, but the U.S. Court of Appeals for the Tenth Circuit reversed that decision. It stated that before setting up a “suspicionless” drug test program, the school must show there is a drug abuse problem among those to be tested so that the testing would actually address the problem. The Supreme Court agreed to review the case.

The Constitutional Question

In a previous case, *Vernonia School District v. Acton* (1995), the Supreme Court upheld a policy under which a school randomly tested high school athletes for drug use. The Court found that the Vernonia policy was “reasonable.” Student athletes faced exceptional temptations to take steroids. Furthermore, the Court ruled that student athletes had already given up much of their privacy because of physicals and medical testing they must undergo.

Attorneys for the Pottawatomie school district argued that it is legal to test students who participate in extracurricular activities. Those students represent the school in competition in the same way sports teams do. The policy is a “natural, local, rational” application of the principles in the *Vernonia* case.

Attorneys for the Earls argued that such testing is against the Fourth Amendment. They also argued that the school board failed to identify a special need for testing students who participate in extracurricular activities. Furthermore, the drug testing policy “neither addresses a proven problem nor promises to bring any benefit to students or the school.”

Debating the Issue

Questions to Consider

1. Does mandatory drug testing deter drug use? Explain.
2. Define “suspicionless testing” in your own words.
3. If you are tested based on what others think you are taking, is this an “improper search and seizure”?

You Be the Judge

In your opinion, did the school board's policy violate the ban on unreasonable searches? Explain.

Lindsay Earls with an attorney ▶

