



## DPS TRAINING BULLETIN

LEGAL BULLETIN NO. 258

July 11, 2002

### MANDATORY DRUG TESTING OF STUDENTS PARTICIPATING IN EXTRACURRICULAR ACTIVITIES

#### Reference:

Board of Education  
of Independent School  
District No. 92 of  
Pottawatomie County et al.  
v.  
Lindsay Earls et al.

United States Supreme Court  
No. 01-332  
\_\_\_\_\_ U.S. \_\_\_\_\_  
June 27, 2002

#### FACTS:

Pottawatomie County School District in Oklahoma implemented a policy that required all students participating in competitive extracurricular activities to consent to drug testing. Teachers had seen students who appeared to be under the influence of drugs and heard them speak openly about using drugs. Drugs were found in the car of a student and a drug dog found marijuana cigarettes in the school parking lot.

Implicit with the policy was that test results were not to be turned over to law-enforcement authorities. A failed drug test would limit a student's privilege of participating in extracurricular activities. After a positive test, the school would meet with the parents and the student could continue to participate in the activities if the student enrolled in drug counseling. If tested positive a second time, the student would be suspended from participating for a 14-day period and would be required to successfully complete a substance abuse program before being allowed to continue in extracurricular activities. A third positive test would result in the student being

suspended from the activity (not school) for the rest of the school year.

Earls and other students, who were members of such student groups as Future Farmers of America, Future Homemakers of America, cheerleaders and the school choir, complained that the policy was unfair and violated the Fourth Amendment. They argued that they should not be treated the same as those students who participate in the school's athletic program.

**ISSUE:**

Is the school district's drug policy a reasonable means of furthering the district's important interest in preventing and deterring drug use among its school children?

**HELD:** Yes--it does not violate the Fourth Amendment.

**REASONING:**

1. In the context of safety and administrative regulations, a search unsupported by probable cause may be reasonable when "special needs, beyond the normal need for law enforcement, make the warrant and probable-cause requirement impracticable." (Citing Griffin v. Wisconsin, search of probationer's residence--Legal Bulletin No. 114)

2. A finding of individualized suspicion may not be necessary when a school conducts drug testing.

3. Given the nationwide epidemic of drug use and the evidence of increased drug use in the district schools, it was entirely reasonable for the school district to enact this particular drug-testing policy.

4. Given the minimally intrusive nature of the sample collection and the limited uses to which the test results are put, the invasion of students' privacy is not significant.

**NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:**

Add this case to Section B, "Consent," and Section N, "Probation Officer and Private Person Searches," of your Contents and Text. File Legal Bulletin No. 258 numerically under Section R of the manual.

**The Cover Page, Acknowledgments, Foreword, Table of Contents, Text and Case Law Citations Index have recently been revised and may be reviewed and/or printed from the Alaska Police Standards Council website:**

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