



HELD: No.

REASONING:

1. A search unsupported by probable cause can be constitutional when special needs, beyond the normal need for law enforcement, make the warrant and probable-cause requirement impracticable. Special needs exist in the public school context. (emphasis added)

2. The policy in this case was undertaken in furtherance of the government's responsibilities, under a public school system, as guardian and tutor of children entrusted to its care.

3. While school children do not shed their constitutional rights at the schoolhouse gate, students within the school environment have a lesser expectation of privacy than members of the population generally.

NOTES:

The court also addressed the privacy issue regarding the collection of the urine samples and concluded that the method used by the school district provided adequate privacy for the students.

The court also cited the following cases:

New Jersey v. T.L.O., Legal Bulletin No. 90--Fourth Amendment applies to public schools.

O'Connor v. Ortega, Legal Bulletin No. 111--government search of employee was reasonable.

Griffin v. Wisconsin, Legal Bulletin No. 114--justifies warrantless search of probationer's residence without probable cause.

Skinner v. Railway and Treasury Employees v. Von Rab, Legal Bulletin No. 129--government compelled collection and testing of urine subject to reasonableness test.

Michigan v. Sitz, Legal Bulletin No. 144--road block reasonable for detection of drunk drivers.

Review of the following Alaska cases is also recommended:

D.R.C. v. State, Legal Bulletin No. 58--search of student by teachers.

Ludtke v. Nabors Drilling, Legal Bulletin No. 129--drug testing by private employer.

NOTE TO SUBSCRIBERS TO THE ALASKA LEGAL BRIEFS MANUAL:

Add this case to Section B, "Consent," and Section N, "Warrantless Searches Conducted by Probation Officers or Private Persons," of your Contents and Text. File Legal Bulletin No. 191 numerically under Section R of the manual.