

The Bill of Rights in Action: Landmark Supreme Court Cases
Document Set D
Board of Education v. Earls (2002)



Facts of the Case

The Student Activities Drug Testing Policy adopted by the Tecumseh, Oklahoma School District (School District) requires all middle and high school students to consent to urinalysis testing for drugs in order to participate in any extracurricular activity. Two Tecumseh High School students and their parents brought suit, alleging that the policy violates the Fourth Amendment. The District Court granted the School District summary judgment. In reversing, the Court of Appeals held that the policy violated the Fourth Amendment. The appellate court concluded that before imposing a suspicion less drug-testing program a school must demonstrate some identifiable drug abuse problem among a sufficient number of those tested, such that testing that group will actually redress its drug problem, which the School District had failed to demonstrate.

Question

Is the Student Activities Drug Testing Policy, which requires all students who participate in competitive extracurricular activities to submit to drug testing, consistent with the Fourth Amendment?

Conclusion

Yes. In a 5-4 opinion delivered by Justice Clarence Thomas, the Court held that, because the policy reasonably serves the School District's important interest in detecting and preventing drug use among its students, it is constitutional. The Court reasoned that the Board of Education's general regulation of extracurricular activities diminished the expectation of privacy among students and that the Board's method of obtaining urine samples and maintaining test results was minimally intrusive on the students' limited privacy interest. "Within the limits of the Fourth Amendment, local school boards must assess the desirability of drug testing schoolchildren. In upholding the constitutionality of the Policy, we express no opinion as to its wisdom. Rather, we hold only that Tecumseh's Policy is a reasonable means of furthering the School District's important interest in preventing and deterring drug use among its schoolchildren," wrote Justice Thomas

Source: The Oyez Project, Board of Education v. Earls, 536 U.S. 822 (2002), available at: http://www.oyez.org/cases/2000-2009/2001/2001_01_332

Syllabus

SUPREME COURT OF THE UNITED STATES

BOARD OF EDUCATION OF INDEPENDENT SCHOOL DISTRICT NO. 92 OF POTTAWATOMIE COUNTY et al. v. EARLS et al.

CERTIORARI TO THE UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT

No. 01—332. Argued March 19, 2002—Decided June 27, 2002

The Student Activities Drug Testing Policy (Policy) adopted by the Tecumseh, Oklahoma, School District (School District) requires all middle and high school students to consent to urinalysis testing for drugs in order to participate in any extracurricular activity. In practice, the Policy has been applied only to competitive extracurricular activities sanctioned by the Oklahoma Secondary Schools Activities Association (OSSAA). Respondent high school students and their parents brought this 42 U.S. C. §1983 action for equitable relief, alleging that the Policy violates the Fourth Amendment. Applying *Vernonia School Dist. 47J v. Acton*, 515 U.S. 646, in which this Court upheld the suspicionless drug testing of school athletes, the District Court granted the School District summary judgment. The Tenth Circuit reversed, holding that the Policy violated the Fourth Amendment. It concluded that before imposing a suspicionless drug testing program a school must demonstrate some identifiable drug abuse problem among a sufficient number of those tested, such that testing that group will actually redress its drug problem. The court then held that the School District had failed to demonstrate such a problem among Tecumseh students participating in competitive extracurricular activities.

Held: Tecumseh’s Policy 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. Pp. 4–14.

(a) Because searches by public school officials implicate Fourth Amendment interests... the Court must review the Policy for “reasonableness,” the touchstone of constitutionality. In contrast to the criminal context, a probable cause finding is unnecessary in the public school context because it would unduly interfere with maintenance of the swift and informal disciplinary procedures that are needed ... Pp. 4–6.

(b) Considering first the nature of the privacy interest allegedly compromised by the drug testing...the Court concludes that the students affected by this Policy have a limited expectation of privacy ...Pp. 6–8.

(c) Considering next the character of the intrusion imposed by the Policy ... the Court concludes that the invasion of students’ privacy is not significant, given the minimally intrusive nature of the sample collection and the limited uses to which the test results are put ... Pp. 8–10.

(d) Finally, considering the nature and immediacy of the government’s concerns and the efficacy of the Policy in meeting them...the Court concludes that the Policy effectively serves the School District’s interest in protecting its students’ safety and health... Given the nationwide epidemic of drug use, and the evidence of increased drug use in Tecumseh schools, it was entirely reasonable for the School District to enact this particular drug testing policy. Pp. 10–14.

Source: 242 F.3d 1264, reversed.