J udges in the Classroom

Drug Testing In Schools – Take A Stand

Source:

Adapted from lesson written by Street Law, Inc. by the Institute for Citizen Education in the Law, Seattle, WA. Staff at the Washington State Administrative Office of the Courts (AOC) updated the lesson in 2012. For more information, contact AOC Court Services, 1206 Quince Street SE, PO Box 41170, Olympia, WA 98504-1170. For an electronic copy of this lesson, or to view other lesson plans, visit Educational Resources on the Washington Courts Web site at: www.courts.wa.gov/education/.

Objectives:

1. Students will express their opinions about drug testing in schools.
2. Students will examine arguments in favor of, and against, drug testing in schools.
3. Students will consider and discuss consequences of a policy for or against drug testing in schools.

Grade Level:

Grades 8-12

Time:

One class period (approximately 50 minutes)

Materials:

None needed

Procedures:

1. Begin the class by introducing yourself to the students, and telling a little bit about what you do, if this is your first class.

2. Tell students they will have an opportunity to "take a stand" on the issue of drug testing in schools. Write the following statement on the board: "Drug testing should be allowed in schools." Draw a line underneath, with polar positions printed at each end of the line. For example:

   Drug testing should be allowed in schools.

   Strongly in favor ------------------ Strongly against
3. **Give students a few minutes to decide** individually where their opinion about the statement "Drug testing should be allowed in schools" falls on the spectrum. Ask them to think of at least two reasons why they feel as they do.

4. **Ask approximately 10 students** to go up to the board and take a stand along the line at the point that corresponds with their opinion. Explain that if they are undecided, they should stand in the middle. (Remind them that even the "undecideds" should have a reason for why they are undecided.)

5. **Once students are arranged along the continuum**, ask them to clarify their position. Probe them for what exactly they mean. For example, ask those at the "strongly in favor" end whether they think everyone should be tested, or only those who act suspiciously. Or, are there some groups, like student athletes, students participating in extra-curricular activities, or students with disciplinary histories, who should be randomly tested? Do those at the other end think no one should ever be tested, in any circumstances?

As students describe their positions, fill in the positions along the line with more descriptive words. For example:

<table>
<thead>
<tr>
<th>Strongly in favor</th>
<th>Strongly against</th>
</tr>
</thead>
<tbody>
<tr>
<td>Test everyone</td>
<td>Never test</td>
</tr>
<tr>
<td>Random testing of everyone</td>
<td>Test suspicious only</td>
</tr>
</tbody>
</table>

6. **As students clarify and describe their positions**, tell them that they are free to move to the point along the line that most accurately describes their opinion, and that it is okay to change positions, as they listen to each other.

7. **At this point, ask students to give reasons** for their opinions. Encourage discussion from the rest of the class by asking if anyone else in the class supports that position, and if they have any additional reasons to support that view. Again, encourage students to move if they are swayed by arguments given by other students. Encourage a dialogue between students at either end of the continuum, and with students sitting down. To encourage serious consideration of opposing points of view, ask students what argument opposite from theirs is most persuasive or makes them think twice. Spend about 25 minutes on this activity.

8. **Ask the students to sit down**. Continue the discussion by asking about consequences of different positions along the continuum. For example, what would happen if schools decided to test all students for drugs? Would drug use be reduced?

9. **If time permits**, have students write a paragraph about their position and reasons.


The outcome is different for students living in other states, since the U.S. Supreme
Court decided in *Board of Education of Independent School Dist. No. 92 v. Earls*, 122 S.Ct. 2559 (2002), that the U.S. Constitution permits a school to require all middle and high school students to consent to urinalysis drug testing in order to participate in any extracurricular activity.

The US Supreme Court expanded the *Vernonia* ruling which permitted school policies that required student athletes to consent to drug testing prior to playing on a school team. *Vernonia v. Acton*, 515 U.S. 646 (1995). In the *Vernonia* case, James Acton, who was a seventh grader during the 1991-92 school year, applied to be on football team. He was given a drug-test consent form for him and his parents to sign. This was done for every student trying out for sports. No one suspected James of using drugs. He and his parents refused to sign the form, and he was then suspended from interscholastic athletics. The Actons sued the school district. However, the Supreme Court ruled against the Actons, stating that students have a reduced expectation of privacy and should expect intrusions on their normal rights and privileges when they choose to participate in high school athletics. The Court used a balancing test. It weighed the students' privacy interests against the interests of the school district in providing a drug-free environment. The Court also pointed out the athletes regularly change clothes in front of each other and can expect to have less privacy. Because the Actons had also claimed that the drug testing violated the Oregon constitution, the U.S. Supreme Court sent the case back to the circuit court to decide whether the testing program violates the search and seizure protections of the Oregon constitution.

Ask students which decision they agree with and why. They may be interested to know why the Washington State Constitution can grant greater constitutional rights than the U.S. Supreme Court. Remind students that the U.S. Constitution sets the minimum and states are free to provide greater rights, as Washington State did in this area.