**Drug Testing in School Case History**

In *Vernonia v. Acton*, 515 U.S. 646 (1995), the Court ruled that the Fourth Amendment permitted a school policy that prevented students from participating in interscholastic sports unless they agree to random drug testing. In this 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.

In *Willis v. Anderson Community School Corporation*, 158 F.3d 415 (7th Cir. Ind. 1998), a federal circuit court ruled that a policy allowing drug testing for any high school student who is suspended for fighting to be a violation of the 4th Amendment, and indicated that a suspicion based system was required for drug testing occasioned by fighting.

In *Todd v. Rush County Sch.*, 139 F. 3d 571 (7th Cir. Ind. 1998), cert. denied, *Todd v. Rush County Sch.* 142 L. Ed. 2d 53 (1998), the 7th Circuit Court of Appeals upheld a drug testing program under which all students who wish to participate in extracurricular activities must consent to random and suspicionless urine testing for alcohol, unlawful drug, and cigarette usage. Extracurricular activities include athletic teams, Student Council, Foreign Language Clubs, Fellowship of Christian Athletes, Future Farmers of America Officers and the Library Club. The court indicated that the linchpin of this drug testing program is to protect the health of the students involved. The court stated, "the plague of illicit drug use which currently threatens our nation's schools adds a major dimension to the difficulties the schools face in fulfilling their purpose--the education of our children. If the schools are to survive and prosper, school administrators must have reasonable means at their disposal to deter conduct which substantially disrupts the school environment."