

The Effectiveness and Legality of Random Drug Testing Policies

By

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## Introduction

Despite some recent progress in combating adolescent drug and alcohol use among students, research indicates that drug and alcohol use remain chronic problems among the nation's teenagers. American schools are involved in a number of education and prevention programs aimed at reducing drug and alcohol use. Random drug testing of students in public schools is one drug prevention/deterrence program that schools have employed across the country. However, little or no research has been conducted on whether random drug testing policies are effective. Does the implementation of a random drug testing program result in a reduction of drug and alcohol use among high school students?

The purpose of this study was to examine the effectiveness of a mandatory, random, suspicionless drug testing policy. The study also examines the constitutionally based case law that is the backdrop to random drug testing policies. Traditional legal research and survey research were employed in this study.

## Legal Background

Random drug testing policies are controversial and have been the subject of numerous lawsuits being brought by parents and students. Courts have recognized that drug use by school students is a compelling national concern and that deterring such use is a matter of substantial importance. Courts have acknowledged that student drug and alcohol use affects not only the user himself, but also all members of the student body and faculty, and disrupts the educational process. The U.S. Supreme Court ruled that testing of student athletes is constitutional. (*Veronia School District 47J v. Acton*, 515 U.S.646 (1995).

Recently in a 5-4 decision the U.S. Supreme Court held that a mandatory random drug testing program for all students participating in extracurricular activities was a reasonably effective means of meeting the school district's legitimate concerns regarding detecting, determining and preventing illegal drug use by students. (*Board of Education of Independent School District No. 92 of Pottawatomie County, Oklahoma v. Earls*, 122 S.Ct. 2559 (2002).

The Indiana Court of Appeals ruled that random drug testing policies for students were unconstitutional under the Indiana Constitution in August 2000. (*Linke v. Northwestern Sch. Corp.*, 734 N.E. 2d 252 (Ind. Ct. App. 2000). Drug testing policies were challenged by the Indiana Civil Liberties Union. All Indiana schools halted their random drug testing programs after the decision and waited for a decision by the Indiana Supreme Court. The Indiana Supreme reversed the appellate court in the summer of 2002 and school districts in Indiana have reinstated their programs or are considering implementing random drug testing programs.

## Methodology

A list of high schools with random drug testing policies was created. Ninety-four high schools were identified as possibly implementing random drug testing policies. The survey instrument was the subject of a pilot study with high school and assistant high school principals.

83 high school principals responded to the survey. Twelve principals indicated that they did not have a drug testing policy before the Indiana Appellate Court decision. 71 high schools did have a policy. Principals were asked to compare drug and alcohol activity during the 1999-2000 school year when drug testing policies were in effect with the 2000-2001 school year when schools were not allowed to continue with their random drug testing policies.

## Results

1. 85% of the high school principals reported an increase in either drug usage or alcohol usage among their students after the drug testing program was stopped, compared to the 1999-00 school year (when they had a drug testing plan implemented).  
80% reported an increase in illicit drug usage during the 2000-01 school year compared to the previous year.  
59% reported an increase in alcohol usage during the 2000-01 school year compared to the previous year.
2. 83% reported their answers concerning the increase in drug and alcohol usage was based on information received directly from students.  
79% said their answers were based on information from teachers and staff.  
59% said information came from law enforcement.  
23% said information came from formal surveys of students at the school.
3. 78% of the principals reported that there was an increase (compared to the 1999-00 year) in the number of students who came forward and told them that drug and alcohol usage was on the rise since the drug-testing program was stopped.
4. Principals reported that last year 352 students were either suspended or expelled for drug or alcohol related incidents during the 1999-2000 school year.  
Principals reported that during the 2000-2001 year (at the time they returned the survey, May 2001) without the drug-testing program that there were 518 drug or alcohol related suspensions/expulsions.  
(This number actually increased according to final IDOE report). A t-test was performed and the results indicate that there was a statistically significant increase from last year to this year ( $t=2.9, df=58, p < .01$ ).
5. 55% of the principals reported that coaches either indicated to them that they had received information that student athletes were involved in more incidents of drinking during the 1999-00 year without the drug-testing program.  
57% reported the same regarding the use of drugs by student athletes.  
97% of the drug testing programs included student athletes.
6. 89% of the principals believe that the drug-testing program undermines the effects of peer pressure by providing a legitimate reason to refuse to use illegal drugs and alcohol.

7. There was no statistically significant difference in the increase in drug and alcohol usage based on the size or location of the high school. In other words, all high schools, regardless of size or location, were impacted by the increase.
8. There was a moderate correlation between the largest percentage increases in drug and alcohol related expulsions and suspensions and large rural schools.

### Importance of the Study

Random drug testing policies appear to provide a strong tool for schools to use in the battle to reduce alcohol and drug usage among teens. Yet, there are several legal, financial, educational, and privacy issues that must be considered by schools that want to implement or continue random drug testing policies. While the legal debate will continue over drug testing in schools, this study does show that random drug testing policies are effective in reducing the temptation to use drugs and alcohol.

### References

Vernonia School District 47J v. Action, 515, U.S. 646 (1995).

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1999 National Household Survey, <http://www.samhsa.gov/>.