

**Making  
Sense of  
Student**

**Drug  
Testing**

**Why Educators  
are Saying **No****

# Making Sense of Student Drug Testing Why Educators are Saying No

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Written by Fatema Gunja, Alexandra Cox,  
Marsha Rosenbaum, PhD and Judith Appel, JD



85 Willow Street  
New Haven, CT 06511  
[www.aclu.org/drugpolicy](http://www.aclu.org/drugpolicy)

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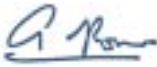
**THE DRUG POLICY ALLIANCE** is the nation's leading organization working to end the war on drugs and promote new drug policies based on science, compassion, health, and human rights.

## FOREWORD

For the safety and well being of young people, it is crucial to develop programs that effectively address drug use. To succeed, these programs must be grounded in research, compassion, and health. They must also promote trust and honest dialogue between adults and young people.

The authors of this booklet, the Drug Policy Alliance and the American Civil Liberties Union, have analyzed, researched, and litigated student drug testing for many years. We have listened to the experts – from the American Academy of Pediatrics and the American Public Health Association to hundreds of concerned educators, parents, and students across the country. **The experts agree, and the evidence is clear: random drug testing does not effectively reduce drug use among young people.**

This booklet demonstrates the key flaws in random student drug testing as well as the components of promising alternatives. We hope it informs your decisions about how best to address drug use among young people in your community.



**Anthony D. Romero**  
Executive Director  
American Civil Liberties Union



**Ethan Nadelmann**  
Executive Director  
Drug Policy Alliance



## EXECUTIVE SUMMARY

Comprehensive, rigorous, and respected research shows that there are many reasons why random student drug testing is not good policy:

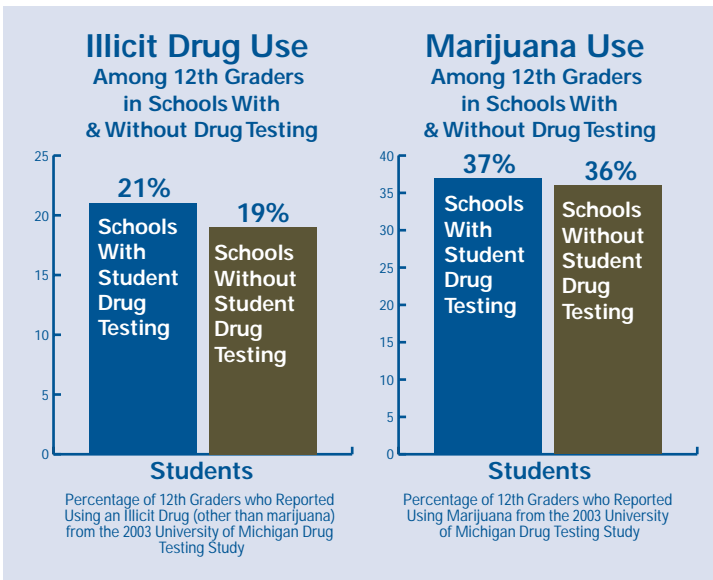
- Drug testing is not effective in deterring drug use among young people;
- Drug testing is expensive, taking away scarce dollars from other, more effective programs that keep young people out of trouble with drugs;
- Drug testing can be legally risky, exposing schools to potentially costly litigation;
- Drug testing may drive students away from extracurricular activities, which are a proven means of helping students stay out of trouble with drugs;
- Drug testing can undermine relationships of trust between students and teachers and between parents and their children;
- Drug testing can result in false positives, leading to the punishment of innocent students;
- Drug testing does not effectively identify students who have serious problems with drugs; and
- Drug testing may lead to unintended consequences, such as students using drugs that are more dangerous but less detectable by a drug test, and learning the wrong lessons about their constitutional rights.

There *are* alternatives to drug testing which emphasize education, discussion, counseling, extracurricular activities, and build trust between students and adults.

# RANDOM DRUG TESTING DOES NOT DETER DRUG USE

## Largest National Study Shows Drug Testing Fails

The first large-scale national study on student drug testing found no difference in rates of drug use between schools that have drug testing programs and those that do not.<sup>1</sup> Based on data collected between 1998 and 2001 from 76,000 students nationwide in 8<sup>th</sup>, 10<sup>th</sup>, and 12<sup>th</sup> grades, the study found that drug testing did not have an impact on illicit drug use among students, including athletes.



Dr. Lloyd D. Johnston, an author of the study, directs *Monitoring the Future*, the leading survey by the federal government of trends in student drug use and attitudes about drugs. According to Dr. Johnston, “[The study] suggests that there really isn’t an impact from drug testing as practiced...I don’t think it brings about any constructive changes in their attitudes about drugs or their belief in the dangers associated with using them.”<sup>2</sup>

Published in the April 2003 *Journal of School Health*, the study was conducted by researchers at the University of Michigan and funded in part by the National Institute on Drug Abuse.

The strongest predictor of student drug use, the study's authors note, is students' attitudes toward drug use and their perceptions of peer use. The authors recommend policies that address "these key values, attitudes, and perceptions" as effective alternatives to drug testing.<sup>3</sup> The results of the national study are supported by numerous surveys and studies that examine the effectiveness of different options for the prevention of student drug misuse.<sup>4</sup>

Set against the evidence from this national study and expert opinion, a handful of schools claim anecdotally that drug testing has reduced drug use. The only formal study to claim a reduction in drug use was based on a snapshot of six schools and was suspended by the federal government for lack of sound methodology.<sup>5</sup>



## WHO SAYS NO TO RANDOM DRUG TESTING?

There has been a groundswell of opposition to random drug testing among school officials, experts, parents, and state legislatures.

### School Officials and Parents Say No to Drug Testing

**We stopped testing because “we didn’t think it was the deterrent that we thought it would be...we didn’t think it was as effective with the money we spent on it.”<sup>6</sup>**

– Scott Dahl, Vice President of School Board in Guymon, Oklahoma

**We decided not to drug test because “it’s really a parental responsibility...it is not our job to actually test [students].”<sup>7</sup>**

– Harry M. Ward, Superintendent in Matthews County, Virginia

**“The concerns of parents [in opposing a student drug testing proposal] have ranged from the budgetary issues to losing our focus on education to creating a threatening environment.”<sup>8</sup>**

– Laura Rowe, President of Band Aids, parent association of the HS band program in Oconomowoc, Wisconsin

**“We object to the urine-testing policy as an unwarranted invasion of privacy. We want schools to teach our children to think critically, not to police them.”<sup>9</sup>**

– Hans York, Parent and Deputy Sheriff in Wahkiakum, Washington

**“I would have liked to see healthy community participation that stimulates thoughtful interaction among us. Instead, this [drug testing] policy was steamrolled into place, powered by mob thinking.”<sup>10</sup>**

– Jackie Puccetti, Parent in El Paso, Texas

### Educators and School Officials

The majority of school officials – including administrators, teachers, coaches, school counselors, and school board members – have chosen not to implement drug testing programs. They object to

drug testing for a variety of reasons, including the cost of testing, the invasion of privacy, and even the unfair burden that student drug testing places on schools, with their concerns rooted in knowledge and experience about students. For many educators and school officials, drug testing simply fails to reflect the reality of what works to establish safe school environments.

## Experts

**“Social workers, concerned with a child’s well-being, question whether [drug testing] will do more harm than good...What is most effective in keeping kids away from drugs and alcohol are substance abuse prevention programs based on scientific research.”<sup>11</sup>**

– Elizabeth J. Clark, PhD, ACSW, MPH  
*Executive Director of the National Association of Social Workers*

**In regards to drug testing, “what was once a tool to help physicians diagnose and treat substance abuse has been extended for non-medical uses... This testing, however has been frequently mistaken as the method, rather than as an aide, for detecting substance abuse.”<sup>12</sup>**

– Policy Statement of the American Academy  
*of Child & Adolescent Psychiatry*

**The Oklahoma policy “falls short doubly if deterrence is its aim: It invades the privacy of students who need deterrence least, and risks steering students at greater risk for substance abuse away from extracurricular involvement that potentially may palliate drug problems.”<sup>13</sup>**

– Supreme Court Justice Ruth Bader Ginsburg’s  
*Dissenting Opinion in the Earls Decision*

Physicians, social workers, substance abuse treatment providers, and child advocates agree that student drug testing cannot replace pragmatic drug prevention measures, such as after school activities. Many prominent national organizations representing these groups have come forward and opposed drug test-



ing programs in court. These groups include the American Academy of Pediatrics, the National Education Association, the American Public Health Association, the National Association of Social Workers, and the National Council on Alcoholism and Drug Dependence. These experts stated: “Our experience – and a broad body of relevant research – convinces us that a policy of [random student drug testing] *cannot* work in the way it is hoped to and will, for many adolescents, interfere with more sound prevention and treatment processes.”<sup>14</sup>

## Parents

Many parents oppose drug testing for the same reasons as school personnel and administrators. In addition, some parents believe that schools are misappropriating their roles when they initiate drug testing programs. They believe that it is the role of parents, not schools, to make decisions about their children’s health.

## State Governments

In 2003, several state legislatures opposed student drug testing after hearing community and experts’ concerns about privacy, confidentiality, potential liability, and overall effectiveness. For example, the Hawaii legislature tabled a bill that would establish a drug testing pilot program at several public high schools. In Louisiana, a bill that would have mandated drug testing state scholarship recipients was defeated.

### Most Schools Say No to Drug Testing<sup>15</sup>

**A national survey of schools conducted six years after the U.S. Supreme Court upheld drug testing for school athletes found that:**

- **95% of schools do not randomly drug test student athletes.**
- **No public school district randomly drug tests all of its students.**
- **None of the ten largest U.S. school systems randomly drug test their students.**

## DRUG TESTING HAS A NEGATIVE IMPACT ON THE CLASSROOM

Drug testing can undermine student-teacher relationships by pitting students against the teachers and coaches who test them, eroding trust, and leaving students feeling ashamed and resentful.

As educators know, student-teacher trust helps create an atmosphere in which students can address their fears and concerns, both about drug use itself and the issues in their lives that can lead to drug use, including depression, anxiety, peer pressure, and unstable family lives. Trust is jeopardized if teachers act as confidants in some circumstances but as police in others.



## DRUG TESTING IS EXPENSIVE AND A WASTE OF SCHOOL RESOURCES

### Problems with Different Types of Tests<sup>16</sup>

Urine	Marijuana Cocaine Opiates Amphetamines PCP	\$10- \$30 per test	<ul style="list-style-type: none"> <li>• Tests commonly used in schools often do not detect alcohol or tobacco</li> <li>• Since marijuana stays in the body longer than many other drugs, drugs like cocaine, heroin and methamphetamines are less likely to be detected</li> <li>• Test is invasive and embarrassing</li> <li>• Specimen can be adulterated</li> </ul>
Hair	Marijuana Cocaine Opiates Amphetamines PCP	\$60- \$75 per test	<ul style="list-style-type: none"> <li>• Expensive</li> <li>• Test limited to basic 5-drug panel (cannot detect alcohol use)</li> <li>• Will not detect very recent drug use</li> <li>• The test is discriminatory: dark-haired people are more likely to test positive than blondes, and African-Americans are more likely to test positive than Caucasians</li> <li>• Passive exposure to drugs in the environment, especially those that are smoked, may lead to “innocent positive” results</li> </ul>
Sweat Patch	Marijuana Cocaine Opiates Amphetamines/Meth. PCP Ecstasy	\$20- \$30 per test	<ul style="list-style-type: none"> <li>• Limited number of labs able to process results</li> <li>• Passive exposure to drugs may contaminate patch and result in false positives</li> <li>• People with skin eruptions, excessive hair, or cuts and abrasions cannot wear the patch</li> </ul>

Drug testing costs schools an average of \$42 per student tested, which amounts to \$21,000 for a high school testing 500 students.<sup>17</sup> This figure is for the initial test alone and does not include the costs of other routine components of drug testing, such as additional tests throughout the year or follow-up testing for positive results.

The cost of drug testing sometimes exceeds the total a school district spends on existing drug education, prevention, and counseling programs. In fact, drug testing may actually take scarce resources away from the health and treatment services necessary for students who are misusing drugs – seriously undermining the original purpose of the drug test.

The process for dealing with a positive test is usually long and involved; not only must a second test be done to rule out a false-positive result, but treatment referral and follow-up systems must be in place. In one school district, the cost of detecting only 11 students who tested positive amounted to \$35,000.

### Cost-Benefit Analysis in Dublin, Ohio<sup>18</sup>

In Dublin, Ohio, school administrators ended their drug testing program and hired two full-time substance abuse counselors instead, concluding that money allocated towards drug testing was diverting more effective drug prevention resources.

	Drug Testing	Substance Abuse Counselor
Cost of program	\$35,000 per school year	\$32,000 annual starting salary per counselor
# of Students	Out of 1,473 students tested, 11 tested positive	Prevention programs for all 3,581 high school students incorporated in a weekly class curriculum
Cost per student	\$24 per student for drug test  \$3,200 per student who tested positive	\$18 per student for drug prevention, education and intervention  Intervention programs for all targeted students who need help

Beyond the initial costs, there are long term operational and administrative costs associated with student drug testing, including:

- Monitoring students' urination to collect accurate samples;
- Documentation, bookkeeping, and compliance with confidentiality requirements; and
- Tort or other insurance to safeguard against potential lawsuits.

## NOT ALL DRUG TESTING IS PROTECTED UNDER THE LAW

In 2002, by a margin of 5 to 4, the U.S. Supreme Court permitted public school districts to drug test students participating in competitive, extracurricular activities in the case *Pottawatomie v. Earls*. In its ruling, however, the Court only interpreted *federal* law. Schools are also subject to *state* laws – which may provide greater protections for students' privacy rights. These laws vary greatly from state to state, and in many states, the law may not yet be well defined by the courts. For instance, random drug testing programs in Iowa are prohibited because the State Constitution forbids suspicionless searches of any kind. An Iowa school district's drug testing program, then, could still be challenged under state law.

In many states, including Arkansas, Indiana, Maryland, Michigan, Ohio, Oklahoma, Oregon, Texas, and Washington, lawsuits have been filed against school districts for their drug testing policies.<sup>19</sup> Many of these school districts spend years and thousands of taxpayer dollars battling these lawsuits with no guarantee of success.

In late 2003, the Supreme Court of Pennsylvania struck down the random, suspicionless drug testing of student participants in extracurricular activities and those with parking passes, finding that this program violated the heightened privacy protections provided by the Pennsylvania constitution.<sup>20</sup>

## U.S. Supreme Court DID NOT Say...

- The Court DID NOT say that schools are required to test students involved in competitive extracurricular activities.
- The Court DID NOT say drug testing of all students or specific groups of students outside of those participating in competitive, extracurricular activities (i.e. student drivers) is constitutional.
- The Court DID NOT say it is constitutional to drug test elementary school children.
- The Court DID NOT say that it is constitutional to test by means other than urinalysis.
- The Court DID NOT say that schools are protected from lawsuits under their respective state laws.

## RANDOM DRUG TESTING IS A BARRIER TO JOINING EXTRACURRICULAR ACTIVITIES

Random drug testing is typically directed at students who want to participate in extracurricular activities, including athletics. However, drug testing policies may prevent some students from engaging in these activities. Research shows the vastly disproportionate incidence of adolescent drug use and other dangerous behavior occurs during the unsupervised hours between the end of classes and parents' return home in the evening.<sup>21</sup>

Research also shows that students who participate in extracurricular activities are:

- Less likely to develop substance abuse problems;
- Less likely to engage in other dangerous behavior such as violent crime; and
- More likely to stay in school, earn higher grades, and set – and achieve – more ambitious educational goals.<sup>22</sup>

In addition, after school programs provide students who are experimenting with or misusing drugs with productive activities and contact with a teacher, coach, or even a peer who can help them identify and address problematic drug use.

One of many school districts facing lawsuits regarding privacy concerns and confidentiality, the Tulia Independent School District has seen a dramatic reduction in student participation in extracurricular activities since implementing drug testing.<sup>23</sup> One female student explains:

“I know lots of kids who don’t want to get into sports and stuff because they don’t want to get drug tested. That’s one of the reasons I’m not into any [activity]. Cause... I’m on medication, so I would always test positive, and then they would have to ask me about my medication, and I would be embarrassed. And what if I’m on my period? I would be too embarrassed.”<sup>24</sup>



## DRUG TESTING RESULTS IN FALSE POSITIVES THAT PUNISH INNOCENT STUDENTS

A positive drug test can be a devastating accusation for an innocent student. The most widely used drug screening method – urinalysis – will falsely identify some students as illicit drug users when they are not actually using illicit drugs at all, because drug testing does not necessarily distinguish between drug metabolites that have closely similar structures. For example:

- Over the counter decongestants may produce positive results for amphetamine.<sup>25</sup>
- Codeine can produce a positive result for heroin.<sup>26</sup>
- The consumption of food products with poppy seeds can produce a positive result for opiates.<sup>27</sup>

## Violating Confidentiality

When Tecumseh High School in Oklahoma enacted its random drug testing program, the school failed to ensure the protection of private information concerning prescription drug use submitted under the testing policy. The Choir teacher, for



instance, looked at students' prescription drug lists and left them where other students could see them. The results of a positive test, too, were disseminated to as many as 13 faculty members at a time. Other students figured out the results when a student suddenly was suspended from his/her activity shortly after the administration of a drug test.<sup>28</sup> This not only violates students' privacy rights, but can also lead to costly litigation.



In a desire to eliminate the possibility for false positives, schools often ask students to identify their prescription medications before taking a drug test. This both compromises students' privacy rights and creates an added burden for schools to ensure that students' private information is safely guarded.

## **What National Experts Said to the U.S. Supreme Court<sup>29</sup>**

**A mandatory drug testing policy “injects the school and its personnel, unnecessarily, into a realm where parental and medical judgment should be preminent.”**

– *American Academy of Pediatrics, et al.*

**School drug testing policies often operate “in disregard for prevention and treatment principles that doctors and substance abuse experts view as fundamental...”**

– *American Public Health Association, et al.*

**“There is growing recognition that extracurricular involvement plays a role in protecting students from substance abuse and other dangerous health behaviors.”**

– *National Education Association, et al.*

**The risk that testing students for illicit drugs “will be understood to signal that alcohol and tobacco are of less danger is not an idle concern.”**

– *National Council on Alcoholism and Drug Dependence, et al.*



## DRUG TESTING IS NOT THE BEST WAY TO IDENTIFY STUDENTS WITH A DRUG PROBLEM

Drug testing says very little about who is misusing or abusing drugs. Hundreds or even thousands of students might be tested in order to detect a tiny fraction of students who may have used the drugs covered by the test. Additionally, students misusing other harmful substances not detected by drug tests will not be identified. If schools rely on drug testing, they may undervalue better ways of detecting young people who are having problems with drugs. Most often, problematic drug use is discovered by learning to recognize its common symptoms. Teachers, coaches, and other school officials can identify students with a drug problem by paying attention to such signs as student absences, erratic behavior, changes in grades, and withdrawal from peers.

## DRUG TESTING HAS UNINTENDED CONSEQUENCES

### **Students may turn to more dangerous drugs or binge drinking.**

Because marijuana is the most detectable drug, students may switch to drugs they think the test will not detect, like Ecstasy (MDMA) or inhalants. Knowing alcohol is less detectable, they may also engage in binge drinking, creating greater health and safety risks for students and the community as a whole.

### **Students can outsmart the drug test.**

Students who fear being caught by a drug test may find ways to cheat the test, often by purchasing products on the internet. A quick search on the Internet for “passing a drug test” yields over 8,000 hits, linking students to web sites selling drug-free replacement urine, herbal detoxifiers, hair follicle shampoo, and other products designed to beat the drug test. In addition, a new subculture of students might emerge that makes a mockery of the drug testing program. For example, in one school district in Louisiana, students who were facing a hair test shaved their heads and body hair.<sup>30</sup>

**Students learn that they are guilty until proven innocent.**

Students are taught that under the U.S.

Constitution, people are presumed innocent until proven guilty and that they have a reasonable expectation of privacy.

Random drug testing undermines both lessons; students are assumed guilty until they can produce a clean urine sample, with little regard given to students' privacy rights.



### **First, Ask These Hard Questions**

- **Has the drug test been proven to identify students likely to have future problems and to clear those who will not?**
- **Have schools been proven to be more cost effective places to perform these tests than a doctor's office?**
- **Are resources in place to assist students who "fail" the test, regardless of health insurance status or parental income?**
- **Is the financial interest of a drug testing company behind the test's promotion?**
- **Is school staff using precious time to elicit parental permission, explain the test, make the referrals, and assure follow-up?**

*Adapted from the American Association of School Administrators web site.<sup>37</sup>*

## ALTERNATIVES TO STUDENT DRUG TESTING

The current push to increase drug testing comes from the drug testing industry, but also from well-intentioned educators and parents frustrated by the lack of success of drug prevention programs such as Drug Abuse Resistance Education (DARE).<sup>32</sup> However, there are more effective ways to keep teens out of trouble with drugs.

### Engage Students in After School Programs

Schools and local communities should help engage students in extracurricular activities and athletics since these are among the best deterrents for drug misuse.

### Incorporate Reality-Based Drug Education Into the School Curriculum

Drugs of all sorts abound in our society. We are constantly confronted with a wide variety of substances that have recreational and medicinal uses and that can be purchased over the counter, by prescription, and illegally. Since decisions to use drugs of all kinds is ongoing, quality drug education should be incorporated into a broad range of science classes, including physiology, chemistry, and biology, as well as psychology, history, and sociology. Drug education should avoid dishonest scare tactics, and it should also recognize the wide spectrum of drug use and misuse, and the reasons why young people might choose to use (or not use) drugs.

### Provide Counseling

Schools should provide counseling for students who are using drugs in a way that is causing harm to themselves or others. An emerging model, which stresses relationships between students and counselors, is that of a comprehensive Student Assistance Program (SAP)<sup>33</sup>. Both prevention education and intervention can occur in such a program. Counselors who teach about drugs can remain an important resource for students after the formal session ends. Trained student counselors can engage students

who may feel more comfortable talking about their problems with their peers.

## **Allow Students to be Assessed and Treated by Health Care Professionals**

Schools can refer students to health care professionals who can play a role in screening, intervening, and referring adolescents to treatment. Several screening tools, other than urinalysis, such as questionnaires, are available to health care professionals in diagnosing drug abuse among adolescents.<sup>34</sup>

## **Encourage Parents to Become Better Informed**

Informed parents play a key role in preventing and detecting drug misuse, so they should learn as much as they can. Schools can encourage parents to open a dialogue when adolescents are actually confronted with alcohol and other intoxicating drugs, usually in middle school. At this point, “drug talks” should be two-way conversations. It is important for parents to teach as well as learn from their children.

## **Cultivate Trust and Respect Among Students and Adults**

Trust and respect are perhaps the most important elements of a relationship with teens. Young people who have the confidence of their parents and teachers, and are expected to assume responsibility for their actions, are the most likely, in turn, to act responsibly. They need to practice responsibility while still in high school where they have a parental and school “safety net.”

The combination of these methods will help ensure that students:

- 1) Receive comprehensive, science-based information;
- 2) Receive help when they need it; and
- 3) Stay busy and involved in productive activities when the school day ends.

## RESOURCES

### Studies on Students, Drug Testing, and/or After School Activities

Ryoko Yamaguchi, Lloyd D. Johnston, Patrick M. O'Malley, "Relationship Between Student Illicit Drug use and School Drug Testing Policies," *Journal of School Health* 73-4 (2003): 159-64. Available at: <http://www.monitoringthefuture.org/pubs/text/ryldjpom03.pdf>

Robert Taylor, "Compensating Behavior and the Drug Testing of High School Athletes," *The Cato Journal* 16-3 (1997). Available at: <http://www.cato.org/pubs/journal/cj16n3-5.html>

William J. Bailey, M.P.H., C.P.P, "Suspicionless Drug Testing in Schools," *Current Issues in Drug Abuse Prevention* (1998). Available at: <http://www.drugs.indiana.edu/issues/suspicionless.html>

U.S. Department of Justice, "Safe and Smart: Making After-School Hours Work for Kids" (1998). Available at: <http://www.ed.gov/pubs/SafeandSmart>

U.S. Department of Health and Human Services, "Adolescent Time Use, Risky Behaviors and Outcomes"(1995). Available at: <http://aspe.hhs.gov/hsp/cyp/xstimuse.htm>

### Recommended Reading and Viewing

Andrew Weil, M.D. and Winifred Rosen, *From Chocolate to Morphine: Everything You Need to Know About Mind-Altering Drugs*, (Boston: Houghton Mifflin, 1998).

Marsha Rosenbaum, *Safety First: A Reality-Based Approach to Teens, Drugs and Drug Education*, (San Francisco: Drug Policy Alliance, 2002). This 17-page booklet provides parents and educators with pragmatic ways to address teenage drug use. It is available in hard copy or at <http://www.safety1st.org> in English, Spanish, Russian, and Hebrew.

Friend-of-the-Court brief of the American Academy of Pediatrics, et al. in Support of Lindsay Earls, for *Earls*, 536 U.S. 822 (2002). Available at: [http://www.drugtestingfails.org/pdf/amicus\\_brief.pdf](http://www.drugtestingfails.org/pdf/amicus_brief.pdf)

“Larry v. Lockney,” writers and directors Mark Birnbaum and Jim Schermbeck, Public Broadcasting System, 1 July 2003.

This is a documentary about a parent’s fight against a student drug testing program in his son’s school, and the web site includes lesson plans and other related resources. Available at:

<http://www.pbs.org/pov/pov2003/larryvlockney/index.html>

“Teaching about Drug Testing in Schools,” American Bar Association, adapted from Street Law, Inc (1999). This is a lesson plan that educates students about drug testing in schools and allows them to consider and discuss the consequences of a student drug testing policy. Available at:

[http://www.abanet.org/publiced/lawday/schools/lessons/hs\\_drugs.html](http://www.abanet.org/publiced/lawday/schools/lessons/hs_drugs.html)

## Recommended Web Sites

“Drug Testing Fails” provides resources for parents, educators, coaches, and other interested and concerned adults who believe that safe and trusting learning environments are critical to our young people’s health and safety, and that student drug testing programs get in the way of creating that kind of environment. Available at: <http://www.drugtestingfails.org>

“A Test You Can’t Study For” is a special ACLU web feature on student drug testing that includes a guide for students, fact sheets, reports, and other materials. Available at: <http://www.aclu.org/DrugPolicy>

## ENDNOTES

- 1 Ryoko Yamaguchi, Lloyd D. Johnston, Patrick M. O'Malley, "Relationship Between Student Illicit Drug Use and School Drug Testing Policies," *Journal of School Health* 73.4 (2003): 159-64.
- 2 Greg Winter, "Study Finds No Sign That Testing Deters Students' Drug Use," *New York Times* 17 May 2003.
- 3 "ACLU Says First National Study on Student Drug Testing Confirms Policy is Ineffective as Well as Unconstitutional," ACLU Press Release 19 May 2003. Available online at: <http://www.aclu.org/DrugPolicy/DrugPolicy.cfm?ID=12655&c=79> (last checked 11 August 2003).
- 4 See, for example: U.S. Public Health Service, "Adolescent Time Use, Risky Behaviors and Outcomes" (1995); L. Shilts, "The Relationship of Early Adolescent Substance Use to Extracurricular Activities, Peer Influence, and Personal Attitude," *Adolescence* 26 (Fall 1991): 613, 615; WJ Bailey, "Suspicionless drug testing in schools," available online at: <http://www.drugs.indiana.edu/issues/suspicionless.html> (last checked 11 August 2003); and Robert Taylor, "Compensating behavior and the drug testing of high school athletes," *The Cato Journal* 16.3 (1997). Available online at: <http://www.cato.org/pubs/journal/cj16n3.html> (last checked 11 August 2003).
- 5 Linn Goldberg, the author of the study suspended by federal authorities, now agrees that "even his study did not prove that testing limits consumption. 'Schools should not implement a drug testing program until they're proven to work,' he added. 'They're too expensive. It's like having experimental surgery that's never been shown to work.'" Greg Winter, "Study Finds No Sign That Testing Deters Students' Drug Use," *New York Times* 17 May 2003
- 6 Jessica Raynor, "Guymon to eliminate drug program," *Amarillo Globe-News Online* 15 August 2002.
- 7 Andrew Petofsky, "School scraps drug testing; but Mathews will make kits available," *Richmond Times Dispatch* 27 July 2002.
- 8 Kay Nolan, *Milwaukee Journal Sentinel*, "District drops random drug testing plan; Proposal for Oconomowoc schools lacks parents' support," 22 October 2003.
- 9 "First Lawsuit Filed Challenging Suspicionless Student Urine-Testing in Washington," ACLU of Washington Press Release 19 December 1999. Available online at: <http://www.aclu-wa.org/issues/students/Drug-Testing.html> (last checked 11 August 2003).
- 10 "An Open Letter from a Concerned Parent," *ACLU/DPLP Web Site*, Jackie Puccetti, 6 May 2003. Available online at: <http://www.aclu.org/DrugPolicy/DrugPolicy.cfm?ID=12534&c=79> (last checked 11 August 2003).
- 11 "Social Workers Disagree With Supreme Court Decision to Test Students for Drug Use," *National Association of Social Workers Web Site*. Available online at: <http://www.socialworkers.org/pressroom/2002/062702.asp> (last checked 11



- August 2003).
- 12 “Policy Statement: Drug and Alcohol Screening,” *American Academy of Child and Adolescent Psychiatry Web Site*. Available online at: <http://www.aacap.org/publications/policy/ps21.htm#TOP> 17 July 2003.
  - 13 *Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls*, 536 U.S. 822 (2002) (Ginsberg, R., dissenting).
  - 14 Brief of *Amici Curiae* at 1, *Earls*, 536 U.S. 822 (2002). Available online at: <http://www.aclu.org/DrugPolicy/DrugPolicy.cfm?ID=11238&c=79> (last checked 11 August 2003).
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- 24 *Ibid.*, p.4.
- 25 American Civil Liberties Union, “Drug Testing: A Bad Investment” (1999). Available online at: <http://www.aclu.org/DrugPolicy/DrugPolicy.cfm?ID=9218&c=79> (last checked 11 August 2003).
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- 30 Rob Nelson, “Jeff schools trim drug test loophole; Hair Samples will be required by policy,” *The Times Picayune* 11 July 2003.
- 31 Howard Taras, “Maximizing Student Health Resources,” *The School Administrator Web Edition* January 2003. Available online at: [http://www.aasa.org/publications/sa/2003\\_01/Cooper\\_Taras.htm](http://www.aasa.org/publications/sa/2003_01/Cooper_Taras.htm) (last checked 11 August 2003).
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- 33 Student Assistance Programs (SAPs) are comprehensive models for the delivery of K-12 prevention, intervention, and support services. SAPs are designed to reduce student risk factors, promote protective factors, and increase personal development and decision-making skills by students. For information about developing SAPs, see the National Association of Student Assistant Professionals web site at: [www.nasap.org](http://www.nasap.org) or call 1-800-257-6310.
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“AS A PEDIATRICIAN who works closely with schools, I know I can help students do their best when I believe in them and boost their strengths. I also know that school superintendents and principals want what is best and safest for their students. Random drug testing can seriously erode the trust that needs to exist between youth and important adults in their lives. This booklet will help school officials make an informed decision about random drug testing.”

– **Barbara Frankowski, MD, MPH**

Professor of Pediatrics

University of Vermont College of Medicine

“THIS SMART, WELL-REASONED booklet provides educators with the information they need to make responsible decisions about student drug testing. I highly recommend it to teachers, parents, administrators, and school board members.”

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Chair, Education Committee

California State Senate

“MAKING CORRECT DECISIONS about how to keep students safe is critical, and we always need all the help we can get. This booklet is a thorough review of drug testing in schools and highlights many valid concerns. All should read it before establishing any school drug policy. I would have welcomed this booklet when I was a teacher, supervisor, and superintendent.”

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