

## Random Drug Testing in Schools



# Fourth Amendment United States Constitution

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and persons or things to be seized.”

# Random Drug Testing in Schools



## Case Study Sheet

I. What are the Facts?

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II. State the Issue to be Decided:

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III. Arguments for Petitioner:

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IV. Arguments for Respondent:

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V. What Would You Decide?

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VI. Reasons/Evaluation:

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VII. Mock Supreme Court Conference Decision:

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VIII. Actual Decision of the Court:

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## School Board of Sunshine County v. Jimmy Acton

The Sunshine County School Board recently passed a “Student Athlete Drug Policy.” The policy allows schools to test any student for drugs who chooses to participate in school sports programs. The Board passed the policy because more students have started using drugs in Sunshine County, and student drug use has caused serious discipline problems in local schools.

High school coaches have seen several serious injuries that they believed were the direct result of student drug use. The Board held special presentations and brought speakers to schools to talk about the dangers of drug use. However, the number of students using drugs did not go down. After getting unanimous parent support, the Board passed the drug testing policy. The goal of the policy is “to prevent student athletes from using drugs, to protect their health and safety, and to provide drug users with assistance programs.”

The drug testing policy requires that students who want to play on school sports teams must take a urine test for drugs at the beginning of the season. They must also agree to be tested randomly throughout the season. Each student must sign a form agreeing to the drug testing, and the student’s parents must also agree and sign the form. So far, the drug tests have proven to be 99% accurate.

Jimmy Acton was in 7th grade and wanted to play sports. However, he and his parents refused to sign the drug testing consent forms. He was told that he could not play sports for the entire season since he and his parents did not agree to the drug testing. Jimmy and his parents filed suit in the circuit court (trial court), claiming that the drug testing policy violated Jimmy’s Fourth Amendment right to be free from unreasonable searches and seizures. The circuit court decided that the policy did not violate Jimmy’s Fourth Amendment rights.

Jimmy and his parents appealed the circuit court’s decision to the District Court of Appeal. The District Court of Appeal disagreed with the circuit court’s decision and reversed it. The District Court of Appeal held that the policy *did* violate Jimmy’s Fourth Amendment rights.

The School Board is now appealing the district court’s decision to the Florida Supreme Court. The Florida Supreme Court will hear oral argument in this case.

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## Constitutional Question

Do mandatory random urine tests for student athletes violate their Fourth Amendment protection against unreasonable searches and seizures?

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## Petitioner Arguments

**MAY IT PLEASE THE COURT. MY NAME IS \_\_\_\_\_ AND I REPRESENT THE PETITIONER, THE SCHOOL BOARD, WHO ARGUES THAT THE SCHOOL SHOULD BE ALLOWED TO DRUG TEST STUDENT ATHLETES.**

**School Board's Arguments (for *allowing* drug testing) include:**

1. The Board is acting in the best interests of all the students. Drug testing helps make sure that the number of behavior and safety problems will go down.
2. The Board wants to keep student athletes safe. Athletes who use drugs might hurt themselves or their teammates.
3. The drug testing policy is fair because the testing is done in a way that doesn't violate the students' privacy too much.
4. Students do not have to participate in sports. Only those students who choose to join school-sponsored sports programs must obey the drug testing policy.

**Try to think of other arguments in favor of drug testing in schools. Write these arguments on the note pad at your seat.**

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## Respondent Arguments

**MAY IT PLEASE THE COURT. MY NAME IS \_\_\_\_\_ AND I REPRESENT THE RESPONDENT, JIMMY, WHO ARGUES THAT THE DRUG TESTING POLICY IS UNREASONABLE AND VIOLATES JIMMY'S FOURTH AMENDMENT RIGHTS.**

**Student's Arguments (*against* drug testing) include:**

1. Drug testing is wrong because it invades students' privacy.
2. The Board unfairly picks on athletes for drug testing. There is no reason why people who play sports are more likely to use drugs than any other students.
3. A student may be randomly picked for drug testing even if there is no reason to think that the student actually uses drugs.
4. The tests are not 100% accurate. Therefore, the test might say that someone uses drugs who really doesn't and get that person in a lot of trouble.

**Try to think of other arguments against drug testing in schools. Write these arguments on the note pad at your seat.**

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## Sample Questions for Justices

### Questions to ask the Petitioner (School Board):

1. Does the school have to have a reason to believe that a certain student uses drugs before that student is tested?
2. Why shouldn't school children have the right to the Fourth Amendment protection against unreasonable searches and seizures?
3. Shouldn't the drug tests be 100% accurate?
4. Doesn't a urine test invade a student's privacy? Why is that okay?

**Try to think of other questions for the attorneys who are in favor of drug testing. Write these questions on the note pad at your seat.**

### Questions to ask the Respondent (Jimmy):

1. Can't an athlete who is using drugs hurt himself or hurt others?
2. Is there any way other than drug testing to find out which athletes are using drugs?
3. Why should Jimmy's right to be protected from unreasonable searches and seizures be more important than student safety?
4. Can students who are not allowed to play school sports participate in other extra-curricular activities?

**Try to think of other questions for the attorneys who are against drug testing. Write these questions on the note pad at your seat.**

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## Marshal's Script

*(You must call Court to order in a very **loud** voice.)*

**All rise.**

**Hear ye! Hear ye! Hear ye!**

**The Supreme Court of Florida is now in session.**

**All who have cause to plea, draw near, give attention, and you shall be heard.**

**God save these United States, this great State of Florida, and this honorable Court.**

**Ladies and gentlemen, the Florida Supreme Court.**

**Please be seated.**



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## Chief Justice's Script

**The Court is ready to hear the case of  
School Board of Sunshine County v. Jimmy Acton.**

**Are the attorneys ready to proceed?**

**Attorneys for the Petitioner may begin.**

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*[When the Marshal calls time, you tell the petitioner's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]*

**Attorneys for the Respondent may begin.**

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*[When the Marshal calls time, you tell the respondent's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]*

**Attorneys for the Petitioner may present rebuttal.**

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*[When the Marshal calls time, you tell the petitioner's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]*

**Attorneys, thank you for your arguments. The Court will announce its decision shortly.**

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## Clerk

*(place on Clerk's desk)*

After the arguments, the Justices will vote on the case. Count the votes for the Petitioner (School Board) and Respondent (Jimmy).

### ***READ:***

The Florida Supreme Court has reached a decision in this case. By a vote of \_\_\_\_\_ to \_\_\_\_\_ the Court rules in favor of the \_\_\_\_\_.

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## Vote Sheet

Votes:

Chief Justice Lewis

\_\_\_\_\_  
Petitioner/School Board      Respondent/Jimmy

Justice Wells

\_\_\_\_\_  
Petitioner/School Board      Respondent/Jimmy

Justice Anstead

\_\_\_\_\_  
Petitioner/School Board      Respondent/Jimmy

Justice Pariente

\_\_\_\_\_  
Petitioner/School Board      Respondent/Jimmy

Justice Quince

\_\_\_\_\_  
Petitioner/School Board      Respondent/Jimmy

Justice Cantero

\_\_\_\_\_  
Petitioner/School Board      Respondent/Jimmy

Justice Bell

\_\_\_\_\_  
Petitioner/School Board      Respondent/Jimmy

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## Court Decisions

Note: In the real case, Vernonia School District 47J v. Acton (available on Findlaw.com at <http://laws.findlaw.com/us/000/u10263.html>) Acton claimed that the policy was not only in violation of the Fourth Amendment, but also the Fourteenth Amendment and the Oregon State Constitution. Therefore, instead of traveling through the state courts system, the federal courts had jurisdiction.

### Vernonia School District 47J v. Acton (1995)

The Federal District Court of Oregon denied Acton's claim that his Fourth Amendment rights were violated. The court decided that the need to protect students outweighed the athletes' right to privacy.

The United States Court of Appeal for the Ninth Circuit reversed the trial court's decision. The appeals court ruled that the drug testing violated Acton's Fourth Amendment rights. The case was appealed to the United States Supreme Court.

The United States Supreme Court ruled that the policy was reasonable, because the district had demonstrated that student athletes were leading drug users in the district.

### Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls (2002)

More recently, the United States Supreme Court ruled in Earls that schools could also require their students who participate in any extracurricular activities to take a drug test. The reasoning is the same as above: the school district has an important interest in preventing students from using drugs and the test represents a reasonable means to that end.