

**STATE OF MICHIGAN LAW DAY 2007 ESSAY CONTEST  
“LIBERTY UNDER LAW: EMPOWERING YOUTH, ASSURING DEMOCRACY”**

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*Suppose that a public school policy allows students to refuse to submit to drug testing as long as they do not attend the school prom.*

*Should a school be able to require students to consent to random, suspicionless drug testing as a condition for purchasing prom tickets?*

A school should not be able to require students to consent to random, suspicionless drug testing as a condition for purchasing prom tickets. A school policy which allows students to refuse to submit and agree not to attend the prom makes no difference. Such a policy violates a student's fourth amendment rights under the United States Constitution. The Fourth Amendment protects people from unreasonable search and seizures, and no warrant shall issue but upon probable cause. In Veronia School District 47J v. Action, 515 U.S. 646(1995), the Supreme Court held that random and suspicionless drug testing is reasonable when a student intends to participate in a school sport.

I agree with the Supreme Court that because Veronia was sport related, students have the possibility of harming themselves or others while playing a sport under the influence of a substance. However, attending school prom is different than playing on a school sports team. High school football season lasts sixteen weeks, whereas a high school prom lasts only a few hours.

There are benefits and burdens of asking a student to submit to testing. The benefits include keeping students safe, promoting order, and discouraging drug use. However, the burdens of invasion of privacy, requiring students to be tested without a reason (no probable cause) and the difficulty of getting timely test results outweigh the benefits. The benefits are far less important than the breach of privacy to a randomly selected student. Furthermore, tickets are usually purchased days ahead and it would not be effective to test students anytime prior to the dance. Urine testing is degrading and it takes days to receive legitimate results. Today when a student attends a prom, security precautions are taken and at any sign of disruption, school officials may escort a person out, regardless of the source of the disruption.

In Board of Independent School District No. 92 of Pottawatomie County v. Earls, 536 U.S. 822(2002), the court held that the reason for allowing suspicionless drug testing was to prevent and deter drug use among its schoolchildren. The court said that in a public school atmosphere students have limited expectations of privacy. Therefore, suspicionless testing was unreasonable. I disagree with the Supreme Court, because even though these students are minors, they still possess an expectation of privacy which should not be breached by our government in a public institution, no matter what the purpose for the search. If there was probable cause and a warrant issued to search students' possessions, then the search would be legitimate.

The idea that certain random students may be picked out of a crowd for suspicionless testing is unconstitutional because it violates the Fourth Amendment. If a person is disruptive at a high school dance, he may be removed regardless of the cause. I agree with Justice O'Connor's Veronia dissent: “I cannot avoid the conclusion that the District's suspicionless policy of testing all student-athletes sweeps too broadly, and too imprecisely, to be reasonable under the Fourth Amendment.” 515 U.S., at 667.