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Wyo court can ban student drug testing

Harriet Hageman

The July 12 Star-Tribune editorial, "School drug testing policy should pass court test," exhibits a fundamentally flawed understanding of the legal landscape controlling random student drug testing policies.

The Editorial Board correctly points out that the U.S. Supreme Court has held random drug testing of students involved in extracurricular activities to be permissible under the 4th Amendment to the U.S. Constitution, but fails to recognize that the high court's holding has no bearing on the Wyoming Constitution.

Many state constitutions have been interpreted to offer greater privacy protections than the federal Constitution, resulting in random student drug testing policies -- such as that being challenged by Goshen County students -- being held impermissible under state laws. Most recently, the Washington State Supreme Court ruled unanimously that a policy of random drug testing of students who participate in extracurricular athletic activities violated the state constitution. That ruling, which bars such random drug testing policies throughout the state, will not -- in fact, cannot -- be reviewed or overturned by the U.S. Supreme Court, as it is based on state and not federal law. The same would be true of a comparable holding from the Wyoming State Supreme Court, which could not, as the Editorial Board mistakenly asserts, "be overturned by the federal court on appeal."

Random student drug testing is a gross and unnecessary invasion of essential privacy that makes a mockery of the values taught in Wyoming's classrooms, undermining respect for our basic rights among our constitutions' future caretakers. The presumption of innocence and right to be free from unsubstantiated searches are fundamental guarantees, which the Wyoming State Supreme Court will, I hope, see fit to extend to students, as other state courts have done. Deep respect for the values enshrined in the Bill of Rights, including the right to privacy, is something we in Wyoming hold very dear and a true virtue of our state and its people. It would certainly be a shame were the surrendering of core constitutional protections to become a required rite of passage for Wyoming's students.

Apart from these constitutional concerns is the proven fact that random drug testing fails at its stated purpose and may actually be counterproductive. The only federally funded, peer-reviewed study on the topic to date -- undertaken by the same University of Michigan researchers responsible for the government's esteemed annual Monitoring the Future survey of adolescent drug use -- found random drug testing policies to have no impact on rates of student drug use. Rather, random drug

testing results in the erosion of trust between educators and students, hindering open communication and damaging an essential component of a safe and rewarding learning environment. Such concerns have led prominent national organizations to speak out against random testing policies, including the American Academy of Pediatrics, the Association for Addiction Professionals, the National Education Association, the American Public Health Association, and the National Association of Social Workers.

Rather than rely on the ineffective and offensive random surveillance of students' urine, we would do well to provide our youth honest, fact-based information about the true health effects and risks of drugs and access to knowledgeable, caring adults who they can trust. Armed with information and a reliable support system, and free from baseless searches, youth are more likely to make good decisions and to stay safe -- behavior that will also serve them well as adults and help to ensure the basic rights which we enjoy will be passed to future generations of Wyomingites.

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