***New Jersey v. T.L.O*., 469 U.S. 325 (1985)[[1]](#footnote-1)**

**Overview**

A high school student was caught smoking in the bathroom and the Assistant Vice Principal searched the student’s purse for cigarettes. The student claimed that the search of her purse was unconstitutional under the Fourth Amendment.

**The Facts**

On March 7, 1980, a teacher at Piscataway High School in Middlesex County, N.J., discovered two girls smoking in a bathroom. One of the two girls was T.L.O., who at that time was a 14-year-old high school freshman. Because smoking in the bathroom was a violation of a school rule, the teacher took the two girls to the Principal's office, where they met with Assistant Vice Principal Theodore Choplick. In response to questioning by Mr. Choplick, T.L.O.'s companion admitted that she had violated the rule. T.L.O., however, denied that she had been smoking in the lavatory and claimed that she did not smoke at all.

Mr. Choplick asked T.L.O. to come into his private office and demanded to see her purse. Opening the purse, he found a pack of cigarettes, which he removed from the purse and held before T.L.O. as he accused her of having lied to him. As he reached into the purse for the cigarettes, Mr. Choplick also noticed a package of cigarette rolling papers. In his experience, possession of rolling papers by high school students was closely associated with the use of marijuana. Suspecting that a closer examination of the purse might yield further evidence of drug use, Mr. Choplick proceeded to search the purse thoroughly. The search revealed a small amount of marijuana, a pipe, a number of empty plastic bags, a substantial quantity of money in one-dollar bills, an index card that appeared to be a list of students who owed T.L.O. money, and two letters that implicated T.L.O. in marijuana dealing.

Mr. Choplick notified T.L.O.'s mother and the police, and turned the evidence of drug dealing over to the police. At the request of the police, T.L.O.'s mother took her daughter to police headquarters, where T.L.O. confessed that she had been selling marijuana at the high school. On the basis of the confession and the evidence taken by Mr. Choplick, the State brought delinquency charges against T.L.O. in the juvenile court.

T.L.O argued that Mr. Choplick's search of her purse violated the Fourth Amendment. Further, she claimed that the evidence found in her purse as well as her confession were tainted by the allegedly unlawful search and should be suppressed.

**The Question before the Supreme Court**

Did the search of T.L.O’s purse violate the Fourth Amendment?

**The Court’s Answer**

No, the search of T.L.O’s purse did not violate the Fourth Amendment. The Supreme Court held that the Fourth Amendment’s prohibition on unreasonable searches does apply to searches that are conducted by public school officials. Further, the court found that the search of T.L.O’s purse was reasonable under the Fourth Amendment.

**Excerpt from the opinion**:

The accommodation of the privacy **interests of schoolchildren** with the **substantial need of teachers and administrators for freedom to maintain order in the schools** ***does not require strict adherence to the requirement that searches be based on probable caus***e to believe that the subject of the search has violated or is violating the law. Rather, the legality of a search of a student should depend simply on ***the reasonableness, under all the circumstances, of the search***. Determining the reasonableness of any search involves a twofold inquiry: First, one must **consider whether the action was justified at its inception;** second**, one must determine whether the search as actually conducted was reasonably related in scope to the circumstances which justified the interference in the first place.**

Under ordinary circumstances, a search of a student by a teacher or other school official will be **‘justified at its inception when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school**. Such a search will be **permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.**

This standard will, we trust, neither unduly burden the efforts of school authorities to maintain order in their schools nor authorize unrestrained intrusions upon the privacy of schoolchildren. By focusing attention on the question of reasonableness, the standard will spare teachers and school administrators the necessity of schooling themselves in the niceties of probable cause and **permit them to regulate their conduct according to the dictates of reason and common sense**. At the same time, the reasonableness standard should ensure that the interests of students will be invaded no more than is necessary to achieve the legitimate end of preserving order in the schools.

The incident that gave rise to this case actually involved two separate searches, with the first-the search for cigarettes-providing the suspicion that gave rise to the second the search for marijuana. Although it is the fruits of the second search that are at issue here, the validity of the search for marijuana must depend on the reasonableness of the initial search for cigarettes, as there would have been no reason to suspect that T.L.O. possessed marijuana had the first search not taken place. Accordingly, it is to the search for cigarettes that we first turn our attention.

In this case, *a teacher had reported that T.L.O. was smoking in the lavatory. C*ertainly this report *gave Mr. Choplick reason to suspect that T.L.O. was carrying cigarettes with her; and* *if she did have cigarettes, her purse was the obvious place in which to find them*. Mr. Choplick's suspicion that there were cigarettes in the purse was not a “hunch,” rather, it was the sort of “common-sense conclusion about human behavior” upon which “practical people”-including government officials-are entitled to rely. Of course, even if the teacher's report were true, T.L.O. *might* not have had a pack of cigarettes with her; she might have borrowed a cigarette from someone else or have been sharing a cigarette with another student. But the requirement of reasonable suspicion is not a requirement of absolute certainty: “sufficient probability, not certainty, is the touchstone of reasonableness under the Fourth Amendment.” Because the hypothesis that T.L.O. was carrying cigarettes in her purse was itself not unreasonable, it is irrelevant that other hypotheses were also consistent with the teacher's accusation. Accordingly, it cannot be said that Mr. Choplick acted unreasonably when he examined T.L.O.'s purse to see if it contained cigarettes.

Our conclusion that Mr. Choplick's decision to open T.L.O.'s purse was reasonable brings us to the question of the further search for marijuana once the pack of cigarettes was located*. The suspicion upon which the search for marijuana was founded was provided when Mr. Choplick observed a package of rolling papers in the purse as he removed the pack of cigarettes.* Although T.L.O. does not dispute the reasonableness of Mr. Choplick's belief that the rolling papers indicated the presence of marijuana, she does contend that the scope of the search Mr. Choplick conducted exceeded permissible bounds when he seized and read certain letters that implicated T.L.O. in drug dealing. This argument, too, is unpersuasive. The *discovery of the rolling papers concededly gave rise to a reasonable suspicion that T.L.O. was carrying**marijuan*a as well as cigarettes in her purse. This suspicion justified further exploration of T.L.O.'s purse, which turned up more evidence of drug-related activities: a pipe, a number of plastic bags of the type commonly used to store marijuana, a small quantity of marijuana, and a fairly substantial amount of money. Under these circumstances*, it was not unreasonable to extend the search to a separate zippered compartment of the purse; and when a search of that compartment revealed an index card containing a list of “people who owe me money” as well as two letters, the inference that T.L.O. was involved in marijuana trafficking was substantial enough to justify Mr. Choplick in examining the letters to determine whether they contained any further evidence*. In short, we cannot conclude that the search for marijuana was unreasonable in any respect.

***Safford Unified School Dist. No. 1 v. Redding*, 129 S.Ct. 2633 (2009)**

**Overview**

A middle school student, Savana Redding, was suspected of distributing over-the-counter and prescription pain relievers to other students based on a tip by another student. School officials conducted a strip search of Savana and did not find any pills. Savana’s mother sued the school district for violating her daughter’s Fourth Amendment right to be free from unreasonable searches.

**The Facts**

In October of 2003, 13-year old Savana Redding was called from her math class at Safford Middle School to the principal’s office. Once Savana arrived, the assistant principal of the school, Kerry Wilson, showed her a day planner, unzipped and open flat on his desk, in which there were several knives, lighters, a permanent marker, and a cigarette. Wilson asked Savana whether the planner was hers; she said it was, but that a few days before she had lent it to her friend, Marissa Glines. Savana stated that none of the items in the planner belonged to her. Wilson then showed Savana four white prescription ibuprofen 400-mg pills, and one over-the-counter blue naproxen 200-mg pill, all used for pain and inflammation but banned under school rules. The school rules prohibited the possession of any drug, including over-the-counter drugs, without advanced permission. Wilson asked Savana if she knew anything about the pills. Savana answered that she did not. Wilson then told Savana that he had received a report that she was giving these pills to fellow students.

Savana denied the report that she had distributed the pills to her classmates and agreed to let Wilson search her belongings. Helen Romero, an administrative assistant, came into the office, and together with Wilson they searched Savana's backpack, finding nothing.

At that point, Wilson instructed Romero to take Savana to the school nurse's office to search her clothes for pills. Romero and the nurse, Peggy Schwallier, asked Savana to remove her jacket, socks, and shoes, leaving her in stretch pants and a T-shirt (both without pockets), which she was then asked to remove. Finally, Savana was told to pull her undergarments away from her body and to shake them. No pills were found.

Savana’s mother filed a lawsuit against the School District, Wilson, Romero, and Schwallier for conducting a strip search in violation of Savana’s Fourth Amendment rights.

A week before Savana was searched, another student, named Jordan, told the principal and Assistant Principal Wilson that “certain students were bringing drugs and weapons on campus,” and that he had been sick after taking some pills that “he got from a classmate.” Then, on the day that Savanna was searched, Jordan gave Wilson a white pill that he said that Marissa Glines had given him. He told Wilson that students were planning to take the pills at lunch.

Wilson learned from Peggy Schwallier, the school nurse, that the pill was Ibuprofen 400 mg, available only by prescription. Wilson then called Marissa out of class. Outside the classroom, Marissa's teacher handed Wilson the day planner, found within Marissa's reach, containing various contraband items. Wilson escorted Marissa back to his office.

In the presence of Helen Romero, Wilson requested Marissa to turn out her pockets and open her wallet. Marissa produced a blue pill, several white ones, and a razor blade. Wilson asked where the blue pill came from, and Marissa answered, “I guess it slipped in when *she* gave me the IBU 400s.” When Wilson asked whom she meant, Marissa replied, “Savana Redding.” Wilson then enquired about the day planner and its contents; Marissa denied knowing anything about them.

At Wilson's direction, Marissa was then subjected to a strip search by Romero and Schwallier, as Savana was later on. The search revealed no additional pills.

It was at this time that Wilson called Savana into his office and showed her the day planner. Their conversation established that Savana and Marissa were on friendly terms: while she denied knowledge of the contraband, Savana admitted that the day planner was hers and that she had lent it to Marissa. Wilson had other reports of their friendship from staff members, who had identified Savana and Marissa as part of an unusually rowdy group at the school's opening dance in August, during which alcohol and cigarettes were found in the girls' bathroom. Wilson had reason to connect the girls with this contraband, for Wilson knew that Jordan had told the principal that before the dance, he had been at a party at Savana's house where alcohol was served. Thus, Wilson concluded that Marissa's statement that the pills came from Savana was thus sufficiently plausible to warrant suspicion that Savana was involved in pill distribution.

**The Questions before the Supreme Court**

Was the strip search by a public school official of a 13-year old student in middle school who was suspected of possessing over-the-counter and prescription pain relievers against school policy a violation of the Fourth Amendment?

**The Court’s Answer**

Yes, the Supreme Court held that the strip search of Savana Redding who was suspected of possessing over-the-counter and prescription pain relievers against school policy was a violation of her Fourth Amendment right to be free from unreasonable searches. The Court concluded that Assistant Principal Wilson’s had reasonable suspicion that the student was distributing drugs to justify a search of Savana’s backpack and outer clothing. However, the Court concluded that the assistant principal’s reasonable suspicion did not justify the strip search of Savana.

**Excerpt from the opinion**

The Fourth Amendment “right of the people to be secure in their persons against unreasonable searches and seizures” generally requires a law enforcement officer to have probable cause for conducting a search. Probable cause exists where the facts and circumstances within an officer's knowledge and of which he or she had reasonably trustworthy information are sufficient in themselves to warrant a person of reasonable caution in the belief that an offense has been or is being committed, and that evidence bearing on that offense will be found in the place to be searched.

A school setting requires some modification of the level of suspicion of illicit activity needed to justify a search. For searches by school officials “a careful balancing of governmental and private interests suggests that the public interest is best served by a Fourth Amendment standard of reasonableness that stops short of probable cause.” We have thus applied a standard of reasonable suspicion to determine the legality of a school administrator's search of a student, and have held that a school search “will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.”

When considering the knowledge element of reasonable suspicion, the court looks to the degree to which known facts imply prohibited conduct, the specificity of the information received, and the reliability of its source. At the end of the day, however, we have realized that these factors cannot rigidly control, and we have come back to saying that the standards are “fluid concepts that take their substantive content from the particular contexts” in which they are being assessed.

Perhaps the best that can be said generally about the required knowledge component of probable cause for a law enforcement officer's evidence search is that it raise a “fair probability,” or a “substantial chance,” of discovering evidence of criminal activity. The lesser standard for school searches could as readily be described as a moderate chance of finding evidence of wrongdoing.

In this case, Wilson had reasonable suspicion to justify a search of Savana’s backpack and outer clothing. If a student is reasonably suspected of giving out contraband pills, she is reasonably suspected of carrying them on her person and in her backpack. And the look into Savana's bag, in her presence and in the relative privacy of Wilson's office, was not excessively intrusive, any more than Romero's subsequent search of her outer clothing.

On the other hand, **the assistant principal Wilson’s reasonable suspicion that Savana was distributing contraband drugs did not justify a strip search.** Savana's subjective expectation of privacy against such a search is inherent in her account of it as embarrassing, frightening, and humiliating. The reasonableness of her expectation (required by the Fourth Amendment standard) is indicated by the consistent experiences of other young people similarly searched, whose adolescent vulnerability intensifies the patent intrusiveness of the exposure. The common reaction of these adolescents simply registers the obviously different meaning of a search exposing the body from the experience of nakedness or near undress in other school circumstances. Changing for gym is getting ready for play; exposing for a search is responding to an accusation reserved for suspected wrongdoers and fairly understood as so degrading that a number of communities have decided that strip searches in schools are never reasonable and have banned them no matter what the facts may be.

The indignity of the search does not, of course, outlaw it, but it does implicate the rule of reasonableness that “the search as actually conducted be reasonably related in scope to the circumstances which justified the interference in the first place.” The scope will be permissible, that is, when it is “not excessively intrusive in light of the age and sex of the student and the nature of the infraction.”

Here, the content of the suspicion failed to match the degree of intrusion. Wilson knew beforehand that the pills were common pain relievers. He must have been aware of the nature and limited threat of the specific drugs he was searching for, and while just about anything can be taken in quantities that will do real harm, Wilson had no reason to suspect that large amounts of the drugs were being passed around, or that individual students were receiving great numbers of pills.

Nor could Wilson have suspected that Savana was hiding common painkillers in her undergarments. Nondangerous school contraband does not raise the specter of stashes in intimate places, and there is no evidence in the record of any general practice among Safford Middle School students of hiding that sort of thing in underwear; neither Jordan nor Marissa suggested to Wilson that Savana was doing that, and the preceding search of Marissa that Wilson ordered yielded nothing. Wilson never even determined when Marissa had received the pills from Savana; if it had been a few days before, that would weigh heavily against any reasonable conclusion that Savana presently had the pills on her person, much less in her underwear.

In sum, what was missing from the suspected facts that pointed to Savana was any indication of danger to the students from the power of the drugs or their quantity, and any reason to suppose that Savana was carrying pills in her underwear. We think that the combination of these deficiencies was fatal to finding the search reasonable.

In so holding, we mean to cast no ill reflection on the assistant principal, for the record raises no doubt that his motive throughout was to eliminate drugs from his school and protect students from what student Jordan had gone through. Parents are known to overreact to protect their children from danger, and a school official with responsibility for safety may tend to do the same. The difference is that the Fourth Amendment places limits on the official, even with the high degree of deference that courts must pay to the educator's professional judgment.

We do mean, though, to make it clear that the concern to limit a school search to reasonable scope requires the support of reasonable suspicion of danger or of resort to undergarments for hiding evidence of wrongdoing before a search can reasonably make the quantum leap from outer clothes and backpacks to exposure of intimate parts. The meaning of such a search, and the degradation its subject may reasonably feel, place a search that intrusive in a category of its own demanding its own specific suspicions.

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

**Overview**

Vernonia School District adopted a Student Athlete Drug Policy which allowed random urinalysis drug testing of its student athletes. James Acton, a student athlete, was not allowed to play on his school’s football team when his parents did not consent to the drug testing. Acton filed a lawsuit against the School District, claiming that the random drug testing of student athletes was unconstitutional under the Fourth Amendment.

**The Facts**

Vernonia School District 47J District operates one high school and three grade schools in the logging community of Vernonia, Oregon. As elsewhere in small-town America, school sports play a prominent role in the town's life, and student athletes are admired in their schools and in the community. Drugs had not been a major problem in Vernonia schools. In the mid-to-late 1980's, however, teachers and administrators observed a sharp increase in drug use. Students began to speak out about their attraction to the drug culture, and to boast that there was nothing the school could do about it. Along with more drugs came more disciplinary problems. Students became increasingly rude during class; outbursts of profane language became common.

Not only were student athletes included among the drug users but, athletes were the leaders of the drug culture. This caused the School District's administrators particular concern, since drug use increases the risk of sports-related injury. Expert testimony at the trial confirmed the negative effects of drugs on motivation, memory, judgment, reaction, coordination, and performance. The high school football and wrestling coach witnessed a severe sternum injury suffered by a wrestler, and various omissions of safety procedures by football players, all attributable in his belief to the effects of drug use.

Initially, the School District responded to the drug problem by offering special classes, speakers, and presentations designed to deter drug use. It even brought in a specially trained dog to detect drugs, but the drug problem persisted. The administration was at its wits end and a large segment of the student body, particularly those involved in interscholastic athletics, was in a state of rebellion. Disciplinary actions had reached epidemic proportions. The coincidence of an almost three-fold increase in classroom disruptions and disciplinary reports along with the staff's direct observations of students using drugs or glamorizing drug and alcohol use led the administration to the inescapable conclusion that the rebellion was being fueled by alcohol and drug abuse as well as the student's misperceptions about the drug culture.  
 At that point, the School District officials began considering a drug-testing program. They held a parent “input night” to discussthe proposed Student Athlete Drug Policy (Policy), and the parents in attendance gave their unanimous approval. The school board approved the Policy for implementation in the fall of 1989. Its expressed purpose is to prevent student athletes from using drugs, to protect their health and safety, and to provide drug users with assistance programs.

The Policy applies to all students participating in interscholastic athletics. Students wishing to play sports must sign a form consenting to the testing and must obtain the written consent of their parents. Athletes are tested at the beginning of the season for their sport. In addition, once each week of the season the names of the athletes are placed in a “pool” from which a student, with the supervision of two adults, blindly draws the names of 10% of the athletes for random testing. Those selected are notified and tested that same day, if possible.

The student to be tested completes a specimen control form which bears an assigned number. Prescription medications that the student is taking must be identified by providing a copy of the prescription or a doctor's authorization. The student then enters an empty locker room accompanied by an adult monitor of the same sex. Each boy selected produces a sample at a urinal, remaining fully clothed with his back to the monitor, who stands approximately 12 to 15 feet behind the student. Monitors may (though do not always) watch the student while he produces the sample, and they listen for normal sounds of urination. Girls produce samples in an enclosed bathroom stall, so that they can be heard but not observed. After the sample is produced, it is given to the monitor, who checks it for temperature and tampering and then transfers it to a vial.

The samples are sent to an independent laboratory, which routinely tests them for amphetamines, cocaine, and marijuana. The laboratory's procedures are 99.94% accurate. Only the superintendent, principals, vice-principals, and athletic directors have access to test results, and the results are not kept for more than one year. If a sample tests positive, a second test is administered as soon as possible to confirm the result. If the second test is negative, no further action is taken. If the second test is positive, the athlete's parents are notified, and the school principal convenes a meeting with the student and his parents, at which the student is given the option of (1) participating for six weeks in an assistance program that includes weekly urinalysis, or (2) suffering suspension from athletics for the remainder of the current season and the next athletic season. The student is then retested prior to the start of the next athletic season for which he or she is eligible. The Policy states that a second offense results in automatic imposition of option (2); a third offense in suspension for the remainder of the current season and the next two athletic seasons.

In the fall of 1991, James Acton, then a seventh grader, signed up to play football at one of the District's grade schools. He was denied participation, however, because he and his parents refused to sign the testing consent forms. The Actons filed a lawsuit against the School District claiming that the Policy violated the Fourth Amendment.

**The Question before the Supreme Court**

Is the School District's policy of subjecting student athletes to random, suspicionless drug tests constitutional?

**The Court’s Answer**

Yes, the Supreme Court held that the School District’s policy of subjecting student athletes to random, suspicionless drug tests did not violate the student’s right to be free from unreasonable searches under the Fourth Amendment. Here, the School District had an immediate and legitimate concern of preventing athletes from using drugs and the invasion of study privacy was considered negligible.

**Excerpt from the opinion**:

The Fourth Amendment to the United States Constitution provides that the Federal Government shall not violate “the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures.” We have held that the Fourteenth Amendment extends this constitutional guarantee to searches and seizures by state officers, including public school officials. Also, we have held that state-compelled collection and testing of urine, such as that required by the Policy, constitutes a “search” subject to the demands of the Fourth Amendment.

As the text **of the Fourth Amendment** indicates, the ultimate measure of the constitutionality of a governmental search is “reasonableness.” At least in a case such as this, where there was no clear practice, either approving or disapproving the type of search at issue, at the time the constitutional provision was enacted, **whether a particular search meets the reasonableness standard “is judged by balancing** **its intrusion on the individual's Fourth Amendment interests against its promotion of legitimate governmental interests.”**

In the public school context, requiring a warrant “would unduly interfere with the maintenance of the swift and informal disciplinary procedures that are needed,” and “strict adherence to the requirement that searches be based upon probable cause” would undercut “the substantial need of teachers and administrators for freedom to maintain order in the schools.” **In a school setting, the search does not have to be based on probable cause, but rather on individualized *suspicion* of wrongdoing**.

The first factor to be considered is the nature of the privacy interest upon which the search here at issue intrudes. The Fourth Amendment does not protect all **subjective expectations of privacy, but only those that society recognizes as “legitimate.” What expectations are legitimate varies, of course, with context, depending, for example, upon whether the individual asserting the privacy interest is at home, at work, in a car, or in a public park. Central, in our view, to the present case is the fact that the subjects of the Policy are (1) children, who (2) have been committed to the temporary custody of the State as schoolmaster.**

Public school officials, may exercise a degree of supervision and control that could not be exercised over free adults. A proper educational environment requires close supervision of schoolchildren, as well as the enforcement of rules against conduct that would be perfectly permissible if undertaken by an adult.

We have acknowledged that for many purposes school authorities have the power and indeed the duty to “inculcate the habits and manners of civility.” Thus, while children assuredly do not “shed their constitutional rights at the schoolhouse gate,” the nature of those rights is what is appropriate for children in school.

Fourth Amendment rights are different in public schools than elsewhere; the “reasonableness” inquiry cannot disregard the schools' custodial responsibility for children. *For their own good and that of their classmates, public school children are routinely required to submit to various physical examinations, and to be vaccinated against various diseases.* *Therefore, students within the school environment have a lesser expectation of privacy than members of the population generally.*

Legitimate privacy expectations are even less with regard to student athletes. *School sports are not for the bashful. They require “suiting up” before each practice or event, and showering and changing afterwards.* Public school locker rooms, the usual sites for these activities, are not notable for the privacy they afford. The locker rooms in Vernonia are typical: No individual dressing rooms are provided; shower heads are lined up along a wall, unseparated by any sort of partition or curtain; not even all the toilet stalls have doors. There is “an element of ‘communal undress' inherent in athletic participation.”

There is an additional respect in which *school athletes have a reduced expectation of privacy. By choosing to “go out for the team,” they voluntarily subject themselves to a degree of regulation even higher than that imposed on students generally*. In Vernonia's public schools, they must submit to a preseason *physical exam, they must acquire adequate insurance coverage or sign an insurance waiver, maintain a minimum grade point average, and comply with any “rules of conduct, dress, training hours and related matters as may be established for each sport by the head coach* and athletic director with the principal's approval.” Somewhat like adults who choose to participate in a “closely regulated industry,” students who voluntarily participate in school athletics have reason to expect intrusions upon normal rights and privileges, including privacy.

Having considered the scope of the legitimate expectation of privacy at issue here, we turn next to the character of the intrusion that is complained of. We have recognized before that collecting the samples for urinalysis intrudes upon “an excretory function traditionally shielded by great privacy.” We noted, however, that the degree of intrusion depends upon the manner in which production of the urine sample is monitored. Under the District's Policy, male students produce samples at a urinal along a wall. They remain fully clothed and are only observed from behind, if at all. Female students produce samples in an enclosed stall, with a female monitor standing outside listening only for sounds of tampering. These conditions are nearly identical to those typically encountered in public restrooms, which men, women, and especially schoolchildren use daily. Under such conditions, the privacy interests compromised by the process of obtaining the urine sample are in our view negligible.

The other privacy-invasive aspect of urinalysis is, of course, the information it discloses concerning the state of the subject's body, and the materials he has ingested. In this regard it is significant that the tests at issue here look only for drugs, and not for whether the student is, for example, epileptic, pregnant, or diabetic. Here, the drugs for which the samples are screened are standard, and do not vary according to the identity of the student. And finally, the results of the tests are disclosed only to a limited class of school personnel who have a need to know; and they are not turned over to law enforcement authorities or used for any internal disciplinary function.

Finally, we turn to ***consider the nature and immediacy of the governmental concern*** at issue here, and the efficacy of this means for meeting it. Here, the nature of the concern is important-indeed, perhaps compelling-can hardly be doubted. Deterring drug use by our Nation's schoolchildren is an important government concern. ***School years are the time when the physical, psychological, and addictive effects of drugs are most severe.*** Maturing nervous systems are more critically impaired by intoxicants than mature ones are; childhood losses in learning are lifelong and profound; “children grow chemically dependent more quickly than adults, and their record of recovery is depressingly poor.” And of course the effects of a drug-infested school are visited not just upon the users, but upon the entire student body and faculty, as the educational process is disrupted. In the present case, moreover, the necessity for the State to act is magnified by the fact that this evil is being visited not just upon individuals at large, but upon children for whom it has undertaken a special responsibility of care and direction. Finally, it must not be lost sight of that this program is directed more narrowly to drug use by school athletes, where the risk of immediate physical harm to the drug user or those with whom he is playing his sport is particularly high.

Apart from psychological effects, which include impairment of judgment, slow reaction time, and a lessening of the perception of pain, the particular drugs screened by the District's Policy have been demonstrated to pose substantial physical risks to athletes. Amphetamines produce an “artificially induced heart rate increase, peripheral vasoconstriction, blood pressure increase, and masking of the normal fatigue response,” making them a “very dangerous drug when used during exercise of any type.” Marijuana causes “irregular blood pressure responses during changes in body position,” “reduction in the oxygen-carrying capacity of the blood,” and “inhibition of the normal sweating responses resulting in increased body temperature.” Cocaine produces “vasoconstriction, elevated blood pressure,” and “possible coronary artery spasms and myocardial infarction.”

Here, “a large segment of the student body, particularly those involvedin interscholastic athletics, was in a state of rebellion,” that “disciplinary actions had reached ‘epidemic proportions,’ ” and that “the rebellion was being fueled by alcohol and drug abuse as well as by the student's misperceptions about the drug culture.”

As to the efficacy of this means for addressing the problem: It seems to us self-evident that a drug problem largely fueled by the “role model” effect of athletes' drug use, and of particular danger to athletes, is effectively addressed by making sure that athletes do not use drugs.

Taking into account all the factors we have considered above-the decreased expectation of privacy, the relative unobtrusiveness of the search, and the severity of the need met by the search-we conclude Vernonia's Policy is reasonable and hence constitutional.

**We caution against the assumption that suspicionless drug testing will readily pass constitutional muster in other contexts. The most significant element in this case is the first we discussed: that the Policy was undertaken in furtherance of the government's responsibilities, under a public school system, as guardian and tutor of children entrusted to its care.**

1. This review is adapted from a lesson plan developed by Lindsey Kakert entitled “Searches Conducted by Public School Officials.” [↑](#footnote-ref-1)