

HB

417

STATE OF ALASKA
1994 LEGISLATIVE SESSION

FISCAL NOTE

BILL NO

No. 2
Bill Version: CSB 417 f Jud.
(H) Publish Date: 2/24/94

Revision Date: _____ Dept. Affected: Public Safety
Title: Possession of Firearms in Schools BRU: Alaska State Troopers
Component: Detachments
Sponsor: Rep. Burda
Requestor: H. HES COMPONENT SERIAL NO. 799

EXPENDITURES/REVENUES: (Thousands of Dollars) (inflation not included)

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-
CAPITAL EXPENDITURES	-0-	-0-	-0-	-0-	-0-	-0-
CHANGE IN REVENUES () Revenue Code	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

Estimate of current year (FY 94) impact: \$ _____

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

ANALYSIS: (Attach a separate page if necessary.)

No fiscal impact is anticipated to the Department of Public Safety.

COMMITTEE COPY

Prepared By: Lee Ann Lucas Phone: 485-4327
Division: Office of the Commissioner Date: 2/18/94

Approved by Commissioner: Richard

FISCAL NOTES

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FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

BILL NO. HB 417

ANALYSIS CONTINUATION:

First, this bill amends AS 11.51.220(a) to prohibit possession of a deadly weapon within the grounds of or on a parking lot immediately adjacent to a public or private preschool, elementary, junior high, or secondary school, within the crime of misconduct involving weapons in the third degree. The existing statute prohibits possessing a firearm under these circumstances. The bill also expands the existing prohibition to include postsecondary educational institutions.

Second, the bill amends AS 14.03 to permit school officials, in private and public schools and in private and public postsecondary institutions, to search and examine the contents of student lockers and other containers to determine compliance with school regulations and local, state, and federal laws. Schools would be required to post notices in prominent locations throughout a school two weeks before a search is conducted stating the right and the intention of a school to conduct a search or examination. The bill also provides that this requirement is satisfied if the notices are posted continuously.

These changes should not have a fiscal impact for the Department of Law. It is possible that schools could be liable for damages if they do not protect the privacy of students, by revealing the contents of lockers that are not the purpose of a search authorized by this bill.

FISCAL NOTE

STATE OF ALASKA
1994 LEGISLATIVE SESSION

No. 1
Bill Version: CSHB 417 (Jud)
(H) Publish Date: 2/24/94

Revision Date: February 9 1994
Title: "...possession of deadly weapons...relating to school lockers..."
Sponsor: Representative Bunde
Requester: Representative Bunde

Department Affected: Department of Law
BRU: Prosecution
Component: All
COMPONENT SERIAL NO. 0085 through 0090

EXPENDITURES/REVENUES:

OPERATING	FY 95	FY 96	FY 97	FY 98	FY 99	FY 00
PERSONAL						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND &						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL

REVENUE

FUNDING:

1002 Federal						
1003 GF Match						
1004 GF						
1005 GF/Program						
1006 GF/MHTIA						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year (FY94) impact: -0-

ANALYSIS: (Attach a separate page if necessary.)
Please

Prepared by: Richard I. Pegues, Director Phone: 465-3672
Division: Administrative Services Division Date: February 9, 1994
Approved by Commissioner: Bruce M. Botelho Attorney General
Agency: Department of Law Date: February 9, 1994

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JUNEAU SCHOOL DISTRICT
 CITY AND BOROUGH OF JUNEAU
 OFFICE OF THE SUPERINTENDENT

10014 CRAZY HORSE DRIVE • JUNEAU, ALASKA 99801-8529 • (907) 463-1700 • FACSIMILE (907) 463-1712

April 5, 1994

Honorable Con Bunde
 Alaska State Legislature
 State Capitol (MS 3100)
 Juneau, Alaska 99801-1182

Post-It™ brand fax transmittal memo 7671		# of pages ▶
To: <i>Con Bunde</i>	From: <i>Bob Van Slyke</i>	
Co.:	Co. <i>Juneau Schl Dist</i>	
Dept.:	Phone # <i>463-1700</i>	
Fax # <i>465-3871</i>	Fax #	

Dear Representative Bunde:

It has come to our attention that Committee Substitute for House Bill 417 will be up for consideration. We have reviewed the bill and are supportive of it and your efforts to control weapons on school property.

Sincerely,

Robert S. Van Slyke, Ed.D.
 Superintendent



Lawrence A. Wiget, Ed.D.
Director, Government Relations/Legislative Liaison
1600 Debarr Road
P.O. Box 196614
Anchorage, Alaska 99519-6614
(W) 907 269-2255 (FAX) 907 269-2107

TO: REPRESENTATIVE CON BUNDE

SUBJECT: SUPPORT OF HB 417

DATE: MARCH 29, 1994

We support passage of House Bill 417. The Bill would provide statutory support for administrative procedures already in place in the Anchorage School District.

The section on notice for locker searches could be made more broad so as to allow notification through the student handbook and permanent posting of notices of the right to search in each school.

The Anchorage School District parent and students have discussed and approved of the concept of locker searches in the interest of safe schools.



ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

LEGISLATIVE INFORMATION REQUEST

JANUARY 25, 1994

TO: REPRESENTATIVE CON BUNDE
C/O PATTI SWENSON
FAX) 464-3671

FROM:  LARRY WIGET, DIRECTOR
GOVERNMENT RELATIONS/LEGISLATIVE LIAISON

SUBJECT: ASD SUSPENSIONS/ WEAPONS INCIDENTS: 1993

Per our conversation relating to weapon incidents in the Anchorage School District, I am attaching the following documents:

- ASD Memorandum #486 (92-93): Suspension Report - Elementary
- ASD Memorandum #489(92-93): Secondary School Suspension Report for the 1992-93 School Year

Elementary

Elementary students suspended during 1992-93 for weapons violations was one. In the "other" category, which includes such things as bringing knives to school, setting off fire alarms, racial slurs, rude gestures, pushing and hitting staff members, stealing, and making threatening remarks, 36 students were suspended.

The statistics for the 93-94 school year are currently being compiled and will be forwarded to you when available.

Secondary

A total of 106 suspensions for all types of weapons were reported for the year compared to 96 in 1991-92 and 69 in 1990-91. Suspensions related specifically to guns reached a total of 26 this year for various degrees of involvement in these incidents. A total of thirteen students were expelled for gun related incidents.

There were 10 firearm incidents, and 32 weapons incidents for the first quarter of the 1993-94 school year.

Enclosures

**BACKGROUND FROM THE
ANCHORAGE SCHOOL
DISTRICT**

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

MEMORANDUM

December 1, 1992

TO: ECE CHRISTAL
ACTING SUPERINTENDENT

FROM: BILL MELL, EXECUTIVE DIRECTOR
SECONDARY EDUCATION

SUBJECT: WEAPONS INCIDENTS - FIRST QUARTER, 1992

The rate of incidents is up over the past two school years. The level of concern at schools has not returned to the early level exhibited in 1990. That is attributed to the schools acting quickly on information received. There have been no gang related incidents except for the neo nazi confrontation at Service. The outcomes for the students in that incident is attached as a separate memo.

Given the growth in violence related incidents and the sharp drop in drug and alcohol suspension, the Secondary Division is preparing a proposal for providing alternatives to suspension and expulsion for students involved with weapons or gangs using existing program staff. The proposal will be ready for review by December 18, 1992.

A District-wide review of weapons, firearms and gang related incidents is summarized in the chart below.

First Quarter Incident Frequency Chart
December 1, 1992

Year	Weapons Other than Firearms	Firearms	Gang Related Incidents
1990-91	5	0	0
1991-92	11	5	0
1992-93	15	2	1

*Service neo nazi incident

Attachment, Service memo

Post-It™ brand fax transmittal memo 7671 (1 of pages) 2

To	Patti Swenson	From	ZARA WISE
Co.		Co.	ASD
Dept.		Phone #	269-2255
Fax #	465-3871	Fax #	269-2107

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

ASD MEMORANDUM #489 (92-93)

June 23, 1993

TO: SCHOOL BOARD

FROM: OFFICE OF THE SUPERINTENDENT *[Signature]*

SUBJECT: SECONDARY SCHOOL SUSPENSION REPORT FOR THE 1992-93 SCHOOL YEAR

*Weapons - 106*PERTINENT FACTS:

A summary of the suspension rates for the 1992-93 school year is attached as Attachment A. This document shows cumulative suspensions by category in the chart at the top of the page. Suspensions by school are shown on the chart on the bottom half of the page.

The overall suspension rate for this year compared to last year is essentially unchanged. Secondary student population increased by approximately 3.6 percent and the total number of suspensions is up by 3.5 percent. There is some variation in rates by category, however, most changes fall within the normal variations between years. Drug and alcohol suspensions remain constant at 25 percent of their peak in the mid 1980's. Fighting and weapon related suspensions are up 1,060 to 1,171 and 96 to 106 respectively. Vandalism and false fire alarms are down 66 to 31 and 11 to 3 respectively. At the same time, suspensions caused by refusal to cooperate with alternatives to suspension dropped from 650 to 413. Willful disobedience increased from 232 to 304 suspensions for the year.

Suspensions related to weapons have continued to increase even though they remain a small percentage of the total number of suspensions. A total of 106 suspensions for all types of weapons were reported for the year compared to 96 in 1991-92 and 69 in 1990-91. This is due, in part, to increased attention paid to the problem. Suspensions related specifically to guns reached a total of 26 this year for various degrees of involvement in these incidents. A total of thirteen students were expelled for gun related incidents. An additional eight students attended the Conflict Resolution pilot at REACH for serious weapons related incidents. The status of the weapons issue should continue to be judged as serious but is stable at this time. No gang related incidents other than graffiti were reported by the schools



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March 31, 1994

OPINION OF COUNSEL

Bob Christal, Superintendent
Anchorage School District
P.O. Box 196614
Anchorage, AK 99519

Dear Bob:

You have requested an opinion on House Bill 417, relating to the possession of deadly weapons on school grounds and parking lots. I have reviewed the legislation and would strongly recommend that the District encourage Anchorage representatives to vote in favor of the measure.

During the past year, we have advised the District in numerous situations involving possession of weapons by students and non-students on school grounds and parking lots. Many of these situations involve former students or young adults who do not attend school. In most of these situations, school personnel have been left to deal with the situation without the aid or assistance of local law enforcement agencies. Law enforcement agencies are not able to assist or intervene to help school officials until some altercation breaks out or the school administrator makes a citizen's arrest for trespass under local ordinances. Obviously, once situations have escalated to the point of arresting someone for trespass or an altercation has occurred, a substantial risk of endangerment to the safety of school personnel and students has already arisen. Yet, local law enforcement agencies have no criminal law to enforce until situations escalate to the point of being out of control and dangerous. The proposed law would be a meaningful remedy and aid to school administrators. If the bill is passed into law, school officials would be able to call for assistance from local law enforcement agencies and they would be able to intervene to enforce the possession of a deadly weapon law. Moreover, such a law would eventually have a deterrent impact, particularly on the non-students who come on to school grounds with weapons in their possession.

Regarding the provision on school lockers, the proposed law would grant broad authority for school officials to conduct general random searches of school lockers with advanced notice. While I have not done an exhaustive constitutional analysis of this measure, some recent cases have greatly expanded the authority of school officials to conduct general random searches. Isiah B. v. State of Wisconsin, 500 N.W. 2d 637 (Wis. 1993). The proposed law would undoubtedly serve as a significant deterrent to students bringing weapons, drugs, or alcohol with them to school. If school districts adopt appropriate policies to implement this provision, I am confident the legislation could be applied in a constitutional manner.

3-31-94 THU 13:00
SENT BY: JDO

LEGISLATIVE LIAISON
: 3-31-94 : 12:50PM :

FAX NO. 9072692107
JDO-

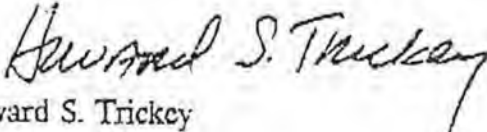
P. 03
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March 31, 1994
Page 2

If you have any further questions regarding this matter, please do not hesitate to contact me.

Sincerely,

JERMAIN, DUNNAGAN & OWENS, P.C.


Howard S. Trickey

HST/jh

cc: Larry Wiget, Legislative Liaison

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

COPY

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150 Seward Street, Suite 409
Juneau, Alaska 99801-2105

MEMORANDUM

March 8, 1994

SUBJECT: Sectional Summary of CSHB 417(HES)
(Work Order No. 8-LS1589R)

TO: Representative Con Bunde
Attn: Patty

FROM: Jerry Luckhaupt
Legislative Counsel

You have asked for a sectional summary of the above-described bill. Please be advised that a sectional summary is not an authoritative statement of the contents of a bill - the bill itself is the best statement of its contents.

Section 1 of the bill amends AS 11.61.210(a) by providing that a person commits the crime of misconduct involving weapons in the fourth degree if a person possesses a deadly weapon^{1/} or a defensive weapon,^{2/} on school grounds or the parking lot of a preschool, elementary, junior high, or secondary school, in certain situations or while participating in a school sponsored event. Violation of this section is a class A misdemeanor.^{3/} AS 11.61.220(g). The possession of firearms and defensive weapons is currently prohibited at schools and their grounds under AS 11.61.220-(a)(4) which is being repealed in sec. 3 of this bill.

Section 2 of the bill provides that a peace officer may possess a deadly weapon on school grounds.

^{1/} "Deadly weapon" is defined at AS 11.81.900(b)(13) as:

firearm, or anything designed for and capable of causing death or serious physical injury, including a knife, an axe, a club, metal knuckles, or an explosive . . .

^{2/} "Defensive weapon" is defined at AS 11.81.900(b)(16).

*"A loaded gun, in case to dispense
Mace or a similar chemical agent that is not
designed to cause death or serious physical injury."*

^{3/} A class A misdemeanor is punishable as provided in AS 12.55.135 (imprisonment) and 12.55.035 (fine).

Section 3 of the bill amends AS 11.61.220(a) to correspond with the change made in sec. 1 of the bill.

Section 4 of the bill amends AS 14.03 by adding a new section that provides for the search and examination of school lockers by school officials. Subsection (c) of that section, provides that this grant of authority does not diminish any separate authority to search that might exist.

Section 5 of the bill amends AS 14.45 by adding a new section that permits private schools to search school lockers as provided in AS 14.03.105 (added by sec. 4 of the bill).

GPL:lmb
94-077.lmb



SPONSOR STATEMENT

SCSCSHB 417(STA)

“An Act relating to the possession of deadly weapons within the grounds of or on the parking lot of preschools, elementary, junior high and secondary schools; and relating to school lockers and other containers provided in a public or private school by the school or the school district.”

Our responsibility as lawmakers is to establish public policy. We need to anticipate problems and offer solutions to those problems before they become overwhelming burdens. Our highest priority should be safe schools that allow students the opportunity to learn and provide teachers an environment in which to teach.

School districts throughout the state currently search lockers for a variety of prohibited items. However, these searches are not backed up by the force of law. The intent of HB 417 is to enhance the ability of school districts throughout the state to avoid potentially fatal occurrences with deadly weapons. This bill will give school districts needed statutory authority to search lockers and other containers on school grounds for firearms, defensive weapons and deadly weapons.

Educational institutions already possess some right to conduct searches but the boundaries of that right are unclear, variable, and subject to constant constitutional challenges based on the argument that students have a “legitimate expectation of privacy” in their lockers. A school might believe that it needed a separate legal clearance for every locker search. Section 4 of HB 417 clarifies the conditions of locker searches.

Section 4 would announce that educational institutions could generally conduct or authorize the searches so long as students are warned ahead of time not to expect their lockers are private. Subsection (b) clarifies that advance warning must consist of the posting of notices throughout the school before the searches occur. Schools wishing to conduct a policy of continual searches could keep notices permanently posted.

The amount of violence in schools throughout our state is escalating. If we do not take strong measures to curb the trend our students will pay the price. Schools will become places of fear instead of learning. Our standard of education will drop as teachers are forced to dedicate more of their scarce time to protecting students and themselves. This bill will provide the necessary back-up for a tool that is already in use by our schools and it will send a strong message to our students. I urge your support for HB 417.

From fistfights to gunfights

For educational excellence to be achieved, schools must be safe and hospitable places for teachers and students. Yet, in an ever-increasing number of our schools, students and teachers are expected to endure violence, fear and intimidation on a daily basis.

Violence within the schools of America has increased dramatically over the past decade and continues to escalate at an alarming rate. Gang encroachment, drug and alcohol abuse, poverty, child abuse and neglect, overcrowded classrooms and lack of parental supervision and discipline have rendered the once "safe harbor" of the classroom a microcosm of today's social ills.

In a case heard by the U.S. Supreme Court, *New Jersey v. T.L.O.*, Justice Powell commented on the growing problem of violence in schools. He wrote:

Without first establishing discipline and maintaining order, teachers cannot begin to educate their students. And apart from education, the school has the obligation to protect pupils from mistreatment by other children, and also to protect teachers themselves from violence by the few students whose conduct in recent years has promoted national concern.

Most people equate school violence with large urban areas such as New York, Chicago or Los Angeles. While there has been ample reporting of the violence plaguing big-city schools, violence has invaded suburban and rural schools with little notice by the national media.

A bill introduced into the House of Representatives of the U.S. Congress (H.R. 4538, "Classroom Safety Act of 1992") summarized the rising tide of violence in America's schools thusly:

Nearly 3,000,000 crimes occur on or

near school campuses every year;

- One fourth of the major school districts now use metal detectors in an attempt to reduce the number of weapons introduced into the schools by students;
- Twenty percent of teachers in schools have reported being threatened with violence by a student;
- The despair brought on by poverty and disenfranchisement that affects millions of our youth is rapidly entering the schools;
- Schools are being asked to take on responsibilities that society as a whole has neglected, forcing teachers to referee fights rather than teach;
- Teachers are staging walk-outs to protest the violence which denies interested students the opportunity to learn.

Teachers and administrators require special skills to cope with potentially explosive situations and violent students. Yet, they are not receiving those skills in their university preparation programs. The California Legislature, believing that "certificated school personnel often are not prepared effectively in their professional programs to cope with potentially violent situations or with violent youth," amended the California Education Code (California Senate Bill 2460, Green, 1990). The revised code will require the California Commission on Teacher Credentialing (CTC), the state agency that regulates teacher preparation and licensing, to undertake leadership activities directed toward establishing appropriate standards of preparation for teachers and other certificated personnel concerning violent behavior by students.

Anticipating that a requirement for training teachers and principals in handling violence in schools would be forthcoming from the CTC, Pepperdine University began developing a violence

prevention curriculum to be included in the training of future teachers and administrators.

In June of 1992, a grant from the Pacific Telesis Foundation enabled the teacher preparation program to begin developing and field testing a model curriculum for creating a safe school environment. The model curriculum will be designed to be presented in an applied, hands-on, interactive mode. The training will focus on skills that teachers need to maintain a safe, secure and welcoming school climate. The curriculum will also address skills teachers need to help build confidence, self-esteem and pride in their students — attitudes crucial to creating and maintaining a positive and cohesive campus climate.

In addition to the faculty of Pepperdine's Graduate School of Education and Psychology, curriculum developers will draw upon the resources of the Pepperdine School of Law and the National School Safety Center, a resource center administered by Pepperdine University and funded by the U.S. Departments of Education and Justice.

The model curriculum will be field tested with the teachers at Broadway Elementary School in the Los Angeles Unified School District, a partnership school with Pepperdine University. Broadway School serves a diverse student population in an area plagued with social problems. Poverty, crime and racial tension severely inhibit the instructional process. In the past year, two parents of Broadway students have been killed in gang-related incidents.

After further development and field testing, the model curriculum will be made available to other universities for use in teacher and administrator preparation programs. The target date for completion of the model curriculum is January 1, 1993.

H. Woodrow Hughes, Ph.D., is the Associate Dean for Education in the Graduate School of Education and Psychology, Pepperdine University.

WEAPONS AND VIOLENCE RELATED SUSPENSIONS
Incident Report 2nd Quarter 1991-1994

Category	1991-92	1992-93	1993-94
Firearms	0	0	3
Weapons	20	39	36
Gang Related	0	0	16
Fighting	238	266	267

INCIDENT REPORT 1993-94
QUARTER 1 & 2

Category	Quarter 1	Quarter 2
Firearms	10	3
Weapons	32	36
Gang Related	5	16
Fighting	354	267

State courts, statutes, and local practice vary widely on the question of when students' lockers and desks can be searched. But one thing is certain: School officials have fewer restrictions on searching lockers and desks than on searching persons, and in many places they are much freer.

In one New York case a vice-principal conducted a search at the direction of a police officer who suspected the student possessed drugs; the court upheld the search on the ground that the student had no reasonable expectation of privacy since he knew the principal had a master key to all the locks.²⁰ Other courts have said schools can conduct locker searches triggered by drug-detecting dogs, because the school exercises control over the lockers.²¹

In contrast, the California Supreme Court makes no distinction between personal searches and searches of lockers; in both situations it requires reasonable and individualized suspicion.²² Like California, New Jersey insists there be definite grounds for suspicion in order to search a locker. The New Jersey Supreme Court ruled that it was unlawful to search a locker in a case where a police officer had received an anonymous call from someone claiming to be the parent of another student and naming a certain student as a drug dealer. The officer passed this information on to the school and an assistant principal searched the student's locker. The court found the information did not amount to reasonable suspicion and ruled that reasonable suspicion was required for a locker search if, as in this case, the student was justified in believing that the master key to the locker would be employed only at his request or convenience.²³ If the school had a publicized policy of regularly inspecting student lockers, the suspected student might not have had the same expectation of privacy.

A number of states have statutes insisting upon reasonable suspicion before lockers can be searched but do not require search warrants. Louisiana law, for instance, states that any teacher, principal, or administrator can search any "building, desk, locker, area or grounds" for contraband "when he has articulable facts which lead him to a reasonable belief that the items sought will be found."²⁴

Similarly, both Florida and Maryland permit searches of student lockers if there is reasonable suspicion that a prohibited object is contained in the area to be searched. Both states

require schools to notify students that these places are subject to search. Maryland limits such searches to items illegal under state law and requires that a third party be present when a locker is searched.²⁵

Many local school districts have written policies on locker searches which may or may not protect your privacy. The Detroit Board of Education Policy on Discipline and Student Rights permits locker searches but states "there must be reason to believe that the student is using his/her locker, desk or other property in such a way as to endanger his/her own health or safety or the health, safety and rights of other persons." In contrast, the Jackson, Mississippi, policy states that "desks and lockers are public property and school authorities may conduct an inspection for any reason related to school administration." Whether or not you have a reasonable expectation of privacy in your locker or desk may depend on the stated policy of your particular school.

Can schools require students to submit to blood and urine tests for drugs?

No. As more school districts impose such tests in an attempt to combat drug and alcohol use, there is bound to be litigation challenging their legality. Already, a federal district court has ordered the Arkadelphia, Arkansas, school board to stop its use of urinalysis testing of students and prohibited the board from using test results to discipline students.²⁶ The Arkadelphia policy had authorized schools to test any student they suspected of drug or alcohol use, whatever the reason for that suspicion, and to expel any student found to have even a trace of drugs, alcohol, paint or glue in his or her system. After a challenge by the New Jersey Civil Liberties Union, a New Jersey school district dropped a plan to give all students urine tests for drugs without any pretense of individualized suspicion as part of an annual physical. The judge ruled that even if the purpose was solely medical the test would violate the reasonable privacy expectations of children.²⁷ A federal court in Washington, D.C., has ruled that a school bus attendant has a reasonable expectation of privacy from search by mandatory urine testing for drugs if such testing is conducted without probable cause or individualized suspicion. The court stated that this privacy expectation outweighed public safety considerations.²⁸

Post-1 st brand fax transmittal memo 7671	# of pages > 1
To P. SWANSON	From R. BANNING
Co. Rep. on BANNING TRK	Co. REELEN ACLA