cause, "[u]nlike most private citizens or government employees generally, they have a diminished expectation of privacy." [367]

Emphasizing the "special needs" of the public school context, reflected in the "custodial and tutelary" power that schools exercise over students, and also noting schoolchildren's diminished expectation of privacy, the Court in *Vernonia School District v. Acton* [368] upheld a school district's policy authorizing random urinalysis drug testing of students who participate in interscholastic athletics. The Court redefined the term "compelling" governmental interest. The phrase does not describe a "fixed, minimum quantum of governmental concern," the Court explained, but rather "describes an interest which appears *important enough* to justify the particular search at hand." [369] Applying this standard, the Court concluded that "deterring drug use by our Nation's schoolchildren is at least as important as enhancing efficient enforcement of the Nation's laws against the importation of drugs . . . or deterring drug use by engineers and trainmen." [370] On the other hand, the interference with privacy interests was not great, the Court decided, since schoolchildren are routinely required to submit to various physical examinations and vaccinations. Moreover, "[l]egitimate privacy expectations are even less [for] student athletes, since they normally suit up, shower, and dress in locker rooms that afford no privacy, and since they voluntarily subject themselves to physical exams and other regulations above and beyond those imposed on non-athletes." [371] The Court "caution[ed] against the assumption that suspicionless drug testing will readily pass muster in other contexts," identifying as "the most significant element" in *Vernonia* the fact that the policy was implemented under the government's responsibilities as guardian and tutor of schoolchildren.[372]

Seven years later, the Court in *Board of Education v. Earls* [373] extended *Vernonia* to uphold a school system's drug testing of all junior high and high school students who participated in extracurricular activities. The lowered expectation of privacy that athletes have "was not essential" to the decision in *Vernonia*, Justice Thomas wrote for a 5–4 Court majority.[374] Rather, that decision "depended primarily upon the school's custodial responsibility and au-

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[367] 489 U.S. at 672.
[368] 515 U.S. 646 (1995).
[369] 515 U.S. at 661.
[370] 515 U.S. at 661.
[371] 515 U.S. at 657.
[372] 515 U.S. at 665.
[373] 536 U.S. 822 (2002).
[374] 536 U.S. at 831.