

### **Case 3**

Founded in 1787, New Bedford, Massachusetts, lies on the Atlantic Coast, 208 miles from New York City. Formerly a wealthy whaling and important mill community, New Bedford now has a population of just over 100,000 with high unemployment and low average income. It also has become a major entry point for heroin. New Bedford has the distinction of street heroin with nearly double the purity of that found nationwide (Boston Globe, 10/9/03), of the highest HIV infection rate in Massachusetts (Boston Globe, 2/29/04), and of very high violent crime statistics. .

The city is considering a drug testing program to be implemented in the New Bedford middle and high school. Supported by the Mayor and the Superintendent of Schools, the program would allow parents voluntarily to require their children to comply with random urine drug testing at school. The results would be sent only to parents, not to school or to law enforcement authorities. Students who test positive and their parents could attend follow-up workshops and use existing city hotlines to get counseling and treatment.

The constitutionality of the testing has not been addressed, though the US Supreme Court has upheld drug testing of students involved in extracurricular activities. Some experts feel that the voluntary permission by parents would keep the testing within constitutional bounds.

Although there is some federal money available for partial program support, critics disapprove of any use of local school funds for such a program. Other critics decry the erosion of students' civil rights in the event that drug test results were subpoenaed.

The Boston Herald quotes the response of one student, Ashleigh Pierce, 16, a junior at New Bedford High School. Ashleigh thought her parents might sign her up and she didn't like the idea, saying, "That's invading privacy." The Herald cites the agreement of Nancy Murray, spokeswoman for the American Civil Liberties Union. "We're going back to when schools were seen as an extension of the home," she said. "My sense is they shouldn't go down this road. They have enough to do in educating the kids in what the constitution says." (Boston Herald, 10/11/03)