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## School Superintendents Reluctant To Drug Test Teachers, New Research Finds

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DURHAM, N.H. - School superintendents are reluctant to drug test teachers, even though most believe student safety outweighs a teacher's right to privacy when it comes to drug testing, according to new research from the University of New Hampshire.

The research is presented in the June 2008 issue of *Teachers College Record* in the article "To Test or Not To Test? Drug Testing Teachers: The View of the Superintendent." The lead author is Todd DeMitchell, professor of education at UNH. Co-authors are Stephen Kossakoski, assistant superintendent with Supervisory Administrative Unit #16, Exeter, N.H.; and Tony Baldasaro, doctoral student of education at UNH and a school district improvement administrator with Supervisory Administrative Unit #16, Exeter.

The researchers queried 500 superintendents nationally; of those, 144 responded. The researchers sought information on the following issues:

- Have school districts adopted a mandatory drug testing policy, either preemployment or random, for teachers?
- Do superintendents support a mandatory drug testing, either preemployment or random, for teachers?
- Do superintendents have different support for preemployment and random drug testing policies for teachers?

According to DeMitchell, the researchers found that superintendents believe they have the authority, without offending the Constitution, to implement teacher preemployment and random drug-testing policies. However, in large part, they are not implementing such policies.

"The superintendents have a greater comfort level with preemployment testing than random drug testing of teachers. Most superintendents believed that the drug problem among teachers was not large enough to warrant action, but many reserved the right to revisit the implementation of such policies if the circumstances in their school district changed," DeMitchell said.

The key research findings include:

- 85 percent of superintendents do not believe drugs are a problem with their

educators.

- 22 percent believe drug testing teachers is an effective means for combating drugs in schools.
- 70 percent agree that student safety outweighs a teacher's right to privacy in drug testing.
- 48 percent believe teachers have a diminished expectation of privacy because they work with students.
- 71 percent believe that teachers hold "safety-sensitive" positions in which a momentary lapse in judgment can have disastrous consequences.
- 48 percent support mandatory preemployment drug testing for teachers; 73 percent believing that such policies do not violate the constitutional rights of teachers.
- 35 percent support random drug testing of currently employed teachers; 59 percent believe random drug testing does not violate the constitutional rights of teachers.

DeMitchell said there are several reasons why superintendents prefer preemployment drug testing to random testing of current teachers.

Superintendents perceive that random drug testing is more invasive of potential rights. In addition, they believe that the ongoing monitoring of a random drug testing program may be more cumbersome and costly than preemployment testing. Finally, the superintendents, who largely came from small school districts where they know the employees, may find it difficult to subject their colleagues to the indignity of urinating into a cup.

"It is easier to subject the unknown person to drug testing than to subject that same person to drug testing once he or she has become 'one of us.' Because most superintendents did not believe that there was a drug problem with their current professional employees, there was no sense in disturbing the status quo," DeMitchell said.

*Todd DeMitchell is a professor in the Department of Education and Justice Studies Program at the University of New Hampshire. His research interests are the legal mechanisms that impact schools and colleges, such as education law, collective bargaining, and policy analysis. He has published more than 120 articles/chapters and four books. His most recent books are "Negligence: What Principals Need to Know to Avoid Liability" (Roman & Littlefield Education, 2006) and "Sexual Orientation, Public Schools, and the Law" (Education Law Association, 2007).*

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