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John Gray, Principal
Barrington High School
220 Lincoln Avenue
Barrington, RI 02806

Dear Mr. Gray:

I am writing in regards to today's *Providence Journal* article promoting the proposal that the high school institute a "breathalyzer testing" requirement on all students attending school dances. For a variety of reasons, we urge you to resist this suggestion.

As I expressed to you just two months ago when I wrote to object to the school's new policy imposing penalties on athletes merely for being "in the presence of" alcohol or drugs, we appreciate the pressures on school officials to address what everybody acknowledges is a serious problem of underage drinking in Barrington. But too often, the proposed "solutions," like this one, are ineffectual and inappropriately dismissive of students' legitimate rights.

We believe the school's current policy has it right in allowing for breathalyzer testing when there is a reasonable suspicion that a particular student is impaired. Rather than treating every student as a suspect, the current policy recognizes that the privacy rights of students should not be so cavalierly ignored, and that intrusions on those rights should be limited to circumstances when officials have reason to believe a student may have engaged in improper conduct.

The news article stated that Seekonk schools have been using an all-inclusive breathalyzer requirement at school dances for some time, and that this requirement is now taken for granted. That is precisely the problem with the institutionalization of infringements on liberty: after a while, most people become accustomed to them. From our perspective, that is hardly something to brag about.

The article also states that students no longer show up to Seekonk school dances with alcohol on their breath. That may be so, but as I am sure you recognize, that does not mean that students there are drinking less. Social problems like underage drinking are not so easily solved. I have little doubt that Seekonk's policy has only had the ironic effect of encouraging students to "beat the system." Some students may simply decide to wait until after the school function to drink alcohol. Some might ingest drugs that will not be detected. Some, we suspect, forgo the opportunity to attend the dance in order to consume alcohol elsewhere undetected. In short, adopting a policy that merely diverts student drinking to other locations is not, we submit, the same thing as addressing an underage drinking problem.

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It is also worth noting the technical challenges inherent in implementing a breathalyzer testing requirement on all students. These tests must be administered properly, and with machines that are properly maintained. A breathalyzer reading will be inaccurate if any part of the machine is not working correctly. Even more problematic than potential technical errors is the inability to distinguish ethyl alcohol from other substances. One of the most common reasons for inaccurate readings is the presence of alcohol in the mouth. Though it is not in the bloodstream and does not cause intoxication, “mouth alcohol” can cause high breathalyzer readings. A variety of over-the-counter medicines, mouthwashes and throat sprays (just the sorts of items that students attending school dances and similar functions may very well use) contain high percentages of alcohol that could lead to “false positives” on a breathalyzer. Since we assume that a zero reading on a breathalyzer will be required, the possibilities for error are not insignificant when every student – not just those suspected of drinking – is subject to a test.

We know that you and the school district have been working very hard to address this serious issue. But I’m sure you are also aware that there are no shortcuts in dealing with a social problem like this. Tragic teenage deaths in the town, not to mention increased and severe penalties, both administrative and criminal, have not solved the problem. We do not, of course, suggest school officials throw up their hands. Ultimately, we believe, school officials can continue to do serious, intensive education about rules against alcohol use by minors at school events. Chaperones can be vigilant, as we understand they are, for signs of alcohol use or any other inappropriate conduct that might warrant intervention, and address such conduct as necessary. Good, careful supervision is always preferable to this type of testing. The current measures are not foolproof, but little is gained by implementing policies like breathalyzer testing that are just as imperfect but that undermine the rights of students as well. For all these reasons, the ACLU strongly urges you to decline the suggestion to implement uniform breathalyzer testing on students at school dances.

If you have any questions about our position, please feel free to let me know. Thank you for your attention to our views.

Sincerely,

Steven Brown
Executive Director

cc: Barrington School Committee