

Supreme Court Case Study 51



The Right to Search Students

New Jersey v. T.L.O., 1985

***** Background of the Case *****

A New Jersey high school teacher discovered a 14-year-old freshman, whom the courts later referred to by her initials, T.L.O., smoking in a school lavatory. Since smoking was a violation of school rules, T.L.O. was taken to the assistant vice-principal's office.

When questioned by the assistant vice-principal, T.L.O. denied that she had been smoking. The assistant vice-principal then searched her purse. There he found a pack of cigarettes along with rolling papers commonly used for smoking marijuana. He then searched the purse more thoroughly and found marijuana, a pipe, plastic bags, a large amount of money, an index card listing students who owed T.L.O. money, and "two letters that implicated T.L.O. in marijuana dealing."

The assistant vice-principal notified the girl's mother and turned the evidence of drug dealing over to the police. T.L.O. was charged, as a juvenile, with criminal activity. T.L.O., in turn, claimed the evidence of drug dealing found in her purse could not be used in court as evidence because it had been obtained through an illegal search and seizure. T.L.O.'s attorneys claimed that the Fourth Amendment protects against unreasonable search and seizure. They maintained that the Fourth Amendment requirements for a warrant and probable cause applied to T.L.O. while in high school as a student. After appeals in lower courts, the case eventually reached the United States Supreme Court.

Constitutional Issue *****

T.L.O.'s case raised the question of whether the Fourth Amendment required school officials, when conducting searches of students' property in school, to meet the same strict standards as police officials. In most instances police officers must have probable cause to believe that the subject of a search has violated or is violating the law, and generally must obtain a warrant issued by a neutral judicial officer. If these standards are not met by the police, evidence they have gathered from a search can be excluded as evidence of guilt in a criminal trial.

***** The Supreme Court's Decision *****

Justice Byron R. White wrote the Court's 6-to-3 decision, which ruled against T.L.O. The Court concluded that the Fourth Amendment ban on unreasonable searches and seizures applies to searches conducted by school officials but that the search of T.L.O. was reasonable. The Court also ruled that school officials do not have to meet the same standards as police officers when conducting searches.

Justice White wrote that students have a real need to bring personal property into school and have "legitimate expectations of privacy" while in school. At the same time, however, "against the child's interest in privacy must be set the substantial interest of teachers and

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administrators in maintaining discipline in the classroom and on school grounds." The Court devised a plan to ease for school officials the Fourth Amendment requirements for a lawful search. Because of the significance of the school's interests, the Court ruled that school officials need not obtain a search warrant before searching a student who is under their supervision. "The warrant requirement," the Court held, "is unsuited to the school environment . . . [and] would unduly interfere with the maintenance of the swift and informal disciplinary procedures needed in the schools."

Next, the Court ruled that school officials do not have to be held to the same strict probable cause standard that applies to the police when conducting searches. In earlier cases the Court had ruled that "probable cause" meant that the police must have solid information that there is a real chance the person being searched has violated or is violating the law. Declining to apply this standard to public school officials, the Court said that school officials may search a student as long as "there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school." Thus, the Court replaced the "probable cause" requirement with a "reasonableness" requirement.

***** Dissenting Opinion *****

Justices William Brennan and two other justices disagreed strongly with letting school officials use a reasonableness standard instead of the same probable cause standard required of the police. Justice Brennan wrote that this [idea] "finds support neither in precedent nor policy and . . . [could lead to] a dangerous weakening of the purpose of the Fourth Amendment to protect the privacy and security of our citizens."



Questions *****

DIRECTIONS: Answer the following questions on a separate sheet of paper.

1. In what way does the Court differentiate between the standard set for a school official and that for a police officer regarding a search and seizure?
2. Why did the Court give school officials more freedom than the police to conduct searches?
3. Do you think the assistant vice-principal's search was "reasonable"? Explain.
4. Under the Court's ruling, do you think a school official has the right to search a student any time he or she wishes? Give reasons for your answer.
5. Do you agree with the Court's decision or with the dissenting opinion? Explain.

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