

NEW JERSEY v. T.L.O.
105 Supreme Court 733 (1985)

In March 7, 1980, a New Jersey teacher walked into a high school restroom and caught two students smoking cigarettes. Although smoking was permitted in designated areas of the school, it was prohibited in the restrooms. Because the girls were in violation of school property, they were escorted to the vice-principal's office.

Before the assistant vice-principal, Theodore Choplick, one student admitted she had been smoking and was ordered to attend a smoking clinic for three days.

Choplick asked T.L.O. to speak to him in a private office. He then asked to look through her purse. The assistant principal saw a package of cigarettes and, in plain view, a pack of rolling papers. Having learned from experience that rolling papers often indicate marijuana, he dug further into T.L.O.'s purse and found marijuana, drug paraphernalia, \$40 in one-dollar bills, and an index card reading "people who owe me money" followed by a list of names.

T.L.O.'s mother was called and the police were notified. When questioned at the police station, T.L.O. confessed to selling marijuana to other students. The juvenile court found her delinquent, and she was sentenced to one year probation. (She completed this before the U.S. Supreme Court heard arguments in the case.) The school suspended her for seven days for possession of marijuana and three days for smoking.

The Appellate Division of the New Jersey Superior Court affirmed the ruling on the purse search, but ordered the case remanded on the question whether Owens was denied her right to counsel before interrogation in the police station.

The New Jersey Supreme Court reversed Owens' conviction. The majority held that the Fourth Amendment applied to searches by school officials; the constitutional provision is not limited to searches by police and law enforcement agents.

The United States Supreme Court granted the state's petition for certiorari in T.L.O., which raised a single question: Does the exclusionary rule apply to searches by public school officials?

DISTINGUISHING ARGUMENTS

After reviewing the facts and issues of the case, indicate whether the following statement would best be used in support of T.L.O. or New Jersey:

1. The Fourth Amendment prohibition of unreasonable search and seizure applies to public school officials.
2. School officials are exempt from the dictates of the Fourth Amendment by virtue of the special nature of their authority over students.
3. Teachers and administrators act in loco parentis. Their authority is that of a parent, not the state, and is not limited by the Fourth Amendment.
4. School administrators act as representatives of the state, not surrogate parents. Similar to the police, they are subject to the commands of the First and Fourth Amendments.
5. The Court should balance the individual's legitimate expectation of privacy and personal security with the government's need for effective methods to deal with breaches of public order.
6. A student has no legitimate expectation of privacy in personal property brought to the school.
7. Students do not shed their constitutional rights at the schoolhouse gate. A search by school authorities should be based on probable cause.
8. The school setting requires some easing of the restrictions to which searches by public authorities are ordinarily subject.
9. Requiring that a teacher obtain a warrant before searching a child suspected of breaking a law or rule would unduly interfere with the maintenance of the swift and informal disciplinary procedures needed in school.
10. A reasonableness standard, instead of probable cause, will result in searches over trivial school rules.

DECISION

NEW JERSEY v. T.L.O., A JUVENILE

In a January, 1985 decision, the Supreme Court declared that a search in school can be conducted if there are “reasonable grounds” that it will turn up evidence that either laws or school rules have been broken. While the 6-3 decision did not strip students of all Fourth Amendment protections, critics fear that it has created an ill-defined standard, easily misapplied.

While the Court agreed that, like other citizens, students are afforded Constitutional protections, the ruling requires a less stringent standard for teachers than for police officers for searching a student. Teachers and school officials do not need probable cause nor a court ordered search warrant.

Student privacy must be balanced with “the school’s equally legitimate need to maintain an environment in which learning can take place.” “In recent years, school disorder has often taken particularly ugly forms: drug use and violent crimes in the schools have become major social problems,” wrote Justice White for the majority.

Justice White specified that the legality of the search involves a two-fold inquiry: (1) Was the search justified in its inception? Was it reasonable? (2) Once conducted, was the search reasonably related in scope to the circumstances which justified the interference in the first place? “It should not be excessively intrusive in light of the age and sex of the student and nature of the infraction.”

Justices Stevens, Brennan, and Marshall dissented calling the new “reasonableness” rule “a full scale intrusion upon privacy.” In his partial dissent, Justice Brennan wrote that the rule would not provide clear guidance, but send educators “hopelessly adrift as to when a search may be permissible.”