



# Search and seizure at school

RIGHTS, FAMILY/KIDS

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◀ 7

◀ 3

In 1985, a New Jersey High School teacher caught two students smoking in the bathroom. It sounds like the premise for a rock song, but it instigated a landmark Supreme Court Case that defines the limits of Fourth Amendment protections for teens even today. If administrators have searched your teen's backpack at school, they did so thanks to [New Jersey v. T.L.O.](#)

[Search and seizure](#)

## search and seizure

The Fourth Amendment protects individuals from unreasonable search and seizure of property and requires probable cause as the determinant for whether a search is reasonable. It states:

The right of the people to be secure ... against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause...

This seemingly straightforward standard can be tricky to apply. For example, there are questions about how the Fourth Amendment applies to digital data and whether certain locations or events can be exempted – and, as in the case of T.L.O., how the prohibition against unreasonable searches applies to students in a school setting.

### The case of T.L.O.

The teenager known only as T.L.O. (to protect her privacy) denied the teacher's allegation of smoking. The vice principal searched her purse and found not only cigarettes, but evidence that the girl was selling marijuana at school. Facing drug charges in juvenile court, T.L.O. argued that the evidence against her was inadmissible because the vice principal violated her Fourth Amendment rights in searching her purse.

Her case went all the way to the Supreme Court, which affirmed the teen's Fourth Amendment rights – with significant caveats. In a 6-3 ruling, the Court found the school had met a “reasonableness” standard for conducting searches at school.

### What it means for teens

*New Jersey v. T.L.O.* established that teens are protected by the Fourth Amendment:

- The prohibition against unreasonable search and seizure applies to all government agents – not just law enforcement.
- School administrators are government agents rather than parental surrogates.
- Searches performed at school must be reasonable and minimally intrusive in relation to the search objective, the student's age and sex, and the nature of the infraction.
- Minors have a legitimate expectation of privacy, even at school.

However, the court also ruled that a student's legitimate expectation of privacy is balanced by the school's legitimate need to maintain a learning environment. Therefore, the standard for reasonable searches is looser at school than in other environments:

- School administrators don't need a search warrant or probable cause before conducting a search.
- The search of a student is justified when there is reasonable suspicion that the search will reveal evidence of a violation of law or school rules.

And that's why school authorities have wide latitude to search students' backpacks and lockers. Teens may complain that it's not fair, but it is the law.

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