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*Data and Perspectives for Analysis*

The following is a factual summary of a Supreme Court case, *New Jersey v. T.L.O.* (1985).

A teacher in a New Jersey high school, upon discovering respondent, then a 14-year-old freshman, and her companion smoking cigarettes in a school lavatory in violation of a school rule, took them to the Principal's office, where they met with the Assistant Vice Principal. When respondent, in response to the Assistant Vice Principal's questioning, denied that she had been smoking and claimed that she did not smoke at all, the Assistant Vice Principal demanded to see her purse. Upon opening the purse, he found a pack of cigarettes and also noticed a package of cigarette rolling papers that are commonly associated with the use of marihuana. He then proceeded to search the purse thoroughly and found some marihuana, a pipe, and two letters that implicated her in marihuana dealing. Thereafter, the State brought delinquency charges against respondent in the Juvenile Court, which, after denying the respondent's motion to suppress the evidence found in her purse, held that the Fourth Amendment applied to searches by school officials but that the search in question was a reasonable one, adjudged respondent to be a delinquent. The Appellate Division of the New Jersey Superior Court affirmed the trial court's finding that there had been no Fourth Amendment violation but vacated the adjudication of delinquency and remanded on other grounds. The New Jersey Supreme Court reversed and ordered the suppression of the evidence found in respondent's purse, holding that the search of the purse was unreasonable.

*Instructor's Note:* For a more detailed assessment of this case, see Jon Shepard, "The Fourth Amendment and Searches in the Public Schools," *School Law Bulletin* (Spring 1993): 1-12.

1. Parents are specifically exempted from the Fourth Amendment; police and other governmental officials are held to the standards articulate in the Summary and in the textbook. Into which category should school officials be placed? (The Court ruled that school officials are representatives of the state, the second of these two categories.)
2. What should be the standard for the search of a student's property? Should a warrant be required? Probable cause? Or is it enough that the search be reasonable? Why would students advocate one standard as opposed to another? (The Court ruled that, while students are entitled to privacy, there was also the need to maintain a learning environment. A public school search was therefore required only to be reasonable. In other words, there should be grounds for suspecting the search would reveal evidence of illegal activity; and the scope of the search should be limited to its objects, with intrusiveness determined in light of the student's age, sex, and alleged infractions.)
3. Given the answers to the above questions, was the search in this particular case valid under the Fourth Amendment? Or should the exclusionary rule be applied? (The Court ruled that the search was constitutional, the requirements of reasonableness having been satisfied at every stage of the search process.)