

The School Search



Fourth Amendment United States Constitution

“The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and persons or things to be seized.”

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Case Study Sheet

I. What are the Facts?

II. State the Issue to be Decided:

III. Arguments for Petitioner:

IV. Arguments for Respondent:

V. What Would You Decide?

VI. Reasons/Evaluation:

VII. Mock Supreme Court Conference Decision:

VIII. Actual Decision of the Court:

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Tim's Parents v. Orange Blossom School

Two weeks before school got out for the summer, the school principal heard a rumor that a student on campus had cigarettes in his bookbag. The principal did not know which student had the cigarettes. The principal ordered a search of all student bookbags, purses, and lockers. While searching through Tim's bookbag, the principal found a pocket knife. Tim was suspended from school for ten days and missed his final exams. Because of this, Tim failed the sixth grade. Also, Tim was sent to juvenile court for carrying a weapon to school.

Tim's parents sued the school in circuit court (trial court). They argued that the search of Tim's bookbag was unfair and that it violated Tim's Fourth Amendment rights. The circuit court agreed with Tim's parents and said that the search was unfair. The school appealed the court's decision to the District Court of Appeal. The district court disagreed with the circuit court and ruled in favor of the school. The district court said that the bookbag search was fair and that it did not violate Tim's Fourth Amendment rights. Now, Tim and his parents have asked the Florida Supreme Court to decide whether the school's search violated Tim's Fourth Amendment rights.

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Constitutional Question

Does the school's search of a student's book bag violate the student's Fourth Amendment rights?

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Petitioner Arguments

MAY IT PLEASE THE COURT. MY NAME IS _____ AND I REPRESENT THE PETITIONERS, TIM'S PARENTS, WHO ARGUE THAT THE SCHOOL SHOULD NOT BE ALLOWED TO SEARCH STUDENT BOOKBAGS.

Tim's Parents' Arguments (against bookbag searches) include:

1. Students do not lose their rights when they come to school.
2. Schools should have a good reason before they are allowed to search a student or a student's things.
3. Tim should not get in trouble for having a knife at school when the principal was actually searching for cigarettes.
4. A student may be embarrassed when the school searches a student's personal things.

**Try to think of other arguments against school searches.
Write these arguments on the note pad at your seat.**

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Respondent Arguments

MAY IT PLEASE THE COURT. MY NAME IS _____ AND I REPRESENT THE RESPONDENT, THE SCHOOL, WHO ARGUES THAT THE BOOKBAG SEARCH DID NOT VIOLATE TIM'S FOURTH AMENDMENT RIGHTS.

School's Arguments (for *allowing* searches of bookbags) include:

1. The school has a duty to protect students from bad things that may be brought to school and hurt someone.
2. Even though the principal was searching for cigarettes, he should not ignore other bad things he may also find.
3. Students will not bring bad things to school if they know that their stuff will be searched.
4. Keeping students safe is much more important than protecting their privacy.

Try to think of other arguments in favor of school searches. Write these arguments on the note pad at your seat.

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Sample Questions for Justices

Questions to ask the Petitioners (Tim's Parents):

1. Doesn't the school need to be able to take knives and other weapons away from its students?
2. Isn't making sure that the school is safe one of a school's biggest jobs?
3. If we rule that the search of Tim's bookbag violates the Fourth Amendment, doesn't that tell students that they can carry whatever they want, as long as no one finds out?
4. In today's world, isn't it becoming more likely that students have knives and other weapons?
5. Students should not have drugs, alcohol, or weapons at all, right?

Try to think of other questions for the attorneys who are against school searches. Write these questions on the note pad at your seat.

Questions to ask the Respondent (School):

1. Shouldn't students be able to come to school without worrying about whether their things will be searched?
2. Is there a chance that searches will destroy the trust between students and teachers?
3. Why should schools be able to take things away from students that they were not actually looking for?
4. Why doesn't it matter that searching a student's things might be embarrassing for the student?
5. Do schools have the right to search every student or just students they suspect are bringing bad things to school?

Try to think of other questions for the attorneys who are in favor of school searches. Write these questions on the note pad at your seat.

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Marshal's Script

*(You must call Court to order in a very **loud** voice.)*

All rise.

Hear ye! Hear ye! Hear ye!

The Supreme Court of Florida is now in session.

All who have cause to plea, draw near, give attention, and you shall be heard.

God save these United States, this great State of Florida, and this honorable Court.

Ladies and gentlemen, the Florida Supreme Court.

Please be seated.

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Clerk

(place on Clerk's desk)

After the arguments, the Justices will vote on the case. Count the votes for the Petitioners (Tim's Parents) and Respondent (Orange Blossom School).

READ:

The Florida Supreme Court has reached a decision in this case. By a vote of _____ to _____ the Court rules in favor of the _____.

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Vote Sheet

Votes:

Chief Justice Lewis

Petitioner/Tim's Parents Respondent/School

Justice Wells

Petitioner/Tim's Parents Respondent/School

Justice Anstead

Petitioner/Tim's Parents Respondent/School

Justice Pariente

Petitioner/Tim's Parents Respondent/School

Justice Quince

Petitioner/Tim's Parents Respondent/School

Justice Cantero

Petitioner/Tim's Parents Respondent/School

Justice Bell

Petitioner/Tim's Parents Respondent/School

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Chief Justice's Script

**The Court is ready to hear the case of
Tim's Parents v. Orange Blossom School.**

Are the attorneys ready to proceed?

Attorneys for the Petitioner may begin.

[When the Marshal calls time, you tell the petitioner's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]

Attorneys for the Respondent may begin.

[When the Marshal calls time, you tell the respondent's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]

Attorneys for the Petitioner may present rebuttal.

[When the Marshal calls time, you tell the petitioner's attorneys that their time is up. If the attorneys are in the middle of an answer when time is called, then you can tell them that they may briefly finish their answer.]

Attorneys, thank you for your arguments. The Court will announce its decision shortly.

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Similar Court Decisions

New Jersey v. T.L.O. (1985)

Available at <http://laws.findlaw.com/us/469/325.html>

In this case, T.L.O., a fourteen year old student, was found smoking a cigarette on campus. A teacher discovered her and brought her to the Vice Principal's office. There, the Vice Principal proceeded to search T.L.O.'s purse, discovering not only the pack of cigarettes, but a number of items of drug paraphernalia and a small amount of marijuana.

T.L.O. was sent to juvenile court, where she was adjudicated a delinquent because of the evidence found in her purse. T.L.O. appealed the juvenile court's ruling in the Appellate Division of the New Jersey Superior Court. T.L.O. argued that the search violated her Fourth Amendment right to be free from unreasonable searches. The appellate court affirmed (agreed with) the juvenile court's decision, and it decided that no Fourth Amendment violation had occurred.

However, on appeal to the New Jersey Supreme Court, the Court reversed (disagreed with) the two lower courts' rulings. The New Jersey Supreme Court decided that the search was unreasonable and that it violated T.L.O.'s Fourth Amendment rights. The State of New Jersey appealed the decision to the United States Supreme Court.

The United States Supreme Court held that while students do have an expectation of privacy of their belongings on school grounds, school officials must maintain an environment in which students can learn. The Court ruled that the standard for searches in schools would be simply whether the search was reasonable. The U.S. Supreme Court reversed (disagreed with) the New Jersey Supreme Court and ruled that under the circumstances, there was no Fourth Amendment violation.