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Searches of Students in the Name of School Safety

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Research Guides

Searches of Students in the Name of School Safety

Guide Information

Last Updated:	Oct 29, 2010
Guide URL:	http://libguides.law.gsu.edu/studentsearchesschoolsafety
Description:	Mitchell Freehauf - Fall 2007 - Education; Constitutional
Tags:	constitutional_law, education_law
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Scope

In 1985, the U.S. Supreme Court rendered a decision in the case of *New Jersey v. T.L.O*., declaring that the question that mainly governs school searches of students or their belongings is whether the search was reasonable and whether the school official had reasonable grounds to conduct the search. This annotation provides primary and secondary resources to regarding various types of searches, all involving students on school premises, performed in the name of school safety in the wake of that decision.

Purpose

This purpose of this research guide is to present the legal issues surrounding school searches following the 1985 Supreme Court decision in *New Jersey v. T.L.O*. and compile the research materials related to this subject into a single resource. The goal is for the material to be accessible and understandable to attorneys, law students, or even lay-persons with little to no familiarity with the topic.

Overview

In a new age of school shootings and drugs and guns infiltrating the school systems, schools are trying to be pre-emptive in assuring the safety of the students. Searches are a part of that pre-emptive action. Yet, these searches have raised Fourth Amendment concerns. Until recently, courts approached school search cases in one of four ways: 1) whether a school official acted as a government agent; 2) whether school personnel acted *in loco parentis*; 3) whether the school had a proprietary interest in the area searched; or 4) whether the search was reasonable. Then, in 1985, the Supreme Court issued a ruling in *New Jersey v. T.L.O.* that resulted in a shift to the reasonableness inquiry. The new emphasis was on whether the search was reasonable and whether the school official had reasonable grounds to conduct the search.

The Supreme Court never said that children have no expectation of privacy at all in schools. And it is established that expectation of privacy is at its greatest when the search involves the actual student or the student's personal belongings carried on the student. But the Court conceded that some flexibility is necessary for the school to maintain order in the classroom and on school premises without being unduly restricted. The Court totally did away with the warrant requirement of the 4th Amendment as well as lessened the level of suspicion required to conduct a search.

The Court said the new "reasonable test" involved a two-part inquiry: 1) was the action justified at its inception, and 2) was the search reasonably related in scope to the circumstances which justified the interference in the first place?

With this analysis scheme in mind, this annotation will examine the "reasonableness" aspect of searches, and look at the rulings involving the following kinds of searches: purses, bookbags, handbags, etc.; locker searches, cars on school premises, searches of the student's person, strip searches, and drug testing of students.

About the Author

Mitchell Freehauf, as of Fall 2007, is a 3rd-year, full-time student at the Georgia State University College of Law. This guide was developed for Advanced Legal

Research, taught by Professor Nancy Johnson, and was last updated November 11, 2007. II.

Disclaimer

This annotation is not comprehensive and in no way should be understood to constitute legal advice. This annotation is intended to be a guide only and potential litigants should seek legal advice from an attorney or the appropriate state agency before relying on information provided here.

The author last updated this material Fall of 2007. Legal materials are constantly updated and news laws frequently passed. Users of this guide should therefore Keycite or Shepardize case law and statutes to ensure they are still good law.

In addition, secondary sources frequently update annotations and add new ones, so users should verify they are using the most current edition of the publication and check the pocket parts.

Also, users should not rely on the author's interpretation of cases, nor the authors referenced in treatises and journals, but read each case before citing it.

The author hopes this guide will provide an informative starting point for the user's own research. The law library and its reference librarians will be an excellent source to determine where to proceed from there.

Bibliographies on this Web site were prepared for educational purposes by law students as part of **Nancy P. Johnson's** Advanced Legal Research course. The Law Library does not guarantee the accuracy, completeness, or usefulness of any information provided. Thorough legal research requires a researcher to update materials from date of publication; please note the semester and year the bibliography was prepared.

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Primary Sources

The United States Constitution – 4th Amendment

"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 the persons or things to be seized."

A free version of the Constitution can be found on-line at:

Findlaw: www.findlaw.com/casecode/constitution/ or

GPO website: www.gpoaccess.gov/constitution/index.html

Cases

Supreme Court cases

Tinker v. Des Moines Ind. Comm. School Dist., 393 U.S. 503 (1969). Court stated that neither students nor teachers shed their constitutional rights at the schoolhouse gate.

New Jersey v. T.L.O., 469 U.S. 325 (1985). The United States Supreme Court held that the Fourth Amendment's prohibition against unreasonable searches and seizures applies to searches conducted by public school officials. The child's right to privacy at school must be balanced with the interests of teachers and administrators in maintaining discipline and order in the classroom and on school property. Because the warrant requirement can be burdensome and thwart the school's objective, the supreme court held that warrants are not required to search a student under the school's authority. Likewise, the court held that, in striking the delicate balance, the level of suspicion required for a warrantless search must be relaxed. The purpose of the reasonableness standard is to "ensure that the interests of students will be invaded no more than is necessary to achieve the legitimate end of preserving order in the schools." The Court articulated a two-part test to determine the reasonableness of a student search. First, the search must be " 'justified at its inception.' "According to the Court, "[u]nder ordinary circumstances, a search of a student by a teacher or other school official will be 'justified at its inception' when 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." The requirement of reasonable suspicion is not a requirement of absolute certainty but only of sufficient probability. Second, the student strip search must be " 'reasonably related in scope to the circumstances which justified the interference in the first place.' " A search will be "permissible in its scope" when "the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction."

"Reasonableness" Inquiry Addressed

See *New Jersey v. T.L.O.* supra

Coronado v. State, 835 S.W.2d 636 (Tex.Cr.App.,1992). Searches of student's clothing and person, locker and automobile by public school official were illegal and evidence obtained from these searches should have been suppressed where searches were not reasonably related in scope to the circumstances which initially justified official's interference with student, which was to determine whether student was skipping school, nor reasonably related to any discovery from initial "pat down" of student for safety reasons; fact that approximately one week earlier official had received information that student was selling drugs did not justify

searches.

Shade v. City of Farmington, 309 F.3d 1054 (8th Cir. 2002). Fourth Amendment's reasonableness inquiry with respect to searches must account for a school's custodial and tutelary responsibility over the students entrusted to its care. "Reasonableness" standard applied to search of students conducted off school grounds by school officials in conjunction with police officers, rather than probable cause standard, where school officials initiated the investigation after teacher saw student with a knife, police officers were more capable and better trained to search for a weapon in student's possession, and students were at all times in custody and control of their teacher when search occurred.

Berry v. State, 561 N.E.2d 832, (Ind. App. 1 Dist., 1990). High school principal's search of student's jacket was reasonable; principal searched jacket after teacher discovered student and another student arguing about whether student was selling marijuana and took both students to principal's office and reported what had happened.

C.B. By and Through Breeding v. Driscoll, 82 F. 3d 383 (11th Cir. 1996). Direct tip by high school student that another student was going to make drug sale at school later in day and that drugs were hidden in student's coat provided reasonable grounds for principal to search suspected student such that search did not violate Fourteenth Amendment.

In re William G., 40 Cal. 3d 550 (Cal. 1985). An assistant principal's search of a high school student's calculator case was conducted illegally and the evidence obtained thereby-marijuana-was inadmissible in juvenile court proceedings, where the search did not meet the standards of reasonable suspicion. The assistant principal articulated no facts to support a reasonable suspicion that the student was engaged in a proscribed activity justifying a search. The record reflected a complete lack of any prior knowledge or information on the part of the assistant relating the student to the possession, use, or sale of illegal drugs or other contraband. His suspicion that the student was tardy or truant from class provided no reasonable basis for conducting a search of any kind. The record was also devoid of evidence of exigent circumstances requiring an immediate nonconsensual search. Moreover, the student's "furtive gestures" in attempting to hide the calculator case from the assistant principal's view could not, standing alone, furnish sufficient cause to search, nor did not student's demand for a warrant create a reasonable suspicion upon which to base the search.

Purses/Handbags

See *New Jersey v. T.L.O.* supra.

In the Interest of Doe 887 P2d 645 (Hawaii, 1994). Court held that the search of a public high school student's purse was reasonable in its scope, and therefore constitutional under the Fourth Amendment because the purse was the most probable place for her to hide marijuana.

Maimonis v. Urbanski, 143 Fed. Appx. 699 (7th Cir. 2005). High school dean's request for permission to search student's purse for drugs did not violate Fourth Amendment; request itself was not a search, and dean did not have to have any reason to simply ask for permission to search so long as student recognized she was free to refuse to consent, which she did.

T. J. v State, 538 So 2d 1320 (Fla App D2, 1989). Court held that a search of a public middle school student's purse exceeded the scope that would be reasonably related to the circumstances justifying the search, and that the search was therefore unconstitutional. The court noted that courts have repeatedly suppressed evidence of drugs when a police officer's valid search for weapons during a "stop and frisk" discovers drugs in a purse or pocket after the officer has concluded that the purse or pocket does not contain a weapon. The court therefore concluded that the search exceeded the scope permitted by the Fourth Amendment when the school official examined the plastic bag in a side pocket which clearly contained no weapon.

S.V.J. v. State, 891 So. 2d 1221 (Fla. Dist. Ct. App. 2d Dist. 2005). The search of juvenile's purse was not supported by specific and articulable facts that justified the search; juvenile was searched after school administrative assistant observed that juvenile "looked startled" when he entered room and appeared to be hiding her purse, assistant admitted that he had no idea what juvenile might have in her possession, and no witnesses revealed any facts that demonstrated a reasonable suspicion that juvenile might have possessed a weapon, drugs, or other contraband.

Bookbags/Backpacks

Matter of Gregory M., 585 N.Y.S.2d 193 (N.Y.A.D. 1 Dept. 1992). Unusual metal thud made when student's bookbag was placed on cabinet was sufficient to support reasonable suspicion that there was weapon in bag so as to justify school security guard's minimally intrusive act of touching outside of bag and thereby frisking for weapon.

Burnham v. West, 681 F.Supp. 1160 (E.D.Va., 1987). School children have reasonable expectation of privacy in personal articles carried with them inside purses or wallets; there is no rational basis to exclude bookbags from this zone of protection.

Hedges v. Musco, 33 F.Supp.2d 369 (D.N.J., 1999). School's search of a student's person, by virtue of urinalysis and blood test and search of her bookbag, was severe violation of subjective expectations of privacy for purposes of state and federal constitutions.

In re Ana E., 2002 N.Y. Slip Op. 40018(U) (N.Y.Fam.Ct., 2002). School safety officer had reasonable suspicion that bookbag, belonging to juvenile who had been involved in violent fight with another student, contained contraband, justifying search of bookbag; both juvenile and student suffered injuries from the fight, juvenile continued to curse and act hysterically after teachers repeatedly asked her to calm down, juvenile verbally threatened that she would make other student bleed, and juvenile's classmates warned teachers not to search bookbag.

Greenleaf ex rel. Greenleaf v. Cote, 77 F.Supp.2d 168 (D.Me., 1999). School principal conducted reasonable search of female middle school student's person and locker, looking for indications she had been drinking; hall doors were closed insuring privacy while locker was examined, student consented to request that she open backpack, turn pockets of garments inside out and shake shirt and pants, search would have ceased if student objected, and principal turned away when bag fell out of backpack, out of concern that bag might contain feminine hygiene products, leaving inspection of bag to female colleague.

Lockers

Zamord v. Pomeroy – 639 F.2d 662 (10th Cir. 1981) – 10th circuit upheld as reasonable a dog search of a student's locker. Ct reasoned that student handbook contained regulations concerning locker usage, and school retained control and access to all lockers, including maintaining a file

of all lockers and their combinations.

Com. v. Cass, 709 A.2d 350 (Pa., 1998). Although high school students possessed legitimate expectation of privacy in their assigned lockers at school within meaning of Fourth Amendment, that privacy expectation was minimal, where lockers were subject to search without prior warning under school policy when school authorities had reasonable suspicion that locker contains materials posing threat to health, welfare or safety of students, lockers were school property, although students could provide their own locks, combination to locks had to be provided to school, school officials had master key to open all combination locks, and officials were constantly in lockers without notice to students to make repairs.

Roy ex rel. Roy v. Fulton County School Dist., 2007 WL 757648 (N.D. Ga., 2007). High school assistant principal had reasonable grounds for search of student's locker, and thus, search was reasonable under Fourth Amendment; assistant principal searched student's locker after receiving a direct tip from student's classmate, who was allegedly involved in the theft, that the student had stolen an MP3 player out of another student's locker.

In re Cody S., 16 Cal.Rptr.3d 653 (Cal.App.4.Dist., 2004). A minor who was being removed from his physical education (PE) class had no expectation of privacy in the sense of expecting that his backpack and street clothes could remain in the PE locker, which is reserved for PE use only, and removal of items from locker was not a search.

State v. Jones, 666 N.W.2d 142 (Iowa, 2003). In search and seizure context, public school student has legitimate expectation of privacy in contents of his or her school locker, notwithstanding existence of school rules or state laws contemplating and regulating searches of lockers. School authorities' search of high school student's locker during which marijuana was found in coat pocket was permissible; while student had legitimate expectation of privacy in locker and there was no individualized suspicion of rule or law violations, search was not overly intrusive considering that student had failed to report at appointed time to cooperate in annual school-wide cleanout of lockers and thus was not available to answer questions about what items might be in coat, and authorities acted reasonably in furtherance of duty to maintain proper educational environment.

In re Patrick Y., 723 A.2d 523 (Md.Spec.App.,1999). Public school principal's order to search all lockers in middle school area, given after security guard received report of weapons or drugs in that area, was reasonable under Fourth Amendment, for purposes of student's motion in delinquency proceeding to suppress knife found in his locker; although probable cause did not exist to believe student had contraband in locker, school had need to protect welfare and safety of students generally which outweighed that student's expectation of privacy in locker.

Cars on School Premises

Myers v. State, 839 N.E.2d 1154 (Ind., 2005). Determination of legality of warrantless canine dog sniff of high school defendant's unoccupied vehicle during sweep was governed by reasonableness standard, not warrant/probable cause requirement; school officials, not police, initiated, planned, and actually conducted searches with assistance of police-trained narcotics that were not available to school.

People v. Williams, 791 N.E.2d 608 (Ill.App.2.Dist., 2003). A search of a student's vehicle is justified at its inception when there are reasonable grounds for suspecting that the search will yield evidence that the student has violated or is violating either the law or the rules of the school. Police officer's search of student's vehicle for stolen gun in parking lot of high school was reasonable in scope, where officer had individualized suspicion that gun was in vehicle, search was limited to passenger compartment and trunk of vehicle, and danger posed by student's possession of a gun on school grounds was great compared to the relatively minor intrusion involved in acting on a classmate's tip.

F.S.E. v. State, 993 P.2d 771 (Okla.Crim.App.,1999). Assistant principal's request for assistance of police officers in investigation of student and warrantless search of his automobile, which was parked upon school premises, did not violate student's Fourth Amendment rights, where police acted at behest of assistant principal based upon her reasonable suspicion that student had been using marijuana.

Shamberg v. State, 762 P.2d 488 (Alaska App.,1988). School official had reasonable suspicion to search defendant's car for drugs and alcohol; defendant's speech was slurred, his eyes were glassy, he could not maintain his balance, his car was improperly parked on school grounds and he was evasive about whether he had driven his car during preceding lunch hour.

Student's Person

In re F.B., 726 A.2d 361 (Pa.,1999). Although search of a student involves a greater intrusion of the student's privacy interest than a search of a school locker, where the character of the intrusion is non-invasive, such as passing hand-held metal scanner over student's outer clothing, the intrusion remains minimal for Fourth Amendment purposes.

B.C. v. Plumas Unified School Dist., 192 F.3d 1260 (1998). Random and suspicionless dog sniff search of high school student was unreasonable in the circumstances, thus violating Fourth Amendment, since students' privacy interests were not minimal, and, absent any evidence of a drug problem or crisis at high school, government's important interest in deterring student drug use would not have been placed in jeopardy by a requirement of individualized suspicion; close proximity sniffing of the person is offensive whether the sniffer be canine or human

Strip Search

Kennedy v. Dester Consol. Schools, 129 N.M. 436 (2000). School officials' conduct in conducting strip searches of high school students in attempt to locate another student's missing ring violated the students' general Fourth Amendment right not to be strip searched in school without being individually suspected of wrongdoing

Beard v. Whitmore Lake School Dist., 402 F.3d 598 (6th Cir., 2005). Searches of 20 male high school students conducted by male teacher in school locker room, in which students had to remove shirts and lower pants and underwear, were not reasonably related in scope to circumstances justifying search, and thus were unreasonable in violation of Fourth Amendment; students had significant privacy interest in their unclothed bodies, search was intrusive, students did not consent to the search, school's interest in recovering money a student had reported stolen was not weighty, and there was no reason to suspect any particular student was responsible for the alleged theft.

Rudolph ex rel. Williams v. Lowndes County Bd. of Educ., 242 F.Supp.2d 1107 (M.D.Ala.N.Div., 2003). Strip search of high school student in school parking lot, after student had swallowed package of marijuana seeds that he had retrieved from his car, was not reasonably related to objects of search, i.e., to find illegal contraband in order to combat drug use, and was excessively intrusive, and thus search was not reasonable under the Fourth Amendment; student had identified substance he had swallowed that he had retrieved from his car, and not his person, and thus requiring him to strip to his underwear in public parking lot was excessively intrusive.

Phaneuf v. Fraikin, 448 F. 3d 591 (2006). Discovery of cigarettes in student's purse could not alone support suspicion that student was carrying marijuana in her underwear, and thus school officials did not have reasonable suspicion required to justify strip search of student, even though fellow student had told teacher that she had heard student tell others that she had hidden marijuana in her underpants, student had past disciplinary problems, and her denial was made in suspicious manner, where there was no evidence that informant had previously provided reliable information to officials, there was no attempt to corroborate informant's tip, none of student's past misbehavior involved drug use, there was no indication as to what was suspicious in manner of student's denial, and officials initially overlooked presence of cigarettes in student's purse.

Drug Testing

Board of Education of Ind. School Dist. No. 92 of Pottawatomie County v. Earls, 536 U.S. 822 (2002). Court held that searches by public school officials, such as the collection of urine samples, implicate Fourth Amendment interests. School board's policy requiring all students who participated in competitive extracurricular activities to submit to drug testing was a reasonable means of furthering the school district's important interest in preventing and deterring drug use among its schoolchildren, and therefore did not violate Fourth Amendment; students affected by policy had a limited expectation of privacy, degree of intrusion caused by policy was negligible given the method of collection of urine samples, and the only consequence of a failed drug test was to limit student's privilege of participating in extracurricular activities.

Veronia School Dist. 47J v. Acton, 515 U.S. 646 (1995). Court said that while public school children have lesser privacy expectations with regard to medical examinations and procedures than general population, student athletes have even less legitimate privacy expectation, for purpose of determining reasonableness on drug urinalysis “search”. Public school district's student athlete drug policy, which authorized random urinalysis drug testing of students who participated in its athletic programs, did not violate student's federal or state constitutional right to be free from unreasonable searches; school district had immediate, legitimate concern in preventing student athletes from using drugs, invasion of student privacy interest was negligible, and district was not required to come up with “least intrusive” search.

Todd v. Rush County Schools, 133 F. 3d 984 (7th Cir. 1998). Court held that requiring all students who wish to participate in extracurricular activities to consent to random and suspicionless urine testing for alcohol, unlawful drug, and cigarette usage did not violate the Fourth Amendment rights of those students. The Court found that the reasoning compelling drug testing of athletes also applied to testing of students involved in extracurricular activities.

Miscellaneous Other Tests

Gruenke v. Seip, 225 F. 3d 290 (2000). A high school swimming coach in requiring team member he suspected was pregnant to take a pregnancy test constituted an unreasonable search in violation of Fourth Amendment. Although student athletes have a very limited expectation of privacy under Fourth Amendment, a school cannot compel a student to take a pregnancy test absent a legitimate health concern about a possible pregnancy and the exercise of some discretion.

Porter ex rel. LeBlanc v. Ascension Parish School Bd., 301 F.Supp.2d 576 (M.D.La., 2004). School officials' search of student's person and book bag did not violate student's Fourth Amendment rights where student was in possession of a graphic and violent drawing that depicted public school being soaked with gasoline, while a missile was aimed at it, with obscene and racial expletives written on the drawing, and students holding guns and throwing a brick at the principal; school officials were reasonable in believing that student posed an immediate danger to the faculty, students and school facilities.

Burreson v. Barneveld School Dist., 434 F.Supp.2d 588 (2006). School district did not violate student's Fourth Amendment rights when principal summoned student from class in order to allow police officers to interrogate and obtain a DNA sample from him during school hours and on school property.

In re L.A., 270 Kan. 879 (2001). Tip by a student to the school Crime Stoppers organizer that another student carried contraband in the band of his cap provided basis of reasonable suspicion that justified search at its inception. Search of student conducted by school officials, based on reasonable suspicion from tip that student was carrying contraband in the headband of his cap, was reasonably related to the circumstances which justified the initial interference and was within reasonable limits suggested by the tip.

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Secondary Sources

Encyclopedias

American Jurisprudence

68 Am. Jur. 2d Searches and Seizures § 28 (2007).

This annotation examines searches and seizures of public school students, specifically what constitutes a search and seizure of a student and the scope of the search allowed by the 4th amendment.

Other Encyclopedias

Searches and Seizures, Arrests and Confessions § 17.2 (2007).

This annotation briefly examines the analytical scheme used for 4th amendment challenges to school searches prior to the 1985 case of *New Jersey v. T.L.O.* and discusses the shift to the reasonableness inquiry.

American Law Reports

Alexander C. Black, J.D., Annotation, Search Conducted by School Official or Teacher as Violation of Fourth Amendment or Equivalent State Constitutional Provision, 31 A.L.R. 5th 229 (1995).

This annotation is very thorough and exhaustive and explores topics such as expectation of privacy, standards of reasonableness in school searches, scope of the search, factors for determining reasonableness, circumstances that give rise to reasonable suspicion, and who is subject to 4th amendment scrutiny for unreasonable searches.

Kathleen M. Dorr, J.D., Annotation, Validity, Under Federal Constitution, or Regulations, Rules or Statutes Allowing Drug Testing of Students, 87 A.L.R. Fed. 148 (1988).

This annotation explores searches and seizures in schools as they relate to 4th amendment concerns when applied to drug testing of students. The article's focus is on whether such testing is overly intrusive, whether consent is given, whether such tests are justified and reasonable, and whether the student's right to privacy is violated by such tests. Due process concerns are also explored.

Books and Other Treatises

The following can be found in the Georgia State University College of Law Library. A search of the library catalog (GIL), using the quick search for the phrase "searches" will bring up a number of entries. Limiting the search to "students" will narrow that search down. I have listed the most recent below.

John H. Dise, Chitra S. Iyer, and Margaret T. Debler, *Searches of Students, Lockers, and Automobiles* (1994). Call number: KF9630.A9 D47 1994.

Law Review Articles

Tyler Reynolds, The Fourth Amendment: The Appropriate Use of Drug Dogs to Search Vehicles on School Grounds, 36 J.L. & Educ. 589 (2007).

This article explains the constitutionality of searching students' vehicles on school property. Specific emphasis is placed upon the use of narcotics dogs as a means through which school officials can meet or circumvent the reasonable suspicion requirement needed to make the search legal. The goal of the article is to explain to the non-legal reader that use of narcotics dogs is not only suitable, but essential to the enhancement of school security and educational endeavors.

Todd, Feinberg, Suspicionless Canine Sniffs: Does the Fourth Amendment Prohibit Public Schools from Using Dogs to Search Without Individualized Suspicion?, 11 U.C. Davis J. Juv. L. & Pol'y 271 (Summer 2007).

The first section of this article provides a background on the application of the Fourth Amendment to public school officials. The second section discusses the Supreme Court's actions that have fueled uncertainty about whether suspicionless canine searches in schools violate the Fourth Amendment. The third section provides guidance to public school officials on how to decide if a suspicionless canine sniff program is appropriate for their school and, if so, how to best implement such a program.

Matthew Lynch, Mere Platitudes: The "Domino Effect" of School-Search Cases on the Fourth Amendment Rights of Every American, 91 Iowa L. Rev. 781 (2006).

This article looks critically at recent school-search jurisprudence through the lens of Justice Jackson's primary concern: that diluting the constitutional rights of students may dilute the constitutional rights of all Americans. It explores the impact of such dilutions of students' Fourth Amendment rights and argues that they produce a "Domino Effect"; as courts revise legal standards for school searches in an effort to uphold them, the effects of these revisions reverberate throughout Fourth Amendment law. It examines the differences between Fourth Amendment rights in schools and society generally. It lays out traditional Fourth Amendment requirements and outlines the lengths to which courts are willing to bend traditional Fourth Amendment doctrines to accommodate school searches.

Maria Altmann, A Student- Centered Balancing Test: When Strip Searches Cross the Constitutional Line, 35 J.L. & Educ. 133 (2006).

This article introduces a formula that attempts to help educators recognize the elements of an unconstitutional search. The formula warns against conducting highly intrusive searches when the gravity of the violation is minor.

Ralph D. Mawdsley, J.D., Ph.D., and Charles J. Russo, J.D., Ed.D., Conducting Student Searches Relying on Student Tips, 199 Ed. Law Rep. 15 (2005).

This article examines the recognition that when school officials respond to information in a tip, they must be aware their response will be assessed by a reasonableness standard in the inception and scope of a search. The article discusses several court decisions concerning tips regarding contraband and highlights practical guidelines.

Rebecca N. Cordero, No Expectation of Privacy: Should School Officials Be Able to Search Students' Lockers Without Any Suspicion of Wrong Doing? A Study of In Re Patrick Y. and Its Effect on Maryland Public School Students, 31 U. Balt. L. Rev. 305 (2002).

This articles describes how the Court of Appeals of Maryland has severely impacted the Fourth Amendment rights of students through its decision in In re Patrick Y. The articles gives a brief overview of the Fourth Amendment, then provides a history of cases dealing with student searches, beginning with the landmark decision of New Jersey v. T.L.O., and then examines other jurisdictions' treatment of locker searches.

Ronald Susswein, The New Jersey School Search Policy Manual: Striking the Balance of Student's Rights of Privacy and Security After the Columbine Tragedy, 34 New Eng L. Rev. 527 (2000).

This article discusses the efforts of one state to provide a reference tool to school officials to help them to preserve a safe educational environment for our

children--one free of the disruptive influence of firearms and other weapons, violence, and illicit drugs--while safeguarding the right that students enjoy to be free from unreasonable searches.

J. Nathan Jensen, Don't Rush to Abandon a Suspicion-Based Standard for Searches of Public School Students, 2000 B.Y.U. L. Rev. 695 (2000).

This article examines Todd v. Rush County Schools, a Seventh Circuit Court of Appeals decision that relied upon Vernonia to uphold a warrantless, suspicionless urinalysis testing program for public school students who wished to participate in extracurricular activities. It addresses several problems with the application of Vernonia to Todd. It also discusses the suspicion-based standard and its ability to fulfill the purposes of a suspicionless program while protecting students' privacy interests in a public school context. The article argues that the Vernonia holding should be limited to its facts and that a suspicion-based standard would best preserve students' constitutional rights while protecting the government's ability to maintain order and a proper educational environment in public schools.

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Online Research

Westlaw

Westlaw is a structured, fee-based research system with access to billions of legal and news documents. It allows searching of federal and case law on this issue as wells as secondary sources like law reviews and treatises. West's Key Number Digest is a unique feature in which West has assigned particular keys that correspond to issues relevant to school searches. By isolating these keys and narrowing the search, you can uncover cases directly on point. Some helpful Key numbers include the following:

Searches and Seizures: 349 k11, k12, k22, k26; 345 k 169.5

Free Legal Research Sites

Lexis-One

Lexis-One offers free case searching up-to-date through the last five years. Searching cases over the last five years will not result in thorough legal research. To stay up to date on new cases, though, it's not a bad choice for free research. Subscriptions are available as a lower-cost alternative to a full legal service like Lexis or Westlaw.

Visit their site at: www.lexisone.com/caselaw/freecaselaw

Casemaker

Casemaker is a free legal research tool available to all Georgia Bar members. It has a fairly nice search engine that allows access to state and federal materials. Casemaker includes historic to current cases, statutes, and regulations. Visit their site through the Georgia Bar Association website. www.gabar.org/

Findlaw

Findlaw provides information about general legal topics. You can find online case law, free state codes, free federal codes, free legal forms, US Supreme Court briefs, opinions, orders, calendars and more. The drawback is that search capabilities are very limited; however it is a good place to start. Visit their site at: www.findlaw.com/

Lexis

Lexis is the other primary fee-based online research tool. Particularly useful feature of Lexis is its Shepherd's feature which automatically indicates whether a particular case is good law.

Google

Search engines are a great way to jump-start your research. You can find new articles written by lawyers, professors, students, and bloggers. While this is certainly not a source to be relied solely upon, it is an interesting and easy way to start research topics.It is possible to do an advanced search that can be very useful in limiting the returns from a given search. Using an advanced search allows you to limit searches by terms, phrases, certain language, file format, dates, synonyms, etc. See Google's advanced search here: www.google.com

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