

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

CIRCUMSTANCES OF THE CASE

In 1980 at Piscataway High School in Middlesex County, New Jersey, a teacher caught two female students smoking in the girls' restroom. One of these was T.L.O., aged 14. (T.L.O. are the initials of the student, whose name is withheld due to her age and juvenile status.) Smoking in the restroom was in violation of the school rules, so the teacher took the students to the office of the vice-principal, Theodore Choplick. He questioned the girls and one admitted smoking, but T.L.O. denied this, stating that she did not smoke at all.

Mr. Choplick took T.L.O. into his private office and asked to see her purse. She turned it over. Mr. Choplick found in it a pack of cigarettes and some cigarette rolling papers. Possession of these rolling papers is often associated with marijuana use. Mr. Choplick, after discovering these items, searched the purse further, finding a small amount of marijuana, a pipe, a number of empty plastic bags, and a quantity of one-dollar bills. Also found was information indicating that

T.L.O. was involved in drug sales to other students.

T.L.O.'s mother was notified, the police were called, and the drug evidence was turned over to them. At police headquarters where the girl had been taken by her mother, T.L.O. confessed that she had been selling marijuana at the high school. On this basis and on the evidence seized at the school, the State charged T.L.O. in the juvenile courts with delinquency. She was found guilty and given a probated sentence of one year.

T.L.O. appealed her case to the Superior Court of New Jersey. It upheld the ruling that the evidence could be admitted. The Supreme Court of New Jersey, to which the case was then appealed, reversed the Superior Court ruling. This court stated that the 4th Amendment exclusionary rule applied to this search and seizure committed by Mr. Choplick. The evidence from this search should not have been admitted. The State of New Jersey appealed to the Supreme Court of the United States.

CONSTITUTIONAL ISSUES

1. Does the exclusionary rule of the 4th Amendment to the United States Constitution apply to searches and seizures made in the public schools by school officials and teachers?
 2. Did this search by Vice-Principal Choplick violate the 4th Amendment made applicable to the States through the Due Process Clause of the 14th Amendment?
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Arguments for New Jersey

1. The exclusionary rule does not apply in this case.
2. School officials are not law enforcement agents. Therefore the exclusionary rule can have no deterrent effect on their actions.
3. School authorities act *in loco parentis* (in place of the parents) when parents entrust their children to the public schools.
4. In order to protect students, school officials must provide an environment in which learning can take place. To do so they must act in place of the parents. School officials thus need broad powers of discipline and action.
5. There was "probable" or "reasonable" cause for the search. The facts that the girls were caught by a teacher, that one admitted to violating the rules, and that T.L.O. was suspected of the same violation justified it.

Arguments for T.L.O.

1. The exclusionary rule does apply here, and it has been violated. Students are entitled to the protection of the Constitution's 4th Amendment. They do not "leave their constitutional rights at the schoolhouse gate" (*Tinker v. Des Moines School District*, 1967).
2. School authorities are government agents. They are employees of the State and act with the authority given them by the State. They are not *in loco parentis*.
4. Students are entitled to expect a right to privacy in the school.
5. Mr. Choplick did not have "reasonable" cause for the search.

DECISION AND RATIONALE

Justice Byron White wrote the opinion for the majority of the United States Supreme Court. White's opinion recognized that the students in a public school have the constitutional right to privacy. School officials are not exempt from the restrictions of the 4th Amendment. They are not simply "stand-ins" for the parents but are officials of the State and are bound by constitutional restrictions. School students have a right to expect privacy in the school.

There is, however, a need to balance this student expectation of privacy with the right and the responsibility of the school to provide and protect an environment in which learning can take place. White wrote, "School officials need not obtain a warrant before searching a student who is under their authority. The school setting also requires some modification of the level of suspicion of illicit activity needed to justify a search."

Under normal conditions, White noted, even when a warrantless search is permissible, "probable cause" that a legal violation has occurred must exist. However,

... Where a careful balancing of governmental and private interests suggest that the public interest is best served by a 4th Amendment standard of "reasonableness" that stops short of "probable cause," we have not hesitated to adopt such a standard. . . .

In determining "reasonableness," a "two-fold inquiry" is involved. It must be determined whether the action was justified at its "inception" and whether the search was conducted "reasonably . . . in scope to the circumstances which justified the interference in the first place." Normally a search by school officials, the opinion noted, is justified at its inception if there are reasonable grounds to suspect that the search will turn up evidence that the student is violating the rules of the school or State law.

White concluded that the searches here were "reasonable." Mr. Choplick had been told by a teacher that T.L.O. had been smoking. There was thus reason to suspect that her purse contained cigarettes. The discovery of the rolling papers justified the "reasonable suspicion" that the student had marijuana in her possession. This justified the further search which turned up additional evidence.

Justices Lewis Powell and Harry Blackmun filed separate concurring opinions with the majority. Justices William J. Brennan, Thurgood Marshall, and John Paul Stevens filed opinions concurring in part and dissenting in part.

Questions for Discussion

1. How would you have ruled in this case? Explain the reason for your decision.
2. Is the "reasonableness" standard allowed in the Court's opinion too vague and difficult for school officials to carry out?
3. Is the school ever entitled to be "in place of the parent"? If so, in what instances?
4. The opinion of the Court affirms the fact that students are guaranteed the constitutional protection of privacy while in the school, even though this protection must be balanced with the State's need to protect the educational environment for all. What problems and conflicts might arise over this issue: the right to privacy v. the State's interest in educational environment?