

# Supreme Court Opinions and Student Rights

## Review It — Excerpts

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### Excerpt #1 - Majority opinion written by Justice Byron White in the *New Jersey v. T.L.O.* decision

“In determining whether the search at issue in this case violated the Fourth Amendment, we are faced initially with the question whether that Amendment’s prohibition on unreasonable searches and seizures applies to searches conducted by public school officials. We hold that it does.

. . . Although this Court may take notice of the difficulty of maintaining discipline in the public schools today, the situation is not so dire that students in the schools may claim no legitimate expectations of privacy . . .

Against the child's interest in privacy must be set the substantial interest of teachers and administrators in maintaining discipline in the classroom and on school grounds. Maintaining order in the classroom has never been easy, but in recent years, school disorder has often taken particularly ugly forms: drug use and violent crime in the schools have become major social problems . . .

The warrant requirement, in particular, is unsuited to the school environment: requiring a teacher to obtain a warrant before searching a child suspected of an infraction of school rules (or of the criminal law) would unduly interfere with the maintenance of the swift and informal disciplinary procedures needed in the schools . . . [W]e hold today that school officials need not obtain a warrant before searching a student who is under their authority.

. . . [T]he legality of a search of a student should depend simply on the reasonableness, under all the circumstances, of the search . . . Under 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.”

- Justice Byron White, 1985

**Source:** United States Courts, <http://www.uscourts.gov/multimedia/podcasts/Landmarks/tinkervdesmoines.aspx>

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