

NEW JERSEY v. T. L. O.

No. 83-712

SUPREME COURT OF THE UNITED STATES

469 U.S. 325; 105 S. Ct. 733; 1985 U.S. LEXIS 41; 83 L.  
Ed. 2d 720; 53 U.S.L.W. 4083

March 28, 1984, Argued  
January 15, 1985, Decided

SUBSEQUENT HISTORY:

[\*\*\*1]

Reargued October 2, 1984.

PRIOR HISTORY:

CERTIORARI TO THE SUPREME COURT OF NEW JERSEY.

DISPOSITION:

94 N. J. 331, 463 A. 2d 934, reversed.

REF-LINKS:

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DECISION:

Reasonableness standard held to be proper standard for determining legality of searches conducted by public school officials.

SUMMARY:

At a New Jersey high school a teacher discovered a 14-year-old freshman smoking in a lavatory in violation of a school rule and brought her to the principal's office. When questioned by an assistant vice principal, the student denied that she had been smoking and claimed that she did not smoke at all, and the assistant vice principal then demanded to see her purse, opened the purse, found a pack of cigarettes, and, upon removing the cigarettes, noticed a pack of cigarette rolling papers, which is closely associated with the use of marijuana. The assistant vice principal proceeded to search the purse thoroughly and found a small amount of marijuana, a pipe, a number of empty plastic bags, a substantial quantity of money in one-dollar bills, an index card containing a list of those students who owed the student money, and two letters that implicated the student in marijuana dealing. A New Jersey juvenile court admitted the evidence so discovered in delinquency proceedings against the student, holding that a school official may properly conduct a search of a student's person if the official has a reasonable suspicion that a crime has been or is in the process of being committed, or reasonable cause to believe that the search is necessary to maintain school discipline or enforce

school policy, and that the search in this case was a reasonable one under this standard. The court found the student to be a delinquent and sentenced her to a year's probation (428 A2d 1327). The Appellate Division affirmed the trial court's finding that there had been no Fourth Amendment violation, but vacated the adjudication of delinquency and remanded for a determination whether the student had willingly and voluntarily waived her Fifth Amendment Rights before confessing (448 A2d 493). On appeal of the Fourth Amendment ruling by the student, the Supreme Court of New Jersey reversed the judgment of the Appellate Division and ordered the suppression of the evidence found in the purse, holding that the search of the purse was not reasonable (463 A2d 934).

On certiorari, the United States Supreme Court reversed. In an opinion by White, J., in which Burger, Ch. J., and Powell, Rehnquist, and O'Connor, JJ., joined, and in which Brennan, Marshall, and Stevens, JJ., joined as to point one below, the court held: (1) that the Fourth Amendment's prohibition on unreasonable searches and seizures applies to searches conducted by public school officials; (2) that school officials need not obtain a warrant before searching a student who is under their authority; (3) that school officials need not strictly adhere to the requirement that searches be based on probable cause to believe that the subject of the search has violated or is violating the law, and that the legality of their search of a student should depend simply on the reasonableness, under all the circumstances, of the search, and (4) that the search in this case was not unreasonable under the Fourth Amendment.

Powell, J., joined by O'Connor, J., concurred in the opinion and the holding, expressing the view that greater emphasis should be placed on the special characteristics of elementary and secondary schools that make it unnecessary to afford students the same constitutional protections granted adults and juveniles in a nonschool setting.

Blackmun, J., concurred in the judgment, expressing the view that the special need for an immediate response to behavior that threatens either the safety of school children and teachers or the educational process itself justifies the court in excepting school searches from the warrant and probable cause requirements, and in applying a standard determined by balancing the relevant interests.

Brennan, J., joined by Marshall, J., concurred in part and dissented in part, expressing the view that teachers, like all other government officials, must conform their conduct to the Fourth Amendment's protections of personal privacy and personal security, that the Fourth Amendment's language compels that school searches like that conducted in this case are valid only if supported by probable cause, and that applying the constitutional probable cause standard to the facts of this case, the search in question violated the student's Fourth Amendment rights.

Stevens, J., joined by Marshall, J., and joined also by Brennan, J., as to point one below, concurred in part and dissented in part, expressing the view that (1) the court has misapplied the standard of reasonableness embodied in the Fourth Amendment; (2) that a standard better attuned to the concern for violence and unlawful behavior in the schools would permit teachers and school administrators to search a student when they have

reason to believe that the search will uncover evidence that the student is violating the law or engaging in conduct that is seriously disruptive of school order, or the educational process; and (3) that the search in this case failed to meet this standard.

Held:

1. The Fourth Amendment's prohibition on unreasonable searches and seizures applies to searches conducted by public school officials and is not limited to searches carried out by law enforcement officers. Nor are school officials exempt from the Amendment's dictates by virtue of the special nature of their authority over schoolchildren. In carrying out searches and other functions pursuant to disciplinary policies mandated by state statutes, school officials act as representatives of the State, not merely as surrogates for the parents of students, and they cannot claim the parents' immunity from [\*\*\*3] the Fourth Amendment's strictures. Pp. 333-337.

2. Schoolchildren have legitimate expectations of privacy. They may find it necessary to carry with them a variety of legitimate, noncontraband items, and there is no reason to conclude that they have necessarily waived all rights to privacy in such items by bringing them onto school grounds. But striking the balance between schoolchildren's legitimate expectations of privacy and the school's equally legitimate need to maintain an environment in which learning can take place requires some easing of the restrictions to which searches by public authorities are ordinarily subject. Thus, school officials need not obtain a warrant before searching a student who is under their authority. Moreover, school officials need not be held subject to the requirement that searches be based on probable cause to believe that the subject of the search has violated or is violating the law. Rather, the legality of a search of a student should depend simply on the reasonableness, under all the circumstances, of the search. Determining the reasonableness of any search involves a determination of whether the search was justified at its inception and [\*\*\*4] whether, as conducted, it was reasonably related in scope to the circumstances that justified the interference in the first place. Under ordinary circumstances the search of a student by a school official will be justified at its inception where 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. And such 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 student's age and sex and the nature of the infraction. Pp. 337-343.

3. Under the above standard, the search in this case was not unreasonable for Fourth Amendment purposes. First, the initial search for cigarettes was reasonable. The report to the Assistant Vice Principal that respondent had been smoking warranted a reasonable suspicion that she had cigarettes in her purse, and thus the search was justified despite the fact that the cigarettes, if found, would constitute "mere evidence" of a violation of the no-smoking rule. Second, the discovery of the rolling papers then gave rise to a reasonable [\*\*\*5] suspicion that respondent was carrying marijuana as well as cigarettes in her purse, and this suspicion justified the further exploration that turned up more evidence of drug-related activities. Pp. 343-347.

COUNSEL:

Allan J. Nodes, Deputy Attorney General of New Jersey, reargued the cause for petitioner. With him on the brief on reargument were Irwin J. Kimmelman, Attorney General, and Victoria Curtis Bramson, Linda L. Yoder, and Gilbert G. Miller, Deputy Attorneys General. With him on the briefs on the original argument were Mr. Kimmelman and Ms. Bramson.

Lois De Julio reargued the cause for respondent. With her on the briefs were Joseph H. Rodriguez and Andrew Dillmann. \*

\* Briefs of amici curiae urging reversal were filed for the United States by Solicitor General Lee, Deputy Solicitor General Frey, and Kathryn A. Oberly; for the National Association of Secondary School Principals et al. by Ivan B. Gluckman; for the National School Boards Association by Gwendolyn H. Gregory, August W. Steinhilber, and Thomas A. Shannon; for the Washington Legal Foundation by Daniel J. Popeo and Paul D. Kamenar; and for the New Jersey School Boards Association by Paula A. Mullaly and Thomas F. Scully.

Briefs of amici curiae urging affirmance were filed for the American Civil Liberties Union et al. by Mary L. Heen, Burt Neuborne, E. Richard Larson, Barry S. Goodman, and Charles S. Sims; and for the Legal Aid Society of the City of New York et al. by Janet Fink and Henry Weintraub.

Julia Penny Clark and Robert Chanin filed a brief for the National Education Association as amicus curiae.