

New Jersey v. T.L.O. / Setting the Stage: Bell-Ringer Activity—Answer Key

As you walk into class, you observe this conversation between your teacher and one of your classmates:

Teacher: You smell like cigarette smoke. Have you been smoking?

Student: Me? No way. I don't smoke.

Teacher: I don't believe you. Let me have your backpack. I'm going to call security and have them check it for cigarettes.

Student: You're kidding me, right? I didn't do anything wrong. Plus, they can't search me without a warrant.

At this point, a security guard enters the room and approaches the student.

Guard: Come with me and bring your backpack. We're going to search it.

Questions to Consider

1. What do you think about the event that just occurred? Was the student treated fairly?

Student answers will vary. Most students will perceive this event to be somewhat random and unfair. However, if the school has a policy against smoking, some students might feel that the way the student was treated was fair; after all, the teacher smelled smoke and was just following school procedures.

2. The student claimed that security cannot conduct a search without a warrant. Do you think this is true? Why or why not?

Student answers will vary. Some students will argue that security guards function in much the same way as policemen and thus, should not be allowed to search a student without a warrant. Others will argue that they have never known security or school officials to get a warrant, so warrants must not be necessary.

3. Do you think the rules that police must follow regarding searches apply to school officials too? Should the same rules apply? Why or why not?

Student answers will vary. Some students will argue that school officials must follow the same rules that police do on the grounds that they are all acting in the interests of the government. Others will argue that the school setting allows for a relaxing of Fourth Amendment requirements regarding warrants.