Barton Juvenile Defender Clinic
Emory University School of Law
1301 Clifton Road
Atlanta, GA 30322

Tel 404.712.8399
Fax 404.727.7851
Jdc.emory@gmail.com

SELECTED STATE LAW CASES RELATING TO SEARCHES AND SEIZURES IN THE SCHOOL SETTING[1]

State	Key Case	Holding
U.S. Supreme Court	Safford Unified School District # 1 v. Redding, 129 U.S. 2633 (2009). 2009 U.S. LEXIS 4735 (U.S. June 25, 2009).	Applying the two part reasonableness test from *New Jersey v. T.L.O*. the Court finds that a school vice principal had reasonable suspicion to search a 13 year girl for common pain killers but that the subsequent strip search was neither justified nor permissible in scope and thus unconstitutionally violated her 4th Amendment protections. However, the Court ordered qualified immunity for the school officials citing a prior lack of clarity in the law.
	Board of Education of Independent School District No. 92 of Pottawatomie County v. Earls, 536 U.S. 822 (2002)	An Oklahoma school implemented a drug testing policy for all students who enroll in extra-curricular activities. Expanding upon the analysis in *Vernonia School Dist. 47J v. Action*, 515 U.S. 646 (1995), the Court held that individualized suspicion is not always required to conduct a search on school grounds, as "special needs" exist in the public school context. The Court concluded that the random drug testing in question

[1] This chart highlights selected state law cases relating to search and seizure of students on school grounds. While we hope that this chart is thorough, it does not list every single case relating to this topic. Additionally, the summaries are just that – they are not an in-depth analysis of each case. Finally, the chart does not yet include federal decisions on this topic. We hope, however, that it is a useful starting point for your individual research in challenging school-based searches and seizures.

		was a reasonable way to fulfill the school's interest in preventing and deterring drug use among students, and that it did not constitute an illegal search and seizure.
	Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646 (1995)	An Oregon school district's policy authorizing random drug testing of students who participate in its athletic programs is upheld as constitutional under the 4th and 14th Amendments. Children in the temporary custody of the State, which is acting *in loco parentis*, have a decreased expectation of privacy. This is especially true with regards to student athletes who must conform to a number of additional school regulations and who share common locker rooms. The urinalysis tests required under the school district's policy are relatively unobtrusive because they are handled in a carefully regulated manner, do not distinguish between students, and only expose students as much as they would be exposed in any public restroom. Moreover, the interests of the State in deterring drug use in schools and in protecting student athletes from the consequences of drug use are compelling. In analyzing the constitutionality of the policy, the court looks to (a) the nature of the privacy interests; (b) the character of intrusion; (c) the nature and immediacy of concern and efficacy of solution.
	New Jersey v. T.L.O, 469 U.S. 325 (1985)	4th Amendment protections against unreasonable searches and seizures apply to public school searches. In searches conducted by school officials, neither a warrant nor probable cause is required. Instead, the school official must have reasonable suspicion to believe that the student is violating the law or a school rule. The Court set out a two part reasonableness test: the search must be justified at its inception and permissible in scope. However, the Court expressly reserved judgment on the appropriate legal standard for searches conducted by school officials in conjunction with or at the behest of law enforcement officials.
Alabama	Wynn By and Through Wynn v. Bd of Educ. Of Vestavia Hills, 508 So. 2d 1170 (Ala. 1987)	The teacher had reasonable grounds for suspecting the defendant of stealing money, and thus for performing the search. The search was not excessively intrusive and was reasonably related to the objective of the search.
Alaska	Shamburg v. State, 762 P.2d 488 (Alaska Ct. App. 1988)	School officials had reasonable grounds for the search of student's car, based on his activity and slurred speech. Reasonableness of the search was based on totality of the circumstances.
Arizona	State v. Serna, 860 P.2d 1320 (Ariz. Ct.	Public high school security guard employed by the school is an agent

	App. 1993)	of the high school principal. Although a state actor and subject to the requirements of the 4th amendment, standard for conducting a search is "reasonableness under all of the surrounding circumstances." Held that this search was reasonable.
	In re Appeal in Pima County Juvenile Action No. 80484-1, 733 P.2d 316 (Ariz. Ct. App. 1987)	High school principal had no personal knowledge that student was engaging in drug use or possession. Student was summoned from outdoor area where students go for a variety of reasons. Thus the principal's search of the minor's pockets was unreasonable at inception and the motion to suppress cocaine found in his pockets was granted.
Arkansas	State v. C.W., 374 Ark. 116 (2008)	When a fellow student reported that defendant had sold him marijuana, defendant was brought into school conference room where two police officers were waiting for him. They asked him to take off his shoes; a bag of marijuana was found in one shoe. They took him next door, arrested him, read him his Miranda rights and took him to a detention center. Circuit Court granted motion to dismiss b/c police officers had plenty of time and cause to get an arrest warrant prior to the search. After the motion was granted, the state decided to *nolle prosequi* the case, and then filed an interlocutory appeal. State's attempted interlocutory appeal is here dismissed because prior *nolle prosequi* order was final decision from which no interlocutory appeal is appropriate.
California	In re Randy G., 28 P.3d 239 (Cal. 2001)	"We do not decide whether the record supports that finding of reasonable suspicion because we conclude instead that the broad authority of school administrators over student behavior, school safety, and the learning environment requires that school officials have the power to stop a minor student in order to ask questions or conduct an investigation even in the absence of reasonable suspicion, so long as such authority is not exercised in an arbitrary, capricious, or harassing manner." Further, school security officer, who is not a member of law enforcement, is no different than a school official for purposes of this analysis and may also briefly detain and question a student without reasonable suspicion. Held that items found during a consensual search after a 10-minute "seizure" did not need to be suppressed because the seizure was not arbitrary and capricious.
	In re William G., 709 P.2d 1287 (Cal. 1985)	Supreme Court of California articulates reasonable suspicion standard for public school officials to search students. Assistant principal noticed

		student with calculator case that appeared to have an "odd looking bulge." After repeated efforts to get student to hand over calculator, assistant principal took it, forced it open, and found four baggies of marijuana, a small gram weight scale, and some zigzag cigarette papers inside. The court granted Δ's motion to suppress evidence because assistant principal had no reasonable suspicion to suspect that Δ was engaged in a proscribed activity justifying the search. Suspicion that Δ was tardy or truant did not justify a search of any kind.
	In re K.S., 183 Cal.App.4th 72, 108 Cal.Rptr.3d 32 (Cal.Ct.App. 2010) **Certified for Partial Publication**	When a school official independently decides to search a student and then conducts that search, the reasonable suspicion (TLO) standard applies, even if the police provide the information justifying the search and are present when it occurs. The extent of the police role in a student search will govern whether the TLO standard applied, with the determination being made by examining the totality of circumstances. In the unpublished portion of the decision, the court finds reasonable suspicion existed where the police received information from a reliable confidential informant that defendant possessed ecstasy pills hidden in a slit in his pants. The police, through the SRO, then passed this information along to school officials. Because the student was in PE class and not wearing his street clothes, the official searched defendant's PE locker, where he found pills in a slit in defendant's pants.
	In re Jose Y., 141 Cal. App. 4th 748 (Cal. Ct. App. 2006)	Pat-down search of defendants were proper. "Minor students may be detained without any particularized suspicion, as long as the detentions are 'not arbitrary, capricious, or for the purposes of harassment.' Searches of students on campus do not require probable cause to believe the student violated the law, but rather reasonable suspicion the student is violating or has violated a law, school rule, or regulation. Completely random searches of students who enter school grounds are authorized for the purpose of determining whether a weapon is being brought on campus." Additionally, the court found that since defendant was NOT a student of the school where he was found, he had a lesser privacy right than someone who would properly be on the grounds. The mere fact that he had no legitimate business on campus created a reasonable need to determine whether or not he posed a danger.
	In re Lisa G., 23 Cal. Rptr. 3d 163 (Cal.	Student accused of disrupting class, left to use the bathroom, returned

	Ct. App. 2004)	but was locked outside the classroom. Teacher was aware that the student was standing outside the door unable to reenter. She opened student's purse to find her student identification number so she could write a referral for the disruptive behavior, found a knife in the purse and called security. The motion to suppress the evidence was granted because teacher had no reason to suspect the student had a weapon on her or was otherwise engaged in a proscribed activity and thus the search was unjustified at its inception. Mere disruptive behavior does not authorize a school official to rummage through a student's belongings.
	In re William V., 4 Cal. Rptr. 3d 695 (Cal. Ct. App. 2003)	SRO assigned to school only needed reasonable suspicion to conduct the search of the student.
	In re Alexander B, 270 Cal. Rptr. 342 (Cal. Ct. App. 1990) **Overruled, in part, by In re Randy G., 28 P.3d 239 (Cal. 2001).**	Police officer who searched student at the request of the dean of students held to reasonable suspicion standard. Reasonable suspicion found where allegation by another student that someone in defendant's group had a gun. To the extent this case is inconsistent with respect to the detention of students, it is expressly disapproved in: *In re Randy G*., 28 P.3d 239 (Cal. 2001).
Colorado	Trinidad Sch. Dist. No. 1 v. Lopez By and Through Lopez, 963 P.2d 1095 (Colo. 1998)	Student suspended from high school marching band for refusal to submit to suspicion-less drug test sued school district and various district employees for injunctive and declaratory relief on ground that testing policy violated Fourth Amendment. This court applied the 3-factor test put forth in *Veronia*: (1st) "The nature of the privacy interest upon which the search here at issue intrudes"; (2nd) "The character of the intrusion that is complained of"; (3rd) "the nature and immediacy of the governmental concern at issue here, and the efficacy of the means for meeting it." Because this testing policy was not for a completely voluntary program (the kids signed up for a four credit music class), the students subjected had a higher privacy interest than the students in *Veronia*. Here, unlike *Veronia*, the intrusion here was negligible. The court further recognized extracurricular activities as a necessary component for furthering academic experience (getting into college), and thus, "being subjected to this type of search as part and parcel to that experience should give us pause before we accept wholesale the notion that drug abuse in the general student population requires such testing." The court found the searches unreasonable, in violation of the

		U.S. Constitution. NOTE: THIS CASE WAS DECIDED PRIOR TO THE USSC DECISION IN *EARLS*.
	People in Interest of PEA, 754 P.2d 382 (Colo. 1988)	Even though police officer was present, he did not take part in the investigation, and thus the test should concern the reasonableness of the search undertaken by the principal. Given the circumstances, the search and seizure of the marijuana was held to be reasonable, and did not violate student's Fourth Amendment rights.
Connecticut	Burbank v. Canton Bd. Of Ed., 2009 Conm. Super. LEXIS 2524 (Conn. Superior Ct. Sept. 14, 2009)	Parents sought to enjoin school board from using drug-sniffing dogs to conduct warrantless, suspicion-less, sweeps of school property. The parents further requested 48 hours notice of such sweeps in the future. Finding that the parents could not prevail on their claim, the court denied injunctive relief. Specifically, the court found that the overwhelming weight of authority does not support the position that these sweeps constitute a search, as a student does not have a reasonable expectation of privacy in the smells emanating from his locker or car.
Delaware	State v. Baccino, 282 A.2d 869 (Del. Super. Ct. 1971)	High school principal was a state actor, but his search was reasonable under the circumstances, and thus the motion to suppress was denied. The principal had reasonable suspicion to search the student's jacket.
District of Colombia	NONE FOUND	
Florida	C.A. v. State, 977 So. 2d 684 (Fla. Dist. Ct. App. 2008)	A student who was taken to assistant principal's office, questioned, and told to empty his pockets and open his wallet and who complied with the order was "searched" for 4th Amendment purposes. A teacher's "hunch" or "intuition" is insufficient grounds for reasonable suspicion as a matter of law. Moreover, suspicion by association or transference is not reasonable suspicion.
	I.R.C. v. State**,** 968 So. 2d 583 (Fla. Dist. Ct. App. 2007)	Record supported finding that juvenile's consent to search of his bag by officer was voluntarily given, and not a mere acquiescence to police authority. ∆ was pulled out of classroom by deputy sheriff b/c he had received info that ∆ had cannabis on him. Officer told ∆ this, and asked ∆ for consent to search his bag and person. ∆ asserted that he felt that he had no choice but to consent and believed that if he had declined to consent he "would have been pinned to the ground and [his] bag would have been searched anyways." Additionally, the officer did not inform him that he was free to withhold his consent to the search. Although the "vulnerable subjective state of the person who

		consents," is undoubtedly relevant to the determination of voluntariness, Δ has pointed to no factors-such as his age, education, intelligence, or mental condition-that evidence such a vulnerable state. Nor has Δ pointed to any coercive circumstance or to any conduct by the deputy-such as a show of force, other threatening conduct, a prolonged detention, verbal threats, inveigling, or importuning-that provides an objective grounding for Δ's professed inability to decline the deputy's request to search. Search was therefore valid because consent was obtained.
	C.G. v. State, 941 So. 2d 503 (Fla. Dist. Ct. App. 2006)	Student passed out in bathroom and informed assistant principal of same after regained consciousness. Noticing that he appeared quiet and subdued and looked pale, the AP directed Δ to empty his pockets, which contained marijuana. Ct. suppressed the marijuana, finding that the AP had no reasonable grounds to believe Δ violated the law or school rules; Δ's appearance was entirely consistence with non-criminal behavior, such as illness.
	C.N.H. v. State, 927 So. 2d 1 (Fla. Dist. Ct. App. 2006)	Students at a "high risk" alternative school held to have waived a portion of their privacy rights in exchange, or in lieu of, confinement. Thus they enjoyed greater reduction in privacy rights than students at regular public schools. The searches are characterized as administrative searches, rather than searches for criminal activity implicated by the 4th amendment. In this context, a school policy of conducting daily suspicion-less but even-handed pat-down searches of students and searches of student purses was held to be constitutional. The school had a compelling governmental interest in conducting the searches and was not required to utilize the least intrusive means to accomplish its goal.
	A.H. v. State, 846 So. 2d 1215 (Fla. Dist. Ct. App. 2003)	School teacher could not understand Δ's speech when Δ was asked to provide his name. As a result, he felt that Δ could be on something. He reported his suspicion to the AP, who, along with a school resource officer, conducted s search. Search not justified at inception because it was based on "gut feeling" of one school official who had difficulty understanding the student; neither of the other adults had trouble understanding Δ. Moreover, Δ's consent not voluntary because he was a freshman in his second week at the school and did not feel he could refuse given the presence of the assistant principal and resource officer.

	State v. N.G.B., 806 So. 2d 567 (Fla. Dist. Ct. App. 2002)	Search by school resource officer requires only reasonable suspicion standard, not probable cause standard, when the investigation is initiated by the assistant principal who enlisted the school resource officer's assistance. The court notes that this case presents a conflict with decisions in the 1st District, which have referenced the probable cause standard.
	State v. Whorley, 720 So. 2d 282 (Fla. Dist. Ct. App. 1998)	Reasonable suspicion standard applied where school official conducted search in the presence of SRO. Reasonable suspicion found where fellow student informed school official that defendant was in possession of ecstasy.
	J.A.R. v. State, 689 So. 2d 1242 (Fla. Dist. Ct. App. 1997)	Handgun found during pat-down search by deputy sheriff, serving as an SRO, in the presence of school official. Court held that if a school official has a reasonable suspicion that a student is carrying a dangerous weapon, "that official may request *any* police officer to perform the pat-down search for weapons without dear that the involvement of the police will somehow violate the student's Fourth Amendment rights or require probable cause for such a search." Reasonable suspicion found to exist where there was a tip from a student that defendant was carrying a gun.
	State v. D.S., 685 So. 2d 41 (Fla. Dist. Ct. App. 1996)	Search conducted by an assistant principal in the presence of a Dade County School Police Officer. Held that probable cause not required; school police officer is a school official who is employed by the district School Board. "[A] search conducted by a school police officer only required reasonable suspicion in order to legally support the search . . . . even if the school police officer had directed, participated or acquiesced in the search…." Overrules *M.J. v. State*, 399 So.2d 996 (Fla. Dist. Ct. App. 1981).
	T.J. v. State, 538 So. 2d 1320 (Fla. Dist. Ct. 1989)	Although a search based on accusations that the student might be carrying a knife may have been justified at its inception, when the principal opened the purse, saw no weapon, and opened a zippered pocket although she saw no bulges, the scope of the search exceeded that reasonably related to the circumstances justifying the search.
	F.P. v. State, 528 So.2d 1253 (Fla. Dist. Ct. App. 1988)	SRO, a member of the sheriff department, whose salary was reimbursed by the school board, was asked to conduct a search by an investigator from the police department. Held that the "school official exception" to probable cause requirement does not apply if search is

		done at the behest of the police.
	W.J.S. v. State, 409 So. 2d 1209 (Fla. Dist. Ct. App. 1982)	Reasonable suspicion is not necessary to detain a student and take him "to be checked out" on school property.
Georgia	State v. Young, 216 S.E.2d 586 (Ga. 1975)	Search by assistant principal did not violate 4th amendment rights of student, nor did the exclusionary rule apply. Balancing test set out between interests of the school official and those of the student's right to privacy. Court divided into 3 groups who make searches: government actors, private persons, and government law enforcement officers. In this case, search by assistant principal did not violate 4th Amendment rights. Bright-line rule is that if police officer is involved in any manner, the search must have probable cause; otherwise, only need reasonable suspicion.
	Ortiz v. State, 703 S.E.2d 59 (Ga. Ct. App. 2010)	An officer's mere presence in the room, without more evidence of his involvement, does not indicate police participation thereby implicating the exclusionary rule. The officer came in during the search and was merely a security resource, not partaking in the search and not physically touching the defendant. Because the exclusionary rule does not apply to school officials absent additional orders from law enforcement, the district court did not err in denying Ortiz's motion to suppress. *See Young*,
	State v. K.L.M., 628 S.E.2d 651 (Ga. Ct. App. 2006)	When a certified law enforcement official participates in a search, even if under the direction of a school official, the officer must have probable cause to conduct the search.
	State v. Scott, 630 S.E.2d 563 (Ga. Ct. App. 2006)	City of Atlanta police officer, assigned to work at the school as an SRO should be treated as a police officer, not a school official, and thus is subject to probable cause standard for a search. In this case, probable cause did not exist.
	Patman v. State, 537 S.E.2d 118 (Ga. Ct. App. 2000)	Police officer working on special assignment in a school is held to the probable cause standard for searches of students. In this case, the officer had probable cause based on the circumstances of the case.
Hawaii	In Interest of Doe, 887 P.2d 645 (Haw. 1994)	Held that the school official had reasonable grounds for searching the student's purse, the search was not unreasonable or intrusive, and the search was based on individualized suspicion. Thus, the search did not violate the 4th Amendment.
Idaho	NONE FOUND	
Illinois	People v. Dilworth, 661 N.E.2d 310 (Ill. 1996)	Search conducted by school liaison officer, a police officer employed by the Joliet police department and assigned full-time to the school as

		a member of its staff. Officer held to reasonable suspicion standard when acting on own behalf, or at behest of school officials. Held that the search and seizure of the illegal drugs passed the reasonableness test, and the officer's search did not violate the 4th Amendment.
	People v. Kline, 824 N.E.2d 295 (Ill. App. Ct. 2005)	Removal from the classroom by the Dean, accompanied by a police officer, constituted a seizure for purposes of the 4th amendment. Role of the officer in this removal is unclear, and the court held that this was a seizure even if the dean was acting alone. The anonymous tip upon which the seizure was based did not constitute reasonable suspicion. In evaluating a tip for whether it constitutes reasonable suspicion, courts should consider the detail provided, whether the informant witnessed any criminal activity, and whether the tip accurately predicts future activity of the suspect.
	People v. Williams, 791 N.E.2d 608 (Ill. App. Ct. 2003)	SRO, an officer with the Hinsdale police department, held to reasonable suspicion standard when searching car on school premises, even where the search was related to a burglary investigation. The court noted, though, that the school was intimately involved with the investigation and the search, and that the search was conducted by an SRO who had been assigned to the school for 4 years, not an outside officer. Search found to be justified at inception and permissible in scope, and therefore reasonable.
	In re J. A., 406 N.E.2d 958 (Ill. App. Ct. 1980)	Dean of students who was also part-time juvenile officer was acting as a school officer when he was on the premises in that capacity and acting under the direction of school superiors and not the police. Thus the proper standard by which the search should be measured is reasonable suspicion, which was present.
Indiana	Myers v. State, 839 N.E.2d 1154 (Ind. 2005)	"[W]here a search is initiated and conducted by school officials alone, or where school officials initiate a search and police involvement is minimal, the reasonableness standard is applicable. And the ordinary warrant requirement will apply where 'outside' police officers initiate, or are predominantly involved in, a school search of a student or student property for police investigative purposes." Found that school officials initiated and conducted the searches (searches conducted after alert of cars from drug sniffing dogs) and that the police only assisted with the searches. Thus, the reasonableness test was applied. Found the search to be both reasonable at its inception and reasonable in scope.

	Linke v. Northwestern School Corp, 763 N.E.2d 972 (Ind. 2002)	Policy of random drug testing for athletes, participants in extracurricular activities, and students who drove themselves to school upheld.
	State v. C.D., --N.E.2d.--, 2011 WL 1640164 (Ind. Ct. App. May, 2 2011)	Court on appeal found trial court erred when it granted C.D.'s motion to suppress evidence. "Where a school official initiates a search of a student's personal property, the search must be reasonable under the circumstances". To determine the reasonableness under the Fourth Amendment, the court considers: (1) whether the action was justified at its inception; (2) whether the search conducted was reasonably related in scope to the circumstances that justified the interference in the first place. C.D. appeared impaired and a school security officer told the official that he thought C.D. was under the influence of marijuana. Thus, a search of C.D.'s backpack for controlled substances was justified, and the search was reasonably related in scope to the circumstances.
	D.M. v. State, 902 N.E.2d 276 (Ind. Ct. App. 2009)	A few days after drugs and weapons had been discovered on some students, a teacher overheard Δ tell other students that he "had a stack." While all of the students were out of the classroom, the teacher searched several students' jackets, including Δ's. In Δ's jacket, the teacher found 17 credit cards and a set of car keys. The search was held to be not justified at inception because the teacher could not articulate a reasonable ground for suspecting that the individual student possessed contraband. Δ's delinquency adjudication was vacated.
	T.S. v. State, 863 N.E.2d 362 (Ind. Ct. App. 2007)	Police officer employed by Indiana Public School Police acted in his capacity as a security officer, akin to an SRO, and held to reasonable suspicion standard. Even though the officer acted alone, he had the intent to involve the school dean, thereby demonstrating a concern with a possible violation of school rules and not just a criminal violation. Reasonable suspicion standard only applies when the SRO is acting "to further educationally related goals." While the request to leave class constituted a seizure, seizure based on anonymous tip held to be reasonable. "Our holding contemplates that a seizure in schools may be unreasonable without being arbitrary, capricious, or undertaken for the purpose of harassment". Id. at 375.
	D.L. v. State, 877 N.E.2d 500 (Ind. Ct. App. 2007)	School police officer was justified in patting down a student found in high school hallway during a non-passing period in order to find his identification card, even though student denied having ID card on him,

		because the rule the officer was trying to enforce, that the student present his ID upon request, was designed to protect the students. During the pat down, the officer saw the student put something down his pants. Under these circumstances, the search was reasonable at its inception and reasonably related in scope to the circumstances justifying it.
	D.B. v. State, 728 N.E.2d 179 (Ind. Ct. App. 2000)	Pat-down search by school police officer held to be reasonable because officer smelled smoke coming from bathroom stalls, observed student with another student in a single stall, and neither student responded to officer's inquiry as to what they were doing in the stall. The search was reasonably related to the objectives of the search as the pat-down was minimally intrusive and once officer found the marijuana the officer ceased her search.
Iowa	State v. Jones, 666 N.W.2d 142 (Iowa 2003)	Search conducted of student's high school locker found constitutional. Students have legitimate expectation of privacy in the contents of their locker. However, search as part of annual school-wide cleanout of lockers was permissible, even without individualized suspicion. Students right to privacy in the contents of their lockers must be balanced against the schools need to maintain safety and a secure environment. The search in this case was consistent with these objectives and therefore constitutional.
Kansas	In re L.A., 21 P.3d 952 (Kan. 2001)	School assistant vice principal and school security guard searched student based upon a tip from another student. Held to reasonable suspicion standard and found that the search was justified at its inception and reasonable in scope.
	State v. Burdette, 225 P.3d 736 (Kan. App. 2010)	Although two sheriffs deputies weer in the room during the search, they did not participate in the search in any way thus, the search was not a law enforcement search needing probable cause. Using the RSS, the court found that the search of defendant's pocket was justified at its inception (because the student appeared impaired) and reasonable in scope.
Kentucky	Lamb v. Holmes, 162 S.W.3d 902 (Ky. 2005)	Teachers and administrators entitled to qualified immunity relating to "strip searches" of middle school girls during gym class. While details of searches contradictory, law not clearly established at time of search, thereby entitling the teachers to qualified immunity regardless of whether constitutional.
	Rone v. Daviess County Board of	Strip search of student to locate illegal drugs performed by school

	Education, 655 S.W.2d 28 (Ky. App.1983)	officials without presence of law enforcement officers. Held that there were reasonable grounds for the school official to perform the search and the student's privacy was never severely interfered with, and thus the search was reasonable.
Louisiana	State v. Taylor, 50 So.3d 922 (La. App. 4 Cir. 2010)	Court applied a two-prong test from New Jersey v. T.L.O., 469 U.S. 325 (1985) where (1) The search must be justified ("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 (2) The scope of the search must be reasonable ("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"). The State has the burden of proving that the warrantless search was reasonable. Here, where the recovery school officer found defendant smoking cigarettes in the bathroom, there was not enough evidence to justify the personal search of defendant's shoes for contraband and thus the search was not reasonable. The court reasoned that shoes are not a likely place to hide cigarettes, and thus searching this part of the defendant was not within the reasonable scope of a search.
	State ex rel. K.M., 49 So.3d 460 (La. App. 4 Cir. 2010)	"We find that the motion to suppress was properly denied, as the police officer had reasonable suspicion that K.M. was trespassing on school property and had authority to seize the knife pursuant to the plain view doctrine and affirm." The plain view doctrine is an exception to the rule that a search and seizure conducted without a warrant is presumed unreasonable. Seizure of evidence under the plain view doctrine is permissible when: (1) there is prior justification for an intrusion into the protected area; and (2) it is immediately apparent without close inspection that the items are evidence or contraband. Court found that it was justified because K.M. was trespassing (defendant did not have mandatory school uniform on) and was reasonable under the plain view doctrine (defendant voluntarily opened her purse and officer saw the knife).
	State v. Barrett, 683 So.2d 331 (La. App. 1 Cir. 1996)	Officers, in the presence of the school principal, searched for drugs using drug detection dogs. During the search, defendant was asked to empty his pockets. Officer was a member of the school board's drug detection team as well as a deputy with the sheriff's office. When she conducted the search, she was acting in her capacity as a law

		enforcement officer, not a school security guard. Nonetheless, the court held that "[t]aking into account the decreased expectation of privacy defendant had as a student, the relative unobtrusiveness of the search, and the severity of the need met by the search, we conclude the type of search conducted in this case (wherein defendant was asked to empty his pockets and leave the room) is reasonable and hence constitutional."
Maine	NONE FOUND	
Maryland	In re Patrick Y., 746 A.2d 405 (Md. 2000)	Held that lockers are school property, so students have no reasonable expectation of privacy in their lockers. School principal & another school official searched middle school lockers after being informed by an SRO that there might be drugs "in the middle school area." They found a knife & beeper in defendant's book-bag, left in his locker. Held that school officials did not need probable cause or reasonable suspicion to search defendant's locker.
	In re Devon T., 584 A.2d 1287 (Md. Ct. Spec. App. 1991)	Search performed by school security guard, in the presence of school principal, was held to articulable suspicion test. A lower standard is used because the guard is not a trained police officer, and the school has a special interest in protecting its students.
	In re Dominic W., 426 A.2d 432 (Md. Ct. Spec. App. 1981)	Maryland legislature requires school officials to have probable cause before searching students. Here the assistant principle was not looking for contraband, nor had sufficient reason to suspect this student over a number of others, thus he did not have probable cause. Moreover, the exclusionary rule applies to searches conducted by school officials.
Massachusetts	Commonwealth v. Lawrence L., 792 N.E.2d 109 (Mass. 2003)	Held that the memorandum between the police and the school principal requiring the school officials to report criminal behavior did not make the principal an agent of the police, and thus school officials were not acting as agents of law enforcement in conducting a search. Under the 4th amendment, the school official must only demonstrate that the search was reasonable in all its circumstances. Because it found probable cause to exist, the court declines to decide whether the Mass. Constitution requires a more stringent standard.
	Commonwealth v. Damian D., 752 N.E.2d 679 (Mass. 2001)	School official conducted "administrative search" of student for violating school rules relating to truancy, and found marijuana. Because school officials had no evidence that the student was in possession of contraband, the search was not reasonable at its inception; there was no reason to believe that the search would uncover evidence that the

		student was violating the school rules.
	Commonwealth v. Snyder, 597 N.E.2d 1363 (Mass. 1992)	Based upon a tip from another student, school officials searched defendant's locker for marijuana. Relevant test under US constitution is whether the search of the locker is reasonable in all the circumstances. Court does not decide relevant standard under Mass. Constitution because probable cause existed.
	Commonwealth v. Carey, 554 N.E.2d 1199 (Mass. 1990)	School official searched defendant's locker after another teacher received a tip from two students in his class that defendant had shown them a gun. Held that school official had probable cause to conduct the search, and the search followed the reasonableness standard. Court declines to rule on whether students have an expectation of privacy in their lockers. Search of the locker was reasonable at its inception and in its scope. *Case contains a good overview of locker decisions in other jurisdictions.*
	Commonwealth v. Smith, 889 N.E.2d 439 (Mass. App. Ct. 2008)	Search of a student in which a .380 caliber handgun was justified at its inception because the student had evaded the front door metal detectors, was found in an unauthorized area, and failed to follow his usual practice of dropping his belongings in the school administrator's office. The scope of the search was reasonably related to its objective because the official took his jacket, noted that it was heavy, and found the handgun in the pocket of the jacket. In applying the Mass. Constitution, the court classified the search as administrative, noted the limited intrusiveness, and held that the search satisfied the reasonableness requirement of Article 14.
Michigan	People v. Ward, 233 N.W.2d 180 (Mich. Ct. App.1975)	Based upon information from a teacher that defendant had been seen selling pills, the court held that the principal in this case had reasonable suspicion that the defendant had drugs on his person, and thus was justified in having defendant empty his pockets.
Minnesota	In re Welfare of S.M.L, 2006 WL 2255834 (Minn.App.) UNPUBLISHED DECISION	Search conducted by school official comports with 4th amendment if there are reasonable grounds to believe the search will produce evidence of a violation of the law or a school rule. Search conducted based upon reasonable suspicion that student was in possession of tobacco products in violation of school rules. Weapon found during that search. Surrender of cigarettes did not dissipate suspicion. Search was both justified at its inception and permissible in scope.

Mississippi	Covington County v. G.W., 767 So.2d 187 (Miss. 2000)	Held that school officials did not need a warrant before performing a search of vehicle on school grounds, if the search was reasonable at its inception and did not exceed the scope of reasonableness. It did not matter that the SRO was present with the school official when the search was conducted. In this case, there was reasonable suspicion to believe the student was drinking in the parking lot before class, and the search was related to this suspicion.
	S.C. v. State, 583 So.2d 188 (Miss. 1991)	Referred to both federal and state constitutional standards. Held that the school officials had reasonable suspicion to search student's locker for handguns, and that the search was reasonable and within the scope of their authority, where another student reported that defendant offered to sell him handguns.
Missouri	NONE FOUND	
Montana	NONE FOUND	
Nebraska	In re Michael R., 662 N.W.2d 632 (Neb. Ct. App.2003)	Case of first impression in Nebraska. School official hears student mention "big bags," which he testified is a common slang term for marijuana at the school. Student is asked to empty his pockets, nothing is found except his car keys. School officials proceed to search his car and find marijuana in the glove compartment. Search of car is upheld as constitutional; when search of person came up empty, it was reasonable to believe that Δ had contraband in his vehicle. Moreover, the school policy manual specifically informed students that their vehicles may be searched if there is a suspicion that the student is in possession of illegal drugs.
	In re Adrian B., 658 N.W.2d 722 (Neb. Ct. App. 2003)	Pat-down search of student would not be constitutional because student was not free to leave and police officer had no reason to suspect that the student was armed or dangerous. However, because the student was a runaway and the police officer was taking temporary custody of a juvenile the search incident to such custody was constitutional.
Nevada	NONE FOUND	
New Hampshire	In re Juvenile 2006-406, 931 A.2d 1229 (N.H. 2007)	Based on two reports that student had a "pot pipe" from a teacher overhearing student conversations, the principal searched the student's locker and found the pipe, vegetative matter believed to be marijuana, a lighter and some cash. The search is held to be justified at inception and reasonable in scope.
	State v. Heirtzler, 789 A.2d 634 (N.H.	When a teacher told the school resource officer that she had observed

	2001)	students passing something in science class, the officer determined he did not have enough information to investigate further but he told the assistant principal about the matter. When the assistant principal questioned and searched the student as a result of this information and in line with a prior agreement with the resource officer, the court found they were acting as agents of the police and suppressed the evidence.
	State v. Tinkham, 719 A.2d. 580 (N.H. 1998)	Standard for warrantless searches by school officials under both US and State constitution is whether search is reasonable under all the circumstances. It must be justified at its inception and reasonably related in scope to the circumstances giving rise to the search. Fellow student's statement that she had purchased drugs from defendant during the previous day gave rise to reasonable suspicion, and the school principal was justified in searching the student to prevent future drug use and drug sales in the school and to confiscate any drugs in defendant's possession. Search of bag and request to remove shoes and socks and empty pockets reasonable in scope.
	State v. Drake, 662 A.2d 265 (N.H. 1995)	Case of first impression for NH. School officials are not held to the same standard as law enforcement officers. Warrantless search of student by public school officials is constitutional if reasonable under all the circumstances. Held that interests of the school have to be balanced with the student's legitimate interest in privacy. In this case, the search was reasonable where principal received a tip that student would be carrying drugs, there were existing suspicions of the student's drug involvement. Scope was permissible when search started with a request to empty pockets and only expanded to a search of his knapsack when drugs were found in his pocket.
New Jersey	State v. Best, 987 A.2d 605 (N.J. 2010)	A public school administrator needs only to satisfy the lesser reasonable grounds standard, rather than the probable cause standard, to search a student's vehicle parked on school property. Another student who appeared to the school nurse to be on drugs admitted to buying pill from Δ. When search of Δ's person and locker did not yield the contraband, school officials searched the car. The court found reasonable suspicion existed and the search was narrowly focused on Δ's car, the only other place the pills could have been hidden.
	Joye v. Hunterdon Cent. Reg'l High Sch. Bd. of Educ., 826 A.2d 624 (N.J. 2003)	Random drug testing applied to all students participating in athletic and non-athletic extracurricular activities as well as those with school

		parking permits upheld under U.S. and N.J. Constitutions. Students have reduced privacy expectations within public schools, the way the urine testing was administered made it minimally intrusive, and the state has a strong interest in attempting to reduce the major drug problem in schools.
	State v. Biancamano, 666 A.2d 199 (N.J. Super. Ct. App. Div.1995) **Overruled, in part, by State v. Dalziel, 867 A.2d 1167 (N.J. 2005)**	Upheld a school official's search of defendant on reasonable suspicion grounds, when another student informed the official that defendant was distributing drugs.
	Desilets v. Clearview Regional Bd. Of Educ., 627 A.2d 667 (N.J. Super. Ct. App. Div. 1993)	Policy of searching all students' hand luggage prior to boarding bus for field trip upheld under both US and NJ constitutions. No need for individualized suspicion. Search justified at its inception due to unique burdens placed on school personnel in context of field trip and reasonably related to school duty to provide discipline, supervision, and control.
	State v. Moore, 603 A.2d 513 (N.J. Super. Ct. App. Div. 1992)	Prior order to suppress evidence was reversed because there was report from specific student that defendant possessed a controlled dangerous substance (CDS), defendant had been disciplined for a CDS previously, and the principal did not search the book bag until after defendant denied that it was his. As a result, the search was both justified at its inception and reasonable in scope.
New Mexico	Kennedy v. Dexter Consol. Sch., 10 P.3d 115 (N.M. 2000)	Two students, one male, one female, were strip-searched in a vain attempt to recover a missing ring. Search was held to have violated their constitutional rights, and neither school district nor school officials were entitled to qualified immunity b/c the right not to be strip-searched in school without being individually suspected of wrongdoing was clearly established, as was the right to be free from searches that are not justified at their inception and are clearly excessive in scope.
	State v. Jonathon D., 2009 LEXIS 402 (N.M. Ct. App. Sept. 23, 2009) UNPUBLISHED OPINION	Search found reasonable when student was caught smoking outside of school and called into the principal's office. Student contends that he surrendered a package of cigarettes and a lighter, making any further suspicion of student having contraband unreasonable. Court disagreed, stating that the surrender or discovery of contraband material on a student creates more reasonable suspicion and supports further search to ensure that student does not have additional contraband. Further, requiring student to remove his shoes and raise his pants legs was minimally intrusive.

	State v. Pablo R., 137 P.3d 1198 (N.M. Ct. App. 2006)	Search of student and his jacket found to be unsupported by reasonable suspicion. Two campus aides saw him walking down the school hallway without a pass and thought he appeared fidgety and nervous when confronted. However, there was no reason to suspect that he was engaging in criminal behavior nor was there a logical connection between the search and the suspected violation of being out of class without a pass; the search would not likely have yielded any evidence of the suspected violation.
	State v. Crystal B., 130 N.M. 336 (N.M. Ct. App. 2000)	Assistant principal received information that the student was smoking in a school alleyway considered "off campus." When assistant principal arrived in the alley, he did not see cigarettes or smell smoke but took the student into his office and conducted a search anyway. Court held search was unreasonable when school official had no reasonable suspicion that student was breaking school rules.
	In re Josue T., 989 P.2d 431 (N.M. Ct. App. 1999)	SRO, when asked to conduct search at behest of school officials, held to reasonable suspicion standard. It was reasonable for school officials to seek assistance for SRO when they reasonably suspected the student to be in possession of a dangerous weapon. The search was justified at its inception, and permissible in scope and not excessively intrusive.
	In re Eli L., 947 P.2d 162 (N.M. Ct. App. 1997)	Search found unreasonable when police officers are called to disperse gang members who are yelling obscenities at school principal, group disperses, and the officers search one student who may or may not have been in the group because he was dressed like a gang member and gave gang whistle when police approached. Both officers testified that there was no criminal activity taking place. Court emphasized that the requirement of individualized particularized suspicion is crucial.
	State v. Tywayne H., 933 P.2d 251 (N.M. Ct. App. 1997)	Search conducted by police officers hired as security for an after-school dance. For searches performed solely by police officers, even at the direction of school officials, probable cause is required (not reasonable suspicion). Held that the search was not justified under any traditional exceptions, and the search should not have been allowed because no probable cause existed. As the search was performed solely at the discretion of police officers, it did not matter that the search took place at school. Search was not supported by exigent circumstances or justified pursuant to *Terry* exception.
	Doe v. State, 540 P.2d 827 (N.M. Ct.	Held that the search by school official was a reasonable search, and

	App.1975)	based on reasonable suspicions where the student had been seen smoking a pipe on school grounds in violation of school rules.
	State v. Michael G., 748 P.2d 17 (N.M. Ct. App. 1987)	Search of ∆'s locker was upheld based on report of unidentified fellow student that ∆ had tried to sell him marijuana. Statement from unidentified student was not mere rumor or belied, but specific eyewitness account.
New York	In re Gregory M., 627 N.E.2d 500 (N.Y. 1993)	For searches by school officials, reasonable suspicion standard applies under both US and NY State constitutions. However, investigative touching of outside of bag requires less suspicion, as the search is far less intrusive than that contemplated by TLO, there is only a minimal expectation of privacy in the outside of the bag, and the interest of the school in preventing weapons on school grounds is a governmental interest of the highest urgency. Hearing of metallic thud was enough to support the investigative touching, even though did not rise to the level of reasonable suspicion.
	People v. Scott D., 315 N.E.2d 466 (N.Y. 1974)	∆ had been under watch for 6 months for suspicion of dealing drugs based upon information from confidential sources. On the day of the search, a teacher observed ∆ enter bathroom with another student twice in same hour, and considered this behavior unusual. ∆ was brought to the office and searched by the security coordinator, who found drugs. Despite the lessened standard for searches in school, the observed behavior, even combined with the information from the confidential source and an additional observance of ∆ having lunch with another suspected student, was not enough to warrant the search.
	In re William P., 870 N.Y.S.2d 664 (N.Y. App. Div. 2008)	Court held that allegation that student was illegally searched by school principal, based on information from another student that juvenile had gun in his book bag, did not lay out a factual scenario which, if credited, would have warranted suppression. A suppression hearing was unnecessary inasmuch as respondent's "allegations on their face 'did not lay out a factual scenario which, if credited, would have warranted suppression." According to respondent, the principal confronted him based on information from another student that respondent was in possession of a gun in his book bag. "Under ordinary circumstances, a search of a student by a ... 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 ... the law". Here, respondent "did not present a

		legal basis upon which to challenge the [principal's] conduct"
	Matter of Derek G., 808 N.Y.S.2d 721 (N.Y. App. Div. 2006)	Pistol found in a bag located at Δ's feet in a classroom. Δ then taken to principal's office, where he is searched by an officer who finds ammunition in his pants pocket. Δ's motion to suppress the ammunition is denied; officer had probable cause to arrest Δ after finding the bag with the pistol, and the search of Δ's pants was incidental to Δ's arrest.
	In re Steven A., 764 N.Y.S.2d 99 (N.Y. App. Div. 2003)	School safety agent, a civilian employee of the police department assigned exclusively to school security held to reasonable suspicion standard. Reasonable suspicion existed in this case, where the safety agent received a call about intruders, and observed the student drop and retrieve an object that the agent reasonably believed to be a weapon.
	People v. Butler, 725 N.Y.S.2d 534 (N.Y. App. Div. 2001)	School Safety Officer acted appropriately in questioning defendant about his identification and bringing him to the dean's office when no such identification could be produced. Safety officer had at least reasonable suspicion that defendant either was not a student and was trespassing or was cutting class. Search was also appropriate under reasonable suspicion standard. Moreover, because the weapon was found during a frisk, the search would have been appropriate on even less than reasonable suspicion.
	In re Haseen N., 674 N.Y.S.2d 700 (N.Y. App. Div. 1998)	School officials, while conducting a pat-down of all students on the morning of Halloween, felt a hard object and identified the butt of a gun on Δ. A school safety officer then conducted a more thorough search and retrieved the gun. Given egg-throwing incidents each of the 3 previous Halloweens, the administrative pat-down search was reasonable. Moreover, once the gun was observed, the follow-up search was predicated on individualized suspicion.
	In re Ronnie H., 603 N.Y.S.2d 579 (N.Y. App. Div. 1993)	Δ was stopped in hallway by AP who suspected Δ was wearing a stolen jacket. Δ agreed to leave the jacket, but asked to retrieve his things from the pocket. AP reached into pocket and found drugs. Was not a search as AP was merely complying with request from Δ to return property. Even assuming it was a search, it was a reasonable one.
	In re Ana E., 2002 WL 264325 (N.Y. Fam. Ct. 2002)	School safety officials held to reasonable suspicion standard, not probable cause. In this case, it did not matter that the officials were employed by police department, under police department supervision, and considered themselves peace officers. School authorities initiated

		the investigation that led to the search. Moreover, "the distinction between school police under the control of the police department and school police under the control of the Board of Education is irrelevant for present purposes. In either case the school safety officers work at the school and are part of the school community." Reasonable suspicion was present in this case.
North Carolina	In re D.L.D., 694 S.E.2d 395, (N.C. Ct. App. 2010)	Reasonable suspicion standard applied. Sheriff department employee (Corporal Aleem) assigned to school, along with school official, observed live video surveillance of students in bathroom. Scene looked "fishy" and the two went to check on it. After arriving and observing additional behavior, the Corporal frisked defendant, and found 3 bags of marijuana. A subsequent search turned up money. According to the court, the Corporal was "working in conjunction with and at the direction of [school official] to maintain a safe and educational environment at [school], namely, keeping [school] drug-free. Therefore, the reasonableness standard under T.L.O. applies." The court finds both searches to be reasonable under the circumstances described, finding them to be justified at their inception and not unnecessarily intrusive.
	In re S.W., 614 S.E.2d 424 (N.C. Ct. App. 2005)	Reasonable suspicion as it applies to SRO. Court held the search of juvenile in weight room on school grounds by deputy who was acting in conjunction with school officials was reasonable. Deputy Carpenter was exclusively a school resource officer, who was present in the school hallways during school hours and was furthering the school's educational related goals when he stopped the juvenile. When the juvenile walked by Deputy Carpenter in the hall, Deputy Carpenter smelled a "strong odor" of marijuana. After having smelled marijuana on the juvenile, Deputy Carpenter had reasonable grounds to suspect a search would turn up evidence the juvenile violated or was violating the law and or school rules. The search was reasonably related to the objective and was not excessively intrusive in light of the age and gender of the juvenile and the nature of the suspicion.
	In re J.F.M., 607 S.E.2d 304 (N.C. Ct. App. 2005), *review denied*	SRO, a deputy sheriff, was working in conjunction with school officials in detaining student. The court held that since the SRO intended to bring the student immediately to the administrative office at the school, he was acting under the authority of the school officials, and so reasonable suspicion standard should apply. "[W]e hereby find

		applicable the *T.L.O.* standard to incidents where a resource officer, acting in conjunction with a school official, detains a student on school premises." The detention in question was based upon reasonable suspicion.
	In re D.D., 554 S.E.2d 346 (N.C. Ct. App. 2001), *appeal dismissed and disc. review denied*, 558 S.E.2d 867 (N.C. 2001)	Applied reasonable suspicion standard to principal's search and seizure of non-school juveniles on the school campus. 3 officers were present during the search, and actively participated in the search of some of the students. The reasonable suspicion standard should apply where officers act in conjunction with school officials. Moreover, the officers' involvement was minimal, and was done to further the principal's obligation to maintain a safe learning environment.
	In re Murray, 525 S.E.2d 496 (N.C. Ct. App. 2000)	Applied reasonable suspicion standards when an assistant principal asked a school resource officer to handcuff a student, enabling the official to search the student's bag. Because the search itself was conducted by a school official, probable cause did not apply.
North Dakota	NONE FOUND	
Ohio	In re K.K., "Slip Copy" 2011 WL 198379 (Ohio Ct. App. 2011)	Appellant argued the search by school officials was done at the specific request and direction of law enforcement and therefore it was an illegal warrantless search. An officer contacted the school to provide a tip that defendant may possess illegal drugs. The school AP then searched defendant and found illegal substances. According to the court, despite the origination of the tip the school made a decision to search the defendant independent of the police. As a result, the correct standard was reasonable suspicion and this search was reasonable.
	Mayeux v. Bd. of Educ., 2008-Ohio-1335 (Ohio Ct. App. 2008)	Student appealed suspension decision based upon evidence found during search. After receiving report that student was dealing drugs, officials sought to search him. Student consented to pat-down search, which revealed several hundred dollars in his wallet. Upon informing student that officials would search his car, student told them there was nothing to find except cigarettes. Both the questioning and the search were reasonable; the informant was trustworthy and the student himself admitted that he had cigarettes in the car. The suspension was upheld.
	In re Sumpter, 2004-Ohio-6513 (Ohio Ct. App. 2004)	Search held justified at inception and reasonable in scope when teacher heard "knocking" sound in hallway that he understood to mean that a student was letting others know he had something to sell. Δ

		subsequently asked to use the bathroom and left the classroom. Δ called to office and searched by a police officer at the instruction of the assistant principal. Applied reasonableness standard even though school police officer conducted the search, b/c officer was acting as agent or designee of the school official who directed the search.
	State v. Adams, 2002 WL 27739 (Ohio App. 5 Dist. 2002) UNPUBLISHED OPINION	Search by school officials held to be reasonable based on all of the circumstances of the case. The official had reasonable suspicion that he would find marijuana on the student.
	In re Dengg, 724 N.E.2d 1255 (Ohio Ct. App. 1999)	"[T]his court expressly refuses to apply the 'reasonableness' standard to justify a warrantless search performed by police." A canine sniff of the exterior of an object, however, does not constitute a search for purposes of the 4th amendment. Moreover, once the canine alerted to a particular car, the officers had probable cause to search that car.
	In re Adam, 697 N.E.2d 1100 (Ohio Ct. App. 1997)	In this case, the search conducted by the school official of the students locker was reasonable and within the scope of authority. However, the broad rule allowing search of any students' locker violated students' 4th Amendment rights. Searches conducted outside the reasonable suspicion standard were not justified.
Oklahoma	F.S.E. v. State, 1999 OK CR 51, 993 P.2d 771 (Okla. Crim. App. 1999)	Assistant principal's search of student's car was based upon reasonable suspicion where official smelled marijuana on student and student admitted there was marijuana in his car. Search was reasonable at its inception and search of trunk was justified in scope after student told story about flat tire.
Oregon	In re M.A.D., __ P.3d __, 2010 WL 2303256 (Or. June 10, 2010), reversing In re M.A.D., 202 P.3d 249 (Or. Ct. App. 2009)	Holding that, in accordance with the State Constitution, *under some circumstances* school officials may search a school student in accordance with the reasonable suspicion standard. "[W]hen school officials at a public high school have a reasonable suspicion, based on specific and articulable facts, that an individual student possesses illegal drugs on school grounds, they may respond to the immediate risk of harm created by the student's possession of the drugs by searching the student without first obtaining a warrant." The court does not adopt a per se reasonable suspicion standard. Instead, it limits the decision to the specific facts of the case before it: "this case involved a present threat to school safety and a search by a school official acting in his official capacity and in furtherance of his responsibility to protect students and staff; our holding is based on those circumstances. The permissibility of other kinds of searches by

		school officials is not before us." On the specific facts of the case, the Court found that the school official had reasonable suspicion to believe that the student possessed illegal drugs and sought to distribute those drugs to other students earlier that morning.
	In re Stephens, 27 P.3d 170 (Or. Ct. App. 2001)	Student enrolled in an alternative school had signed form agreeing to random searches of his person, his possessions and his locker. Search of a pager found within his locker upheld because it was within the scope of the student's consent and because there was no evidence that he was coerced into signing the form.
	Matter of Gallegos, 945 P.2d 656 (Or. Ct. App.1997)	Does not decide relevant standard for search by school officials under Oregon Constitution because found that school officials had probable cause to conduct the search. Probable cause was based upon named informant known to school officials and believed by them to be credible. Informant's poor attendance record and poor grades did not make him any less credible.
	Matter of Rohlffs, 938 P.2d 768 (Or. Ct. App.1997)	Where school officials removed a student from his class, searched his locker (consensual) and then took him to a classroom and asked him to empty his pockets, the removal goes beyond the restraints and investigation that the compulsory attendance laws would justify. Accordingly, the detention constituted a "stop" and required reasonable suspicion. Reasonable suspicion existed where two students independently told official that the defendant probably had drugs on him. Official also knew that student was in drug counseling. Final search of jacket, conducted by police officer who had been called in, was voluntary. State constitution does not appear to have been raised.
	In re Finch, 925 P.2d 913 (Or. Ct. App. 1996)	Search of Δ's jacket after he was involved in a fist-fight was found to be unreasonable. Following dissolution of the fight, which occurred across the street from the school, the assistant principal took Δ back to his office and noticed that his jacket seemed heavier than normal so he reached into the pockets of the jacket. The court held that Δ's participation in the fight and the additional weight in his jacket did not constitute a reasonable inference that he possessed a weapon which would allow the assistant principle to search his belongings.
	State ex. Rel Juvenile Dept. of Washington County v. Dubois, 821 P.2d	Case of first impression for Oregon; 4th Amend. requires reasonable suspicion for school official to conduct search of student. Does not

	1124 (Or. Ct. App.1991)	decide applicable standard under Oregon Constitution because found that "the collective knowledge of the school authorities gave them probable cause to believe that the child was in possession of a gun."
Pennsylvania	Com. v. Cass, 709 A.2d 350 (Pa.1998)	School district's decision to conduct a general search will be deemed reasonable "if the decision to search was motivated by an interest of the school district, the importance of which outweighed the intrusion into the privacy rights of the students suffered as a result of the search." Held that students maintain a limited expectation of privacy in their lockers. Canine sniff of lockers is not considered a search. Search of individual lockers was a minimally intrusive invasion of the students' privacy interest. Given the minimal intrusion and the heightened school interest, the school-wide search of lockers was reasonable under both US and state constitutions.
	In re J.N.Y., 931 A.2d 685 (Pa. Super. Ct. 2007)	Teacher reported to vice principal that she had been told that the student was in possession of marijuana pipes, but could not recall or name the informants. The vice principal stopped the student while she was waiting for her bus, brought her to her office and threatened to call the police if she did not allow him to search her purse. The subsequent search was found to have been unsupported by reasonable suspicion; effectively anonymous tips, without more, do not provide sufficient reasonable suspicion to conduct a search.
	In the Interest of A.D., 844 A.2d 20 (Pa. Super. Ct. 2004)	Two students reported money and other items were stolen from their purses during gym class. Search of group of students sitting in bleachers where the purses were left was upheld as reasonable because the assistant principal only searched limited group of students, searched them in private area, and had female hall monitor search the female students.
	In re D.E.M., 727 A.2d 570 (Pa. Super. Ct. 1999)	School officials did not act as agents of the police, even though they conducted their investigation based upon information obtained from the police; the agency inquiry must focus on whether the police coerce, dominate or direct the actions of school officials. Moreover, school officials are not required to have reasonable suspicion before "merely" detaining and questioning a student about an anonymous rumor that he had a gun at school.
	Com. v. J.B., 719 A.2d 1058 (Pa. Super. Ct. 1998)	Individualized searches of public school students by school officials, including school police officers (employees of the Philadelphia School District), are subject to reasonable suspicion standard under both

		federal and state constitutions. Search reasonable where officer observed student staggering, with his eyes closed, in the hallway between classes. When the officer asked if the student was OK, his eventual answer was provided with slurred speech.
	In Interest of F.B., 658 A.2d 1378 (Pa. Super. Ct. 1995)	Case involved police officers conducting metal detector screenings at school. Found that the school's interest in ensuring security far outweighs the juvenile's privacy interest. Since the officers followed a uniform procedure for each search, and did not arbitrarily choose the student, the search was held to be reasonable.
	In Interest of S.F., 607 A.2d 793 (Pa. Super. Ct. 1992)	Plainclothes police officer for the School District of Philadelphia held to reasonable suspicion standard. Search of pockets reasonable at inception and in scope when officer observed furtive conduct of student, including quickly hiding a clear plastic bag and wad of money in his pocket.
	In Interest of Dumas, 515 A.2d 984 (Pa. Super. Ct. 1986)	Held that a student had a reasonable expectation of privacy in his school locker and the school official did not have reasonable suspicion to search the student's locker. Once school official seized cigarettes from student, he had no reason to believe that a search of the student's locker would turn up additional cigarettes. Further, official could not articulate suspicion that may locate marijuana in the locker.
Rhode Island	NONE FOUND	
South Carolina	In Interest of Thomas B.D., 486 S.E.2d 498 (S.C. Ct. App.1997)	Reasonable suspicion test does not apply to searches by police officers on school property, where the police were not acting on behalf of or as agents of the school, and were not connected to the school. However, the search in this case was permissible under the plain view doctrine.
South Dakota	NONE FOUND	
Tennessee	R.D.S. v. State, 245 S.W.3d 356 (Tenn. 2008)	Case of first impression in TN. "[T]he reasonable suspicion standard is the appropriate standard to apply to searches conducted by a law enforcement officer assigned to a school on a regular basis and assigned duties at the school beyond those of an ordinary law enforcement officer such that he or she may be considered a school official as well as a law enforcement officer, whether labeled and 'SRO' of not. However, if a law enforcement officer not associated with the school system searches a student in a school setting, that officer should be held to the probable cause standard. The case was remanded to determine officer's role at the school. The facts indicated

		that the officer was a deputy sheriff, and that she was called an SRO. The record was not clear, though, about the officer's role in the school. Long list of factors for the trial court to consider in making this decision. *Good recap of the law in other states.*
	State v. R.D.S., 2009 LEXIS 440 (Tenn. App. June 16, 2009)	Probable cause required for search by SRO in this particular case. On remand from 245 S.W.3d 356, the trial court found that the SRO was a school official, thereby needing only "reasonable suspicion" to search a student's car. The appellate court here reversed. Finding that the SRO did not have any duties apart from those of a law enforcement officer, the court held that the SRO needed probable cause to search the vehicle. The court remanded to determine whether SRO had probable cause to search student's car.
Texas	Coronado v. State, 835 S.W.2d 636 (Tex. Crim. App. 1992)	Reasonable suspicion standard applied where sheriff's officer assigned to school, along with school official, conducted searches of student. Court found that post-pat-down searches of the student's car and locker were not reasonably related in scope to the circumstances which initially justified the search and were excessively intrusive in light of the infraction (skipping school).
	In the Matter of D.H., 306 S.W.3d 955 (Tex. App. 2010).	A canine search was conducted at a Texas high school where students were required to leave their belongings in the classroom and step out into the hallway while the search was conducted. The court held the defendant's 4th Amendment right against unlawful seizure was not violated when she was required to leave her backpack in the classroom. Assuming such a requirement constitutes a seizure under the 4th Amendment, it was constitutionally permissible given the student's relatively minor privacy interest implicated by leaving the bag behind, the low level of intrusion involved in the inspection, the limited amount of information gathered, the school's high interest in preventing drug use, and the school's custodial and tutelary responsibilities for its students.
	In re P.P., 2009 Tex. App. LEXIS 892 (Tex. App. 2009)	During a routine search of all students as they entered school, drugs were found on Δ. Court categorized this routine search as administrative and found it to be reasonable. Δ signed a consent to be searched daily prior to registering at the alternative school. Moreover, in light of students' diminished expectation of privacy in school, the search was relatively unobtrusive and met the needs of the school.
	In re. A.H.A., 2008 Tex. App. LEXIS	After approaching two freshmen in an area off-limits to freshmen, the

	9715 (Tex. App. 2008)	AP smelled marijuana on their hands. AP searched Δ and found bag of marijuana. During search, AP placed thumb in Δ's waistband, between pants and gym shorts. Δ did not contest that the search was justified at its inception, but claimed that it was excessive in scope. The court rejects Δ's contention that this was a near-strip search and finds that the scope of the search was reasonably related to the circumstances that justified the original inference.
	In re B.R.P., 2007 Tex. App. LEXIS 6805 (Tex. App. 2007)	AP received information that Δ was buying and selling drugs. Court found the search both justified at its inception and reasonable in scope. The tip in this case was from a student known by the AP, the tip contained "predictive information" that could be verified, and the tip was not the only basis for the search, which was also predicated on suspicious behavior observed by the AP. Given that the basis for the search was that Δ was suspected of carrying drugs, the scope of the search was reasonable.
	In re A.T.H., 106 S.W.3d 338 (Tex. App. 2003)	Austin Police Officer stationed at high school conducted a pat-down search of a student based upon an anonymous tip that students were smoking marijuana. Whether a school police officer conducts a search for contraband or conducts a part-down weapons frisk, the officer must have reasonable suspicion. In finding a lack of reasonable suspicion, the court states that an anonymous tip, standing alone, may justify the initiation of an investigation but rarely provides the reasonable suspicion necessary to justify an investigative detention or search; corroboration must be present.
	Russell v. State, 74 S.W.3d 887 (Tex. App. 2002)	Police officer assigned to the high school had reasonable suspicion to suspect that a search would turn up evidence that defendant had violated or would violate either the law or school rules. Moreover, pat-down search of pockets in baggy shorts reasonably related to objective of determining whether student had a weapon and not excessively intrusive. Court rejected the State's argument that a pat-down search on school grounds did not necessitate reasonable suspicion.
	Shoemaker v. State, 971 S.W. 2d 178 (Tex. App. 1998)	School official, also the victim of credit card theft by defendant, searched defendant's locker. Official found to be acting under state authority (not as private citizen) and held to reasonable suspicion standard under US and Texas constitutions. Search of locker valid at inception and reasonably related in scope. Moreover, based upon school locker policy, school officials regularly searched lockers either

		for purpose of random checks or in response to reports of contraband. After search, official did not remove items, but reported to police department. Police officer conducted subsequent search of the locker. Court found that this search was also justified from its inception and reasonably related in scope.
	Wilcher v. State, 876 S.W.2d 466 (Tex. App. 1994)	Police Officer for the Houston Independent School District held to reasonable suspicion standard. Search for weapon was reasonable from its inception and was reasonably related in scope to the circumstances which justified interference in the first instance.
	Coffman v. State, 782 S.W.2d 249 (Tex. App. 1989)	School official had reasonable suspicion for conducting the search, based on student's prior propensity to get into trouble, being in the hall without a pass and returning from an area where thefts had previously occurred.
Utah	State v. Hunter, 831 P.2d 1033 (Utah Ct. App. 1992)	Case of first impression for Utah, dealing with college campus search of dorm rooms. Held that the right to privacy in the dorm room did not protect student from search of the dorm by school officials who had reasonable suspicion. Room-to-room searches of dorm rooms in response to incidents of vandalism, etc, deemed reasonable exercise of university's authority to maintain the educational environment.
Vermont	NONE FOUND	
Virginia	Smith v. Norfolk City Sch. Bd., 46 Va. Cir. 238 (Va. Cir. Ct. 1998).	Facial challenge to school board policy allowing for random metal detector scans of students in order to search for weapons is denied. The policy is upheld as reasonable despite lack of individualized suspicion prior to the searches because the discretion of school officials is limited and the intrusion of the metal detectors is minimal. Court cites reduced privacy expectations of students in public schools and compelling state interest from *Vernonia Sch. Dist. 47J v. Acton*, 515 U.S. 646 (1995).
Washington	York v. Wahkiakum Sch. Dist. No. 200, 178 P.3d 995 (Wash. 2008)	Supreme Court of Washington acknowledged the decision in *Vernonia Sch. Dist. 47J v. Acton*, 515 U.S. 646 (1995), but held that random drug testing of student athletes violates Washington's State Constitution. The Court further declined to adopt a special needs exception to the warrant requirement.
	State v. McKinnon, 558 P.2d 781 (Wash. 1977)	Search by school official found to be reasonable, by looking at the interests involved and the evidence against defendants. School official held to reasonable suspicion standard, not probable cause. Even though the tip to the school official came from the chief of police, and

		the official called the police upon finding drugs, joint action was not present. The following factors are relevant in determining whether school officials had "reasonable grounds" for a search: "the child's age, history, and school record, the prevalence and seriousness of the problem in the school to which the search was directed, the exigency to make the search without delay, and the probative value and reliability of the information used as a justification for the search." *State v. McKinnon*, 558 P.2d 781 (Wash. 1977).
	State v. C.Z.-J., 2007 Wash. App. LEXIS 2733 (Wash. Ct. App. 2007)	School official in private alternative school searched Δ after observing suspicious conversation and behavior. Court upheld search as reasonable, and specifically held that a "student's history is a specific factor that may establish reasonable grounds to support a school official's search of a student."
West Virginia	State ex. Rel Galford v. Mark Anthony B., 433 S.E.2d 41 (W.Va. 1993)	While school social worker had reasonable and articulable suspicion to justify a search of the student, a strip search of the student for missing money was unreasonable in scope, as it was excessively intrusive. While stealing money cannot be condoned, it does not begin to approach the threat to other students posed by the possession of drugs or weapons.
	State v. Joseph T, 175 W. Va. 598; 336 S.E.2d 728 (W. Va. 1985)	Search of student's locker for alcohol was justified at its inception when another student had alcohol on his breath and admitted to drinking beer at defendant's house on the way to school. The discovery of marijuana was "reasonably related" to the search for alcohol. Thus the search was supported by reasonable suspicion and did not constitute a violation of the student's constitutional right against unreasonable searches and seizures.
Wisconsin	In Interest of Angelia D.B., 564 N.W.2d 682 (Wis. 1997)	Search done by school liaison officer. Held to reasonable suspicion standard where officer became involved in the investigation at the request of school officials, and continued to act in conjunction with school officials, on school grounds. Search for weapons in this case found to be reasonable.
	In Interest of Isiah B., 500 N.W.2d 637 (Wis. 1993)	After a weekend in which two incidents involving gunfire occurred on school premises, the principal ordered random searches of student lockers, consistent with the school's written policy that lockers are school property and subject to inspection. After 75-100 other locker searches were conducted, the Δ's locker was searched and a weapon and some cocaine were found in his jacket. The search was upheld

		based on the ∆'s reduced privacy expectations regarding his school locker and the school's need to ensure student safety.
	State v. Schloegel, 2009 Wisc. App. LEXIS 357 (Wis. Ct. App. 2009)	Student with prior drug charge consented to search of his person and book bag based on anonymous tip, and no contraband was found. However, school officials then informed him it was school policy that they could search his car if they had reasonable suspicion and the student opened the vehicle at their request. The court held that searches on school grounds need to be supported only by reasonable suspicion and that school parking lots constitute school grounds. Applying the reasonable suspicion test, the court found that the search was justified at its inception and reasonably related in scope.
	In Interest of L.L., 280 N.W.2d 343 (Wis. Ct. App. 1979)	For search of a student by a teacher, lower standard of reasonable suspicion, not probable cause, should be used. Student's expectation of privacy balanced against school's interest in order and teacher's ability to educate. The court determined that the exclusionary rule applies to juvenile proceedings, that a teacher is a state agent because he was maintaining order and discipline in the school, and the search had to meet reasonable suspicion standard. Teacher was permitted to use previous incidents and behavior of student, along with observations of student, as part of reasonable basis to believe that an immediate search was necessary. Even though search was for weapons, marijuana did not affect the reasonableness of search.
Wyoming	NONE FOUND	