

2009 Equal Justice Under Law High School Student Survey

The Fourth Amendment and Student Searches

SCHOOL: _____ GENDER: Female _____ Male _____ AGE: _____

The Fourth Amendment to the Constitution of the United States says “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.” What is the meaning of this right? How is it balanced with the other rights of citizens and the responsibilities of government?

Below are several statements about student searches, the Fourth Amendment, and school safety. Please choose a response that best reflects your position.

This survey is anonymous. Please answer as honestly as you can. Your opinion matters.

Part I: Defining a Search

The Supreme Court of the United States has determined that the following activities in a public school constitute a Fourth Amendment search. Have you experienced any of the following legal searches at school?

1. Metal detectors at the entrances to your school: _____ Yes _____ No
2. Teachers/administrators opening student lockers: _____ Yes _____ No
3. Teachers/administrators opening student bags and backpacks: _____ Yes _____ No
4. Teachers confiscating student cell phones and transcribing the text messages. _____ Yes _____ No
5. Dogs sniffing students, student lockers, or student cars in the parking lot: _____ Yes _____ No

Part II: Reasonable and Unreasonable Searches

A search must be “reasonable” in order to be constitutional. One of the primary justifications for a student search is safety, particularly in public schools.

6. To what extent do you believe that safety at school is a significant public policy problem: (1=insignificant; 5=very significant)
in your community? _____
in your town or city? _____
in the State of Illinois? _____
in the United States? _____

Which of the following situations constitute reasonable searches?

7. A teacher thinks that some of her students are selling drugs and asks everyone in her class to empty their pockets. _____ Yes _____ No
8. A school security guard believes students are smoking in the bathroom and searches student lockers. _____ Yes _____ No
9. A teacher smelled alcohol on a student’s breath and searched that student’s clothing and locker for alcohol. _____ Yes _____ No
10. A student reported hearing gunshots near a fellow student on school grounds. The principal locked down the school and did a full scale search of lockers, students, and student clothing. _____ Yes _____ No

Note: Ask your teacher which of the above searches is “reasonable” within the context of the Fourth Amendment, and why.

Part III: The Fourth Amendment and School Safety—which is the best policy?

Please respond to the following statements about student searches at school:

[Strongly agree/Agree/Disagree/Strongly Disagree]

School officials should be prohibited from conducting strip searches. _____

School officials may search an individual student, but the search should not extend beyond the removal of clothing that exposes the student's undergarments. _____

School officials are permitted to conduct a strip search of a student only when there is a reasonable suspicion concerning an immediate threat to health and safety within the school. _____