

Constitutional Rights Foundation Chicago

Identifying Persuasive Arguments in *Safford Unified School District # 1 v. Redding (2008)*

Constitutional Question: *Does the Fourth Amendment prohibit public school officials from strip searching students suspected of possessing drugs in violation of school policy?*

A key to deciding the constitutional question in *Safford v. Redding* is understanding the arguments for each side of the case. Below are arguments from the case.

Step 1: Read through each argument. Circle or mark 3 arguments you find *most persuasive*. Do not be concerned with whether you agree or disagree with the arguments.

Step 2: Working with a partner, reach consensus on which 3 arguments you feel are the *most persuasive*. Be prepared to explain your choices to the class. You do not need to agree with the argument to consider it persuasive.

1. ___ Savana Redding was a middle school student when she was asked by her principal if she had ever brought pills to school or given any pills to any fellow Safford students. Savana responded that she had not given any pills to any student nor had she ever brought any pills to school.

2. ___ Drug use continues to be problematic for schools. Safford Middle School adopted a policy prohibiting the “nonmedical use, possession, or sale of drugs on school property or at school events” after a student became violently ill after receiving a prescription pill from a fellow student.

3. ___ The district court held that the Safford officials did not violate Redding’s Fourth Amendment rights because their search of Redding’s person was both justified at its inception and permissible in its scope.

4. ___ The Supreme Court has said that “the constitutional rights of students in public school are not automatically coextensive with the rights of adults in other settings “and that “the rights of students must be applied in light of the special characteristics of the school environment.”

5. ___ Savana’s classmate, Marissa, falsely stated that Savana gave her the ibuprofen and Naprosyn pills, but she did not claim that Savana provided the pills that day, or even that week or month.

6. ___ The Court said in *T.L.O.* that deference must be given to school officials on what types of student conduct are not permitted in the interest of maintaining a safe educational environment. In Safford, Assistant principal Wilson had good reason to investigate the allegation against Savana due to the school’s existing prescription drug distribution problem.

7. ____ There are less intrusive means of searching students for drugs at school that would not infringe upon Fourth Amendment rights.
8. ____ The 4th Amendment's guarantee from unreasonable searches and seizures protects the defense of society against government misuse of authority.
9. ____ The search of Redding's person was conducted by public school officials and took place during school hours and on school premises. The validity of the search is, therefore, governed by *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).
10. ____ Based on the information available to them, Defendants had "reasonable grounds" for suspecting that the search of Redding's person would turn up evidence that Redding had "violated or [was] violating either the law or the rules of the school."