



Students' Rights



Inquiry Questions

Essential Question: How does a democracy address racial, gender, and socioeconomic inequalities?

→ **Compelling Question:** Do schools prepare students to practice their rights or to surrender them?

Supporting Questions:

- **SQ1:** How have students used their voices and actions in the past to stand up for their rights and create change in their schools or communities?
- **SQ 2:** When have students successfully challenged their schools in court, and what rights did they help secure for others?
- **SQ 3:** When have students challenged their schools in court but lost, and what does that reveal about the limits of student rights?
- **SQ 4:** Where should the line be drawn between school authority and student rights? Who should decide?

Argument Stems

- Schools help students practice their rights by...
- Schools prepare students to surrender their rights by...
- Schools both protect and restrict rights by...

For lesson cover page, teacher instructions, [lesson vocabulary](#), & additional document on the [Educator Materials Tab](#) & [Additional Materials Tab](#)



Central York high school student Favor Gabriel holds up a sign to fight the book ban Friday, May 5, 2023. Submitted photo *The York Dispatch*

Students' Rights: Introduction

Supporting Question 1: How have students used their voices and actions in the past to stand up for their rights and create change in their schools or communities?

Intro: Staging the Inquiry

Directions

- Examine the image and answer the questions that follow.
- Be prepared to answer the class discussion questions, jot down notes during the discussion.



Does protecting school safety justify limiting student rights?

Does a principal have the right to keep students safe if it violates students' rights? Explain.

Do YOU have a constitutional right to YOUR phone while at school? Explain.

Class Discussion Questions

- Which scenarios were the hardest to decide?
- Are there patterns in what students think is fair?
- **Are students' rights violated or protected in schools today?**




Class Discussion Notes

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Anticipatory Poll

Directions

- Check the box that best describes your thoughts on the topic.

Student Rights: 5 Question Poll	Yes 	Maybe / Sometimes 	No 
Should schools be allowed to limit when and how students use the bathroom ?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Should schools be allowed to ban students from wearing clothing with certain logos or messages?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Should schools be allowed to discipline students for things they post on social media outside of school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Should schools require students to turn in their personal phones at the start of each school day?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Should schools require students to observe two minutes of silence each day for religious purposes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Gallery Walk

Directions

- Walk around the classroom, analyzing images of various student protests.
 - Digital slideshow version ([preview-copy](#))
 - Print version in "[Additional Materials](#)" tab
- Leave notes/annotations on each document, discussing the rights at stake in each protest.
- Add thoughts and wonderings to your individual graphic organizer on the following page.

	What do you see? What are the people doing?	How do you imagine they feel?	What questions does this raise for you?	What surprises you about this image?	What connections can you make to your own experience?
Exhibit A					
Exhibit B					
Exhibit C					
Exhibit D					

Exhibit E					
Exhibit F					
Exhibit G					
	<p>What do you see? What are the people doing?</p>	<p>How do you imagine they feel?</p>	<p>What questions does this raise for you?</p>	<p>What surprises you about this image?</p>	<p>What connections can you make to your own experience?</p>

Conclusion: Class Discussion

Directions

- Answer the following questions.
- Discuss your answers as a class.
- Jot down notes of the class discussion.

Of the protests you just examined, which protest would you join today and why?

Do you think a protest today for this issue would be more or less successful than the original?

Class Discussion Notes

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Students' Rights: Rights Upheld

Supporting Question 2: When have students successfully challenged their schools in court, and what rights did they help secure for others?

Intro: Speech in Schools

Directions

- Read the scenario and answer the questions that follow.
- Discuss your answer with another student.

Should students be allowed to express their political views at school?	
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe <input type="checkbox"/> No	Explain your answer.
<input type="checkbox"/> Yes <input type="checkbox"/> Maybe <input type="checkbox"/> No	Write notes on your partner's/group's answer.

Supreme Court Cases

Directions

- Use the graphic organizer on the following page to connect Supreme Court cases to specific rights in the Bill of Rights.
- Read and analyze the [1st](#) and [26th](#) Amendments, and the “Facts and Case Summary” for each case (print version in “[Additional Materials](#)”).
- Discuss the completed graphic organizers, focusing on how the court upheld student rights in these cases.

COURT CASE	Outcome	Did the court uphold or limit rights? Choose one:	How did the case uphold or limit students' rights? Explain.
Tinker v. Des Moines (1969)		<input type="checkbox"/> Uphold <input type="checkbox"/> Limit	
Engel v. Vitale (1962)		<input type="checkbox"/> Uphold <input type="checkbox"/> Limit	

Exit Ticket: Social Media Post

Directions

- Choose one court case from today.
- Answer the prompt below.

Write a short tweet/text post (280 characters or less) explaining what right the students won then and why it matters today.

Students' Rights: Rights Limited

Supporting Question 3: When have students challenged their schools in court but lost, and what does that reveal about the limits of student rights?

Intro: You Be the Judge

Directions

- Read the scenario and answer the questions that follow.
- Discuss your answer with another student.

Scenario: A student posts a meme criticizing a teacher on their personal social media account.

Should students be allowed to express their political views at school?.

- Yes No Depends

Explain your answer.



Supreme Court Cases

Directions

- Use the graphic organizer on the following page to connect Supreme Court cases to specific rights in the Bill of Rights.
- Read and analyze the [1st](#), [4th](#), [14th](#) Amendments, and the “Facts and Case Summary” for each case (print version in “[Additional Materials](#)”)
- Discuss the completed graphic organizers, focusing on how the court upheld student rights in these cases.

COURT CASE	Outcome	Did the court uphold or limit rights? Choose one:	How did the case uphold or limit students' rights? Explain.
Hazelwood School District v. Kuhlmeier (1988)		<input type="checkbox"/> Uphold <input type="checkbox"/> Limit	
New Jersey v. T.L.O. (1985)		<input type="checkbox"/> Uphold <input type="checkbox"/> Limit	

Exit Ticket

Directions

- Answer the prompt below.

Based on what we've learned today, when (if ever) is it okay for schools to limit student rights? Explain your reasoning.

Students' Rights: Extent of Rights

*Supporting Question 4: Where should the line be drawn between school authority and student rights?
Who should decide?*

Intro: Would You Rather

Directions

- Choose between the two options below.
- Answer the question that follows.

<input type="checkbox"/> Always have freedom of speech at school, but no privacy.	Explain your answer.
<input type="checkbox"/> Always have privacy, but limited free speech.	

Synthesis Task: Rights or Responsibilities? A Continuum

Directions

- Examine the concept of a continuum, pictured below, from "Clearly a student right" on one end to "Clearly a school responsibility/authority" on the other, with a "Grey Area/Depends" in the middle.



- As a group decide where each scenario should be placed on this continuum between school authority (5) and individual students' rights (1).
- In small groups you will choose or be assigned 3 of the scenarios below related to student rights and school authority.
- In your groups discuss where on the above continuum would place these scenarios.
- Fill in the graphic organizer based on your conclusions, referencing previous Supreme Court Cases and knowledge of Students' Rights.

<p style="text-align: center;">School Scenario</p> <p style="text-align: center;"><i>Read the scenarios below.</i></p>	<p style="text-align: center;">SCOTUS Case</p> <p style="text-align: center;"><i>Which previous court cases are related?</i></p>	<p style="text-align: center;">Your Opinion</p> <p style="text-align: center;"><i>State your groups' decision by giving a number code (1-5 from the above continuum) and a reason why you chose that number.</i></p>
<p>1. Off-Campus Critical Online Post</p> <p>A student posts a highly critical (but not threatening or harassing) message about the school's new lunch policy on a personal social media account, which they only access at home. The post becomes widely shared among students, some of whom agree with the school. The principal learns about it and demands that the student remove the post and issues a warning.</p>		
<p>2. Optional Religious Club Meeting on Campus</p> <p>A group of students wants to start an optional, student-led religious club that meets in a classroom after school hours. The principal approves all other non-religious clubs but denies this, stating that any religious activity on school grounds is unconstitutional.</p>		
<p>3. Student-Run School Podcast Content</p> <p>Students producing a school-sponsored podcast as part of a journalism class create an episode discussing sensitive personal topics (e.g., student anxiety, family challenges). The faculty advisor and principal review the content and decide to cut certain segments, fearing it might violate student privacy or be inappropriate for a general school audience.</p>		

<p>4. Off-Campus Search of Personal Devices</p> <p>A school administrator receives an anonymous tip that a student is planning to bring a banned substance to school the next day. The administrator, without further investigation or clear evidence, demands to search the student's personal cell phone (which is off-campus at the time) to look for evidence.</p>		
<p>5. Student's Silent Protest During Class</p> <p>During a class discussion on a current event, a student silently stands up and turns their back to the class for the remainder of the period as a form of protest. They are not making noise or physically blocking anyone, but the teacher views it as disruptive and sends them to the office.</p>		
<p>School Scenario</p>	<p>SCOTUS Case</p>	<p>Your Opinion</p>



Exit Ticket: Argument Stems

Directions

- Independently answer the prompt below.
- Use one example from today's discussion.



Do schools prepare students to practice their rights or to surrender them?

Select one of the following argument stems and complete the argument.

- Schools help students practice their rights by...
- Schools prepare students to surrender their rights by...
- Schools both protect and restrict rights by...

Educator Materials

DO NOT SHARE WITH STUDENTS

 Students' Rights 	
<u>NVPS Unit</u>	<p>US.11 - Social & Economic Change (Unit Plan: Preview-Copy)</p> <ul style="list-style-type: none"> C - Other Civil Rights Movements
Days (~50 min)	
3-5	
<u>Inquiry Questions</u>	<p>Essential Question: How does a democracy address racial, gender, and socioeconomic inequalities?</p> <p>→ Compelling Question: Do schools prepare students to practice their rights or to surrender them?</p> <p>Supporting Questions:</p> <ul style="list-style-type: none"> → SQ1: How have students used their voices and actions in the past to stand up for their rights and create change in their schools or communities? → SQ 2: When have students successfully challenged their schools in court, and what rights did they help secure for others? → SQ 3: When have students challenged their schools in court but lost, and what does that reveal about the limits of student rights? → SQ 4: Where should the line be drawn between school authority and student rights? Who should decide?
<u>Argument Stems</u>	<ul style="list-style-type: none"> Schools help students practice their rights by... Schools prepare students to surrender their rights by... Schools both protect and restrict rights by...
<u>Content Standards</u>	<p>11.10b - Individuals, Diverse Groups, and Organizations That Have Changed America</p> <ol style="list-style-type: none"> Individuals & Groups Fight for Equality - Student rights (e.g., Engel v. Vitale [1962], Tinker v. Des Moines School District [1969], New Jersey v. TLO [1985]) Civil Rights Case Studies
<u>Literacy Standards</u>	<ul style="list-style-type: none"> 11-12.RH1 - Cite specific textual evidence to support analysis of primary and secondary sources, connecting insights gained from specific details to an understanding of the source as a whole. 11-12.RH7 - Integrate and evaluate multiple sources of information presented in diverse formats and media (e.g., visually, quantitatively, as well as in words) in order to address a question or solve a problem. 11-12.WHST1 - Write arguments focused on discipline-specific content.
<u>C3 Standards</u>	<ul style="list-style-type: none"> D2.Civ.10.9-12 - Analyze the impact and the appropriate roles of personal interests and perspectives on the application of civic virtues, democratic principles, constitutional rights, and human rights

	<ul style="list-style-type: none"> ● D2.His.4.9-12 - Analyze complex and interacting factors that influenced the perspectives of people during different historical eras. ● D2.His.14.9-12 - Analyze multiple and complex causes and effects of events in the past. ● D3.1.9-12 - Gather relevant information from multiple sources representing a wide range of views while using the origin, authority, structure, context, and corroborative value of the sources to guide the selection.
Vocabulary	Unit Vocabulary Student (Preview-Copy) Teacher (Preview-Copy) - Lesson Vocabulary
Table of Contents	<p>Lesson 1</p> <ul style="list-style-type: none"> ● Staging the Inquiry (5-10 min) ● Intro: Anticipatory Poll (5-10 min) ● Gallery Walk (20 min) ● Discussion (10 min) <p>Lesson 2</p> <ul style="list-style-type: none"> ● Intro: “Speech in Schools” Quick Poll (5 min) ● Graphic Organizer Activity (25 mins) ● Group discussion (10 mins) ● Conclusion: Social Media Post (5 mins) <p>Lesson 3</p> <ul style="list-style-type: none"> ● Intro: “You Be the Judge” (5 min) ● Graphic Organizer Activity (25 mins): ● Group discussion (10 mins) ● Conclusion (5 mins) <p>Lesson 4</p> <ul style="list-style-type: none"> ● Intro: “Would You Rather?” Rights Edition! (10 min) ● Main Activity (30 mins) ● Conclusion (5 mins) <p>Summative Assessment</p> <ul style="list-style-type: none"> ● Option A: Argument-Based Performance Task: Student Rights Writing or Podcast ● Option B: Civic Action Proposal: “Know Your Rights” Campaign ● Option C: Structured Academic Debate or Socratic Seminar
Adeptations	<ul style="list-style-type: none"> ● Gallery Walk Adaptations ● Time Saver for SQ 2 and 3 ● Extension for SQ 4 ● Main Activity Summative Activity
Formative Assessment Task	<ol style="list-style-type: none"> 1. Anticipatory Set (Staging the Question) and Gallery Walk with Graphic Organizer 2. Complete a graphic organizer cross referencing each case with the U.S. Bill of Rights. 3. Complete a graphic organizer cross referencing each case with the U.S. Bill of Rights. 4. Final Synthesis Task -Connecting School Scenarios to Court Cases

Summative Performance Task Options	<ol style="list-style-type: none"> 1. Argument-Based Performance Task: Student Rights Position Paper or Podcast 2. Civic Action Proposal: “Know Your Rights” Campaign 3. Structured Academic Debate or Socratic Seminar
Materials	<ul style="list-style-type: none"> • Gallery Walk: Print version in "Additional Materials" tab, Slideshow version: add copy of "Galley Walk" to drive
Curriculum Partnership	Library of Congress: Teaching with Primary Sources - Consortium Member
Additional Sources	<ul style="list-style-type: none"> • Highsmith, Carol M, photographer. One of the many Black Lives Matter events on or near Black Lives Matter Plaza in Washington, D.C. United States Washington D.C. District of Columbia Washington D.C, 2020. -06-06. Photograph. https://www.loc.gov/item/2020720161/ • Filo, John Paul, photographer. Kent State / John Paul Filo. Ohio Kent Cambodia Protest Movements, 1970. May 4. Photograph. https://www.loc.gov/item/2009632261 • Gotfryd, Bernard, photographer. Anti-draft demonstration, Central Park, NYC. United States New York State New York, 1968. Photograph. https://www.loc.gov/item/2020737916/ • March for Our Lives; Policy Agenda, 2024
References	<ul style="list-style-type: none"> • Atlanta Policeman Drags African American High School Student Taylor Washington to Paddy Wagon during Demonstration against Restaurant Segregation, Atlanta, Georgia," 2015. The Library of Congress. 2015. https://www.loc.gov/item/00652486. • Junior Preparatory Class of Fisk University, Nashville, Tennessee," 2015. The Library of Congress. 2015. https://www.loc.gov/item/90712953/ • Protest against Child Labor in a Labor Parade," 1909. Library of Congress, Washington, D.C. 20540 USA. May 1, 1909. [Protest against child labor in a labor parade] Library of Congress • Alamy Limited. 2025. "Mothers Carrying Protest Signs Accompany Their Children to Graymont Elementary School in Birmingham, Ala., Which Was Opened on an Integrated Basis, Sept. 4, 1963. (AP Photo)." Alamy.com. Alamy images. 2025. Mothers carrying protest signs accompany their children to Graymont Elementary School in Birmingham, Ala., which was opened on an integrated basis, Sept. 4, 1963. (AP Photo) • Gallagher, Mickey. 2018. "The Dark Truths about Child Labor in Books for Children." People's World. April 24, 2018. The dark truths about child labor in books for children – Page 1000 – People's World • Walzer, Michael. 2018. "Listen to the Teens Dissent Magazine." Dissent Magazine. February 22, 2018. Listen to the Parkland Teens Dissent Magazine • Willse, Meredith. 2023. "'My Voice Matters': Central York Students Begin Daily Protest over Book Ban." York Dispatch. May 5, 2023. 'My voice matters': Central York students begin daily protest over book ban
Unit Context	Previous Lesson: 1 - ADA & Judy Heumann Following Lesson: 3 - Immigrants' Rights

Educator Overview of Inquiry Series

This inquiry engages students in an exploration of the **balance between individual rights and institutional authority** within the context of U.S. public schools. Anchored in the compelling question: *“Do schools prepare students to practice their rights or to surrender them?”* The unit invites students to investigate landmark Supreme Court cases, historical and contemporary student activism, and their own experiences in school.

Over the course of four lessons, students will examine the evolving nature of student rights through a series of supporting questions that explore:

1. How students have historically used protest to advocate for change,
2. When the courts have upheld student rights,
3. When courts have limited those rights, and
4. The broader implications of those decisions for students today.

Students will engage with primary sources, photographs, and case summaries, and participate in activities like gallery walks, graphic organizers, speed debates, and structured discussions. The inquiry builds toward a summative task in which students develop and communicate a claim, using historical and legal evidence to evaluate whether student rights are more often protected or violated in school settings today. Options for assessment include a range of performance formats, including written, verbal, and project-based options.

This unit aligns with the New York State Social Studies Framework (11.10b) and incorporates C3 Inquiry Arc practices, including sourcing evidence, analyzing public policy, evaluating civic principles, and communicating conclusions. It also encourages student reflection on their own agency in democratic life and fosters civic awareness in a context that directly impacts their lives.

This inquiry draws on disciplinary practices in civics and history, asking students to interpret constitutional principles, evaluate legal reasoning, and consider their role in civic life. By the end, students should not only understand key constitutional principles but also feel empowered to ask:

“What rights do I have—and how can I use them?”

Adaptations

SQ 1 Gallery Walk Adaptations

- Use as many images as you feel will be beneficial and/or time efficient
 - Digital slideshow version ([preview-copy](#))
 - Print version in "[Additional Materials](#)" tab
- Use as an opening lesson OR the closing lesson of the series
- Print images and add to chart paper, then use post its and/ or markers to make “comments” in margins of each image

Time Saver for SQ 2 and 3 Graphic Organizer

- Single lesson jigsaw activity where half the class does Tinker/Engel and the other half does Hazelwood/TLO and then they jigsaw it back together in order to complete the graphic organizer.
 - Complete graphic organizer version in "[Additional Materials](#)" tab

Extension for SQ 4 Main Activity

- Invite students to propose a new scenario based on current events or school issues and explain where it would fall on the continuum.

Taking Informed Action (Extension/Optional)

UNDERSTAND: Students examine how constitutional principles and past court decisions shape current debates about student rights in schools. They analyze how schools balance student expression, privacy, and safety, and identify examples where that balance is contested today (e.g., book bans, social media speech, phone policies).

ASSESS: Students investigate the state of student rights in their own school or community by gathering perspectives from peers, teachers, and administrators. They assess existing policies or practices such as dress codes, technology use, or disciplinary procedures to determine how well they align with the principles established in landmark Supreme Court cases.

ACT: Students work individually or in small groups to propose a new school policy or revise an existing one related to a contemporary student rights issue (e.g., cell phone use, dress code, social media speech, protest/walkout guidelines, book banning). They would need to explain the current issue, research relevant court cases (from SQ2 and SQ3) and contemporary examples (from SQ4's discussions), and then justify their proposed policy revision based on legal precedents and their understanding of the balance between student rights and school authority.

Inquiry Instruction Sequence

Lesson 1: Students' Rights Introduction

Supporting Question 1: How have students used their voices and actions in the past to stand up for their rights and create change in their schools or communities?

Lesson 1 Sequence

Staging the Inquiry (10 min)

- Purpose:** To introduce the essential tension at the heart of the inquiry:
 - *Does protecting school safety justify limiting student rights? Does a principal have a right to keep students safe if it violates students' rights? Do YOU have a constitutional right to YOUR phone while at school?*
 - This sets the stage for understanding how courts and students have navigated these dilemmas.
- Lead a whole-class discussion:
 - Which scenarios were the hardest to decide?
 - Are there patterns in what students think is fair?
 - Introduce the compelling question (write and leave on board during the inquiry): Are students' rights violated or protected in schools today?

Intro: Anticipatory Poll (5 min)

- Conduct a quick poll on student rights.
- Ask students to raise their hands for each question.
- Ask a few students to share their thoughts.

Main Activity: Gallery Walk (20 mins)

- Print version in "[Additional Materials](#)" tab
- Slideshow version ([preview-copy](#))
- Students walk around the classroom, analyzing images of various student protests (provided in the source document).
- They leave notes/annotations on each document, discussing the rights at stake in each protest.
- Students add thoughts and wonderings to their individual graphic organizers

Exit Ticket: Class Discussion (10 mins)

- Discuss the various protests, focusing on the conflict between student safety and student rights.

Sources

- Source A: Vietnam War Protest, 1967, Photograph
- Source B: Civil Rights Sit In, 1960, Photograph
- Source C: Child Labor Protest, 1909, Photograph
- Source D: Book Ban Protest, 2023, Photograph
- Source E: Vietnam Moratorium, NYC. Gotfryd, Bernard, photographer. Vietnam Moratorium, NYC. New York State New York United States, 1969. [October] Photograph.
- Source F: Newsboy Protest, 1903, Photograph
- Source G: Atlanta Georgia, 1964, Danny Lyon, Photograph.

Lesson 2: Rights Upheld

Supporting Question 2: When have students successfully challenged their schools in court, and what rights did they help secure for others?

Lesson 2 Sequence

Intro: "Speech in Schools" Quick Poll (5 min)

- Slide version of intro question ([preview-copy](#))
- Debrief student responses in a quick think-pair-share.
- Take a quick poll (Yes/No? Depends) of the students' answers by asking for them to raise their hands for each option.

Supreme Court Cases Graphic Organizer Activity (25 mins)

- Print version of materials in "Additional Materials".
- Students complete a graphic organizer that includes columns for the case name, a summary of the facts, the constitutional right(s) involved, and the Court's decision.
- Using case study stations or paired analysis, students examine Tinker v. Des Moines and Engel v. Vitale as they fill in their organizers.

Group Discussion (10 mins)

- Discuss the completed graphic organizers, focusing on how the court upheld student rights in these cases.

Conclusion: Social Media Post (5 mins)

- Students complete the final activity as an Exit Ticket.

Sources

- Tinker v. Des Moines
 - [Facts and Case Summary- Tinker v. Des Moines; uscourts.gov](#)
 - [Tinker v. Des Moines School Dist., 393 U.S. 503 \(1969\)](#); Library of Congress
 - [Newspaper article Dec 1965 Tinker arm bands](#); Defendants' Exhibit 2 in John F. Tinker et. al. v. The Des Moines Independent Community School District et. al.; [docsteach.org](#)
- Engel v. Vital
 - [Facts and Case Summary- Engel v. Vitale](#); Oyez. Accessed October 22, 2025. [Engel v. Vitale | Oyez](#)
- Amendments
 - [First Amendment](#); Library of Congress
 - [26th Amendment](#); [Congress.gov](#)

Lesson 3: Rights Limited

Supporting Question 3: When have students challenged their schools in court but lost, and what does that reveal about the limits of student rights?

Lesson 3 Sequence

Intro: “You Be the Judge” (5 min)

- Use the intro question to segue into cases where schools won.

Graphic Organizer Activity (25 mins):

- Print version of materials in “Additional Materials”.
- Students complete a graphic organizer that includes columns for the case name, a summary of the facts, the constitutional right(s) involved, and the Court’s decision.
- Using case study stations or paired analysis, students examine New Jersey v. T.L.O. and Hazelwood v. Kuhlmeier.

Group Discussion (10 mins)

- Discuss the completed graphic organizers, focusing on how the court upheld student rights in these cases.

Exit Ticket (5 mins)

- Students complete the final reflection question as an Exit Ticket.

Sources

- Hazelwood School District v. Kuhlmeier
 - [Facts and Case Summary - Hazelwood v. Kuhlmeier](#)
 - [Hazelwood School District v. Kuhlmeier, 484 U.S. 260 \(1988\)](#); Library of Congress
- New Jersey v. T.L.O.
 - [Facts and Case Summary- New Jersey v. T.L.O.](#)
- Amendments
 - [Fourth Amendment](#); Library of Congress

Lesson 4: Extent of Rights

*Supporting Question 4: Where should the line be drawn between school authority and student rights?
Who should decide?*

Lesson 4 Sequence

Intro: "Would You Rather?" Rights Edition! (10 min)

- Ask students to choose between the two options.
- Have students justify their pick and then debrief.

Synthesis Task: Rights or Responsibilities? A Continuum (30 mins total)

● **Introduction** (5 min)

- Remind students of the core tension of SQ4: *Where do student rights end and school authority/responsibility begin?*
- Introduce the concept of a continuum, from "Clearly a student right" on one end to "Clearly a school responsibility/authority" on the other, with a "Grey Area/Depends" in the middle.

● **Main Activity** (20 min)

- Provide each small group (or pairs, if you prefer for speed) with 2-4 specific, concise modern scenarios related to student rights and school authority. These should be short, one-sentence descriptions ([see scenarios below](#)).
 - 1. Off-Campus Critical Online Post
 - 2. Optional Religious Club Meeting on Campus
 - 3. Student-Run School Podcast Content
 - 4. Off-Campus Search of Personal Devices
 - 5. Student's Silent Protest During Class
- Have each group decide where to place each scenario on the continuum and explain their reasoning.
- Students should use their graphic organizers from SQ 2-3 as a reference and be ready to justify their placement by connecting to the supporting question(s) and by applying principles from relevant cases.
- Emphasize reasoning and evidence-based justification over "correct answers."**
 - This activity asks students to apply their understanding of constitutional principles, Supreme Court precedents, and real-world student rights issues. By evaluating modern school scenarios against landmark cases, students demonstrate their ability to reason with evidence and recognize that constitutional interpretation often exists along a continuum between clear student rights and legitimate school authority. This task bridges historical learning with contemporary relevance, reinforcing civic reasoning.
- [Teacher guide to prompts below.](#)

● **Share-Out Debrief** (5 min)

- Bring the class back together.
- Quickly ask one or two groups to share their placement for one scenario and their rationale.
- Focus on the most contentious or interesting placements to spark brief whole-class discussion.

● **Discussion Format Options**

- Conduct as a station rotation where each scenario is posted around the room and groups move, discuss, and post their placement on a shared continuum chart.
- Post a whole-class continuum on the board or a digital polling tool to visualize consensus and differences.

Exit Ticket (5 min)

- Have students fill in one of the argument stems.

Sources

- Source A: Know Your Rights, ACLU.org
- Source B: Student Bill of Rights NYC, NYCPS
- Source C: L.A. Times Image - "You've messed with the wrong generation"
- Source D: Fayetteville High School students walk out of school, march to show support for Palestine | Northwest Arkansas Democrat-Gazette, Northwest Arkansas News

SQ 4 Main Activity Teacher Guide to Prompts

- Here's an overview of the legal limitations for each scenario, often drawing on landmark Supreme Court cases that define student rights in schools.
- This is for a teacher's guide and should be presented as general principles, as specific outcomes can vary based on context, state laws, and circuit court interpretations.

Scenario for Students	Related Cases (Underlying Principles)	Legal Limitations/Considerations (Teacher's Guide)
1. Off-Campus Critical Online Post	<p><i>Tinker v. Des Moines School District (disruption)</i></p> <p><i>Mahanoy Area School District v. B.L. (off-campus speech principles)</i></p>	<p>Off-Campus Speech: Schools have less authority over speech that originates off-campus and outside school hours. Intervention is typically justified only if the speech causes a substantial disruption to the school environment or impinges on the rights of others. Simply being "critical" or causing discussion is often not enough.</p> <p>Actual Disruption: The burden is on the school to show a tangible, significant negative impact on school operations or safety, not just discomfort or disagreement.</p>
2. Optional Religious Club Meeting on Campus	<p><i>Engel v. Vitale (Establishment Clause)</i></p> <p><i>Board of Education of Westside Community Schools v. Mergens (Equal Access Act)</i></p>	<p>Free Exercise vs. Establishment: The Establishment Clause prevents government (including public schools) from establishing or endorsing religion. However, the Free Exercise Clause protects students' individual right to practice their religion. The Equal Access Act generally requires public secondary schools receiving federal funds to grant equal access to non-curricular student groups, including religious ones, if they allow other non-curricular clubs. Denying access solely due to religious content is usually a violation of the Equal Access Act, as long as the meeting is student-initiated and not school-sponsored.</p>
3. Student-Run School Podcast Content	<p><i>Hazelwood School District v. Kuhlmeier (school-sponsored speech)</i></p>	<p>School-Sponsored Speech (Hazelwood): When student speech is part of a school-sponsored expressive activity (like a school podcast produced as part of a class), schools can exercise editorial control over the content as long as their actions are "reasonably related" to "legitimate pedagogical concerns". This can include concerns about privacy, appropriateness for the audience, or maintaining high standards of journalistic integrity.</p> <p>Distinction from Tinker: This is distinct from Tinker because the speech is not purely student-initiated personal expression but rather part of a school-managed educational program.</p>

<p>4. Off-Campus Search of Personal Devices</p>	<p><i>New Jersey v. T.L.O.</i> (school searches)</p> <p><i>Riley v. California</i> (phone search context)</p>	<p>Reasonable Suspicion (T.L.O.): School officials generally need "reasonable suspicion" to conduct a search of a student or their belongings on campus. This standard is lower than probable cause.</p> <p>Off-Campus/Personal Devices: Searching a personal device that is off-campus based only on an anonymous tip and without any specific, individualized reasonable suspicion (beyond the tip) would likely be a significant overreach of school authority and could violate Fourth Amendment rights. Courts are increasingly protective of privacy on personal digital devices (Riley v. California related to police searches, but principles apply to private digital content).</p>
<p>5. Student's Silent Protest During Class</p>	<p><i>Tinker v. Des Moines School District</i> (symbolic speech, disruption)</p>	<p>Symbolic Speech (Tinker): Students have the right to express their views through symbolic acts, but this right is not absolute. It can be limited if the expression causes a "substantial disruption of or material interference with school activities".</p> <p>Classroom Context: While silent, standing up and turning one's back during a class discussion could reasonably be seen as disruptive to the learning environment or infringing on the teacher's ability to instruct and manage the class. The context (during instruction vs. during a non-instructional break) is crucial.</p>

Summative Activity Options

Compelling Question: Do schools prepare students to practice their rights or to surrender them?

Summative Activity Overview

Summative Activity

- Pick between 1 of the 3 activities A, B, or C.
 - [Activity A](#): Argument-Based Performance Task: Student Rights Writing Assignment or Podcast
 - [Activity B](#): Civic Action Proposal: “Know Your Rights” Campaign
 - [Activity C](#): Structured Academic Debate or Socratic Seminar

Activity A: Argument-Based Performance Task Student Rights Writing or Podcast

Prompt

- Using evidence from court cases, historical protests, and current events, make an argument answering the question:
 - *Are students’ rights violated or protected in schools today?*

Product Options

- Regents style writing assignment modified length based on grade level)
- Podcast episode (3–5 minutes) using script and citations
- Op-Ed article or blog post written for peers or the school newspaper

Required Elements

- A clear claim responding to the compelling question
- Historical evidence (e.g., Tinker, Engel, T.L.O., Hazelwood)
- A contemporary example (e.g., book bans, student protests, phone policies)
- One counterclaim and rebuttal
- A closing that reflects on the importance of knowing one’s rights

Assessment Tool

- [Rubric](#): Skills-based rubric aligned to argument writing, content understanding, and civic reasoning.

Activity B: Civic Action Proposal “Know Your Rights” Campaign

Prompt

- After researching court cases and real-world examples:
 - *Create a proposal for a campaign that addresses a student rights issue in your school or community.*

Product Options

- Infographic/poster campaign
- Mini website or digital PSA
- Assembly presentation or school newsletter article

Required Elements

- Identify a student rights issue relevant today (discipline, expression, surveillance, religious freedom, etc.)
- Use historical and legal evidence to show why this matters
- Propose an action to educate or advocate for change
- Include a reflective statement on the role of student voice in a democracy

Assessment Tool

- [Rubric](#): Rubric should measure research depth, historical/civic connection, clarity of the proposal, and creativity.

Activity C: Structured Academic Debate or Socratic Seminar

Prompt

- Prepare for a classroom debate or seminar on the essential question:
 - *Are students' rights violated or protected in schools today?*

Materials

- Seminar Sheets - [Socratic Seminar Teaching Strategy | Facing History & Ourselves](#)

Structure

- Students prepare for both “Yes” and “No” sides (helps develop reasoning)
- Use evidence from cases, protests, and current policies
- Include discussion norms and space for students to bring in personal observations

Add-On

- Have students submit a post-debate reflection in which they explain what position they found most compelling and why.

Assessment Tool

- [Rubric](#): Checklist or rubric focused on use of evidence, speaking/listening skills, respectful discourse, and depth of reasoning.

Rubric A - Argument-Based Performance Task: Writing or Podcast

Performance Level	Developing (1)	Proficient (2)	Advanced (3)	Feedback for Improvement
Claim	States a general position related to the question.	States a clear, focused claim that responds to the question.	Presents a precise claim that captures complexity.	
Evidence	Includes some relevant examples or facts.	Uses accurate, relevant evidence from multiple sources.	Integrates and analyzes evidence across contexts.	
Reasoning	Provides general reasoning for the claim.	Explains how evidence supports the claim and addresses a counterclaim.	Weighs perspectives and evaluates strengths and limits of arguments.	
Organization	Presents ideas in a logical order.	Uses a clear structure with purposeful transitions.	Ideas build clearly on one another, guiding the reader/ listener through the argument.	
Civic Understanding	Mentions rights or civic concepts generally.	Connects the argument to constitutional or civic principles.	Reflects on rights, agency, and democracy.	

Total ___/15:

Rubric B - Civic Action Proposal: "Know Your Rights" Campaign

Performance Level	Developing (1)	Proficient (2)	Advanced (3)	Feedback for Improvement
Issue Focus	Identifies a general issue connected to student rights.	Clearly defines a current, relevant student-rights issue.	Frames a compelling, timely issue with civic significance.	
Evidence	Includes some information or examples.	Uses evidence from court cases and examples to explain its importance.	Synthesizes diverse sources showing deep understanding.	
Action Plan	Suggests an idea for action.	Presents a clear proposal for action or education.	Develops a detailed, innovative proposal demonstrating leadership.	
Civic Reasoning	Expresses opinions about fairness or rights.	Uses civic concepts to justify the proposal.	Applies civic reasoning, anticipating perspectives.	
Reflection	Reflects on why the issue matters personally.	Reflects on the role of student voice and agency in democracy.	Articulates an authentic vision of youth leadership in civic life.	

Total ___/15:

Rubric C - Structured Academic Debate or Socratic Seminar

Performance Level	Developing (1)	Proficient (2)	Advanced (3)	Feedback for Improvement
Evidence Use	Prepares with relevant information.	Prepares with clear evidence from multiple sources.	Integrates evidence fluently and confidently in discussion.	
Reasoning	Shares general opinions or statements.	Uses reasoning to connect evidence to claims; responds respectfully.	Engages in rigorous reasoning and extends ideas.	
Speaking & Listening	Participates when prompted; listens to peers.	Participates actively and respectfully, engaging with peers' ideas.	Leads discussion through synthesis, questioning, and/or academic tone.	
Civic Understanding	References rights or fairness generally.	Connects arguments to civic or constitutional themes.	Applies civic reasoning to interpret complex issues.	
Reflection	Identifies what was learned from discussion.	Reflects on how perspectives changed through dialogue.	Evaluates personal growth as a civic thinker and collaborator.	

Total ___/15:

Inquiry Vocabulary

Due Process Clause	(n.) A provision in the 14th Amendment (and 5th) that prohibits the government from depriving a person of life, liberty, or property without following established legal procedures.
Establishment Clause	(n.) A 1st Amendment provision that prevents the government (including public schools) from establishing or endorsing a specific religion.
Exclusionary Rule	(n.) A legal remedy that prevents evidence collected or analyzed in violation of the defendant's constitutional rights (such as an illegal 4th Amendment search) from being used in a court of law.
Free Exercise Clause	(n.) A 1st Amendment provision that protects an individual's right to practice their religion as they please, so long as it does not run afoul of "public morals" or a "compelling" governmental interest.
Incorporation	(n.) The legal doctrine through which the Supreme Court has made most of the individual protections in the Bill of Rights applicable to the states via the 14th Amendment.
Probable Cause	(n.) The standard by which law enforcement has the grounds to obtain a warrant or make an arrest; it is a higher burden of proof than "reasonable suspicion".
Reasonable Suspicion	(n.) The legal standard used in schools for searches, which is lower than probable cause; a search is considered reasonable if it is "justified at its inception" and "reasonably related in scope".
School-Sponsored Speech	(n.) Student expression that occurs as part of a school-managed activity (like a school newspaper or podcast); schools can exercise editorial control over this if they have "legitimate pedagogical concerns".
Symbolic Speech	(n.) Nonverbal forms of expression, such as wearing armbands or flags, that are protected under the 1st Amendment

1 - Gallery Walk

EXHIBIT A



High School students protesting gun violence at the White House, February 19, 2018 after the Parkland school shooting in Florida.

Walzer, Michael. "Listen to the Teens." Dissent Magazine, February 22, 2018. [Listen to the Parkland Teens | Dissent Magazine](#)

EXHIBIT B



Alabama children with their mothers carrying protest signs to Graymont Elementary School in Birmingham, Alabama, which was opened on an integrated basis, in September 1963

Alamy Limited. 2025. "Mothers Carrying Protest Signs Accompany Their Children to Graymont Elementary School in Birmingham, Ala., Which Was Opened on an Integrated Basis, Sept. 4, 1963. (AP Photo)." Alamy.com. Alamy images. 2025. [Mothers carrying protest signs accompany their children to Graymont Elementary School in Birmingham, Ala., which was opened on an integrated basis, Sept. 4, 1963. \(AP Photo\)](#)

EXHIBIT C



Protest Against Child Labor in a Labor Parade.

New York, 1909. [May 1] Photograph. <https://www.loc.gov/item/97519062>

EXHIBIT D



High Schoolers protesting Book Bans, 2023

Willse, Meredith. 2023. "My Voice Matters': Central York Students Begin Daily Protest over Book Ban." York Dispatch. May 5, 2023. ['My voice matters': Central York students begin daily protest over book ban](#)

EXHIBIT E



Vietnam Moratorium, NYC.
Gotfryd, Bernard, photographer. Vietnam
Moratorium, NYC. New York State New York United
States, 1969. [October] Photograph.
<https://www.loc.gov/item/2020737874/>



Anti-draft demonstration, Central Park, NYC.
Gotfryd, Bernard, photographer. Anti-draft demonstration, Central Park, NYC. New York State New York
United States, 1968. Photograph. <https://www.loc.gov/item/2020737916/>

EXHIBIT F



1903, Philadelphia, Pennsylvania, "We Want to Go to School, Not the Mines!"

Gallagher, Mickey. 2018. "The Dark Truths about Child Labor in Books for Children." People's World. April 24, 2018. [The dark truths about child labor in books for children - Page 1000 - People's World](#)

EXHIBIT G



Atlanta policeman drags African American high school student Taylor Washington to a “paddy wagon” during demonstration against restaurant segregation.

Atlanta Georgia, 1964, Danny Lyon, Photograph. <https://www.loc.gov/item/00652486/>

Complete Graphic Organizer for SQ 2-3

COURT CASE	Outcome	Did the court uphold or limit rights? Choose one:	How did the case uphold or limit students' rights? Explain.
<u>Tinker v. Des Moines</u> <u>(1969)</u>		<input type="checkbox"/> Uphold <input type="checkbox"/> Limit	
<u>Engel v. Vitale</u> <u>(1962)</u>		<input type="checkbox"/> Uphold <input type="checkbox"/> Limit	
<u>Hazelwood School Dist. v. Kuhlmeier</u> <u>(1988)</u>		<input type="checkbox"/> Uphold <input type="checkbox"/> Limit	
<u>New Jersey v. T.L.O.</u> <u>(1985)</u>		<input type="checkbox"/> Uphold <input type="checkbox"/> Limit	

Relevant Amendments

1st

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

4th

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.

14th

Section 1 - All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 2 - Representatives shall be apportioned among the several States according to their respective numbers, counting the whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the Executive and Judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Section 3 - No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any State legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability.

Section 4 - The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void.

Section 5 - The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

26th

Section 1 - The right of citizens of the United States, who are eighteen years of age or older, to vote shall not be denied or abridged by the United States or by any State on account of age.

Section 2 - The Congress shall have power to enforce this article by appropriate legislation.

Supreme Court Cases Facts & Case Summary

Tinker v. Des Moines (1969)

Decision Date: February 24, 1969

Background

At a public school in Des Moines, Iowa, students planned to wear black armbands at school as a silent protest against the Vietnam War.

When the principal became aware of the plan, he warned the students that they would be suspended if they wore the armbands to school because the protest might cause a disruption in the learning environment. Despite the warning, some students wore the armbands and were suspended.

During their suspension, the students' parents sued the school for violating their children's right to free speech. The U.S. District Court for the Southern District of Iowa sided with the school's position, ruling that wearing the armbands could disrupt learning.

The students appealed the ruling to the U.S. Court of Appeals for the Eighth Circuit but lost and took the case to the Supreme Court of the United States.

Decision and Reasoning

In a 7-2 decision, the Supreme Court's majority ruled that neither students nor teachers "shed their constitutional rights to freedom of speech or expression at the schoolhouse gate." The Court took the position that school officials could not prohibit only on the suspicion that the speech might disrupt the learning environment.

The dissent argued that the First Amendment does not grant the right to express any opinion at any time. Students attend school to learn, not teach. The armbands were a distraction. School officials, acting on a legitimate interest in school order, should have broad authority to maintain a productive learning environment.

Engel v. Vitale (1962)

Facts and case summary for Engel v. Vitale, 370 U.S. 421 (1962)

School-sponsored prayer in public schools is unconstitutional.

Facts

A New York State law required public schools to open each day with the Pledge of Allegiance and a nondenominational prayer in which the students recognized their dependence upon God. The law allowed students to absent themselves from this activity if they found it objectionable. A parent sued on behalf of his child, arguing that the law violated the Establishment Clause of the First Amendment, as made applicable to the states through the Due Process Clause of the Fourteenth Amendment.

Issue

Whether school-sponsored nondenominational prayer in public schools violates the Establishment Clause of the First Amendment.

Ruling and Reasoning

In a 6-1 majority: the majority, via Justice Black, held that school-sponsored prayer violates the Establishment Clause of the First Amendment. The majority stated that the provision allowing students to absent themselves from this activity did not make the law constitutional because the purpose of the First Amendment was to prevent government interference with religion. The majority noted that religion is very important to a vast majority of the American people. Since Americans adhere to a wide variety of beliefs, it is not appropriate for the government to endorse any particular belief system. The majority noted that wars, persecutions, and other destructive measures often arose in the past when the government involved itself in religious affairs.

Concurrence: Justice Douglas

In his concurrence, Justice Douglas took an even broader view of the Establishment Clause, arguing that any type of public promotion of religion, including giving financial aid to religious schools, violates the Establishment Clause.

Dissent: Justice Stewart

Justice Stewart argued in his dissent that the Establishment Clause was only meant to prohibit the establishment of a state-sponsored church, such as the Church of England, and not prohibit all types of government involvement with religion. In particular, he found that the nondenominational nature of the prayer and the "absentee" provision removed constitutional challenges.

Hazelwood School Dist. v. Kuhlmeier (1988)

Decision Date: January 13, 1988

Background

Students in the Journalism II class at Hazelwood East High School in St. Louis, Missouri wrote stories about their peers' experiences with teen pregnancy and the impact of divorce. When they published the articles in the **school-sponsored** and funded newspaper The Spectrum, the principal deleted the pages that contained the stories prior to publication without telling the students.

Claiming that the school violated their First Amendment rights, the students took their case to the U.S. District Court for the Eastern District of Missouri in St. Louis. The trial court ruled that the school had the authority to remove articles that were written as part of a class.

The students appealed to the U.S. Court of Appeals for the Eighth Circuit, which reversed the lower court, finding that the paper was a "public forum" that extended beyond the walls of the school. It decided that school officials could censor the content only under extreme circumstances. The school appealed to the Supreme Court of the United States.

Decision and Reasoning

In a 5-3 ruling, the U.S. Supreme Court held that the principal's actions did not violate the students' free speech rights. The Court noted that the paper was sponsored by the school and, as such, the school had a legitimate interest in preventing the publication of articles that it deemed inappropriate and that might appear to have the imprimatur of the school.

Specifically, the Court noted that the paper was not intended as a public forum in which everyone could share views; rather, it was a limited forum for journalism students to write articles, subject to school editing, that met the requirements of their Journalism II class.

New Jersey v. T.L.O. (1985)

Facts

T.L.O. was a 14-year-old female student at a New Jersey high school. A teacher found T.L.O. and another student smoking cigarettes in the girls' restroom in the school building in violation of school rules. The teacher brought the two students to a school administrator, who questioned each of them. The second student admitted to smoking cigarettes. T.L.O. denied the allegations. The administrator then accused T.L.O. of lying to him, and demanded to see her purse in an attempt to find the cigarettes. Among other things, when the administrator opened her purse, he found a pack of cigarettes, and cigarette rolling paper. Due to the fact that the administrator knew that cigarette rolling paper is used to smoke marijuana he now suspected T.L.O. of marijuana use. He further searched T.L.O.'s purse, and found a small plastic bag containing a grass-like substance and items that could be drug paraphernalia, including a pipe, a wad of money, a piece of paper with the names of students who apparently owed T.L.O. money, and a letter that appeared to implicate T.L.O. in dealing marijuana. The administrator contacted the police who, in turn, contacted T.L.O.'s mother. Her mother brought T.L.O. to the police station, where she confessed to selling marijuana.

Due to her age, T.L.O. faced delinquency charges in Juvenile Court. The Juvenile Court denied T.L.O.'s motion to suppress (keep out) her confession and the evidence from the search. Her lawyer argued that the search of her purse was a violation of the Fourth Amendment. T.L.O. was found delinquent, and was put on probation for one year. After a lengthy appeal process in the New Jersey state court system, the U.S. Supreme Court of the United States agreed to hear the case.

Issue Before the Supreme Court of the United States

Whether evidence unlawfully seized by a school official – without involvement of law enforcement officials – should be allowed in as evidence at juvenile delinquency proceedings.

Reasoning

The Court held that the Fourth Amendment's prohibition on unreasonable searches and seizures is not limited solely to the actions of law enforcement personnel. It also applies to the conduct of public school officials. Public school teachers act as agents of the state, and not merely agents of the students' parents. Thus, the Fourth Amendment applies to their actions.

The Court also held that students have some legitimate expectation of privacy at school. However, the students' expectation of privacy must be balanced against the needs of school authorities to maintain an educational environment. As such, school authorities do not need to obtain a warrant or have **probable cause**

that a crime occurred before searching a student. Rather, the reasonableness of a search, under all circumstances, will determine its legality.

The Court established the following test to determine the reasonableness of a search: whether the search was 1) justified at its inception and 2) as the search was conducted, was it reasonably related in scope to the circumstances that justified the interference in the first place.

Finally, the Court evaluated the facts of T.L.O.'s search in light of this test. First, the Court concluded that the search was justified at its inception. The initial report from the teacher that T.L.O. had been smoking in violation of school rules constituted **reasonable suspicion** that cigarettes were in her purse (a fact that would be relevant to the smoking accusation).

Second, the Court noted that the discovery of rolling paper provided reasonable suspicion that T.L.O. possessed marijuana, and this justified the further search of her purse. Since the school administrator's actions were justified at the inception and were reasonably related in scope to the circumstances that justified the interference, the search was reasonable. Although the Court held that the Fourth Amendment applied to the school administrator's actions, the court ultimately determined that his actions in this case did not violate the Fourth Amendment.

In a concurrence, Justice Powell, joined by Justice O'Connor, agreed with the majority's opinion, but he would have emphasized the fact that, in a school setting, the Constitution may not afford students all of the constitutional protections they would otherwise have in a non-school setting.

In a concurrence, Justice Blackmun agreed with the majority. However, he emphasized that the need for school authorities to immediately respond to threats to safety and to protect the education environment would justify a special exception from the Fourth Amendment's warrant and probable cause requirements for school searches.

Justice Brennan, joined by Justice Marshall, concurred in part and dissented in part. Justice Brennan, joined by Justice Marshall, agreed with the Court's finding that the Fourth Amendment applies to public school teachers and that school officials may generally search students without a warrant. However, he disagreed with the Court's holding that reasonable suspicion as opposed to probable cause should be the test for determining whether such searches may be permitted. Applying the probable cause standard, Justice Brennan held that the school administrator's actions violated T.L.O.'s rights and, thus, the evidence from the illegal search should be suppressed.

Justice Stevens, in his concurrence in part and dissent in part, noted that the Court should address the original issue, i.e., whether the **exclusionary rule** applies to searches made by public school officials and teachers in

school. Justice Stevens concluded that the search was not justified at its inception because the school administrator had no reason to believe that T.L.O.'s purse contained evidence of criminal activity or a violation of school rules at the time that he searched it. Thus, the search violated the Fourth Amendment and the evidence should be suppressed.

Disclaimer (Please Note): This activity is meant to help high school students understand, as part of their civics education, the key facts and holdings of a well-known U.S. Supreme Court case. A link is provided to the Supreme Court decision. This activity is not meant to provide a legal analysis of this case or any related matters. It in no way provides legal advice or guidance on this or other issues.

Background: Putting the Case into Context

Fourteenth Amendment, Fourth Amendment, and Incorporation of the Bill of Rights

The Fourteenth Amendment

The provisions of the first Ten Amendments to the Constitution, i.e., the Bill of Rights (1791), originally were applicable only to the federal government, and not to state governments. In 1868, the Fourteenth Amendment was ratified. It says, in relevant part, “[N]or shall any state deprive any person of life, liberty, or property, without **due process** of law.” In a series of cases starting in 1925, the U.S. Supreme Court interpreted the 14th Amendment as “incorporating” (applying) most but not all of the provisions of the Bill of Rights to the states.

Incorporation of the Fourth Amendment

In several cases, the U.S. Supreme Court has incorporated various provisions of the Fourth Amendment, and related judicial rulings, to the states. For instance, in *Mapp v. Ohio*, 367 U.S. 643 (1961), the Court held that the Fourth Amendment’s prohibition on unreasonable searches and seizures was applicable to States. Also applicable to the states was the exclusionary rule (a remedy by which evidence seized in violation of the Fourth Amendment is inadmissible in court). As a result of these **incorporations**, the U.S. Supreme Court had the authority to decide whether the actions of the school administrator in T.L.O.’s case violated the U.S. Constitution.

Importance of State Constitutions

Each state has its own Constitution, including some form of a state Bill of Rights, as well as laws. The states are free to interpret their Constitutions and laws in a manner that gives more protections to individuals than the U.S. Constitution. However, they cannot interpret them in a manner that gives less protection. The U.S. Supreme Court found that the school administrator’s actions in T.L.O.’s case did not violate the Fourth Amendment to the U.S. Constitution as applied to the states through the 14th Amendment.

It is possible that the New Jersey courts, applying the New Jersey Constitution and laws, could find that the school administrator’s actions violated New Jersey’s equivalent of the Fourth Amendment. In Footnote 10 of the majority opinion, Justice White makes this point, saying: “Of course, New Jersey may insist on a more demanding standard under its own Constitution or statutes. In that case, this court would not purport to be applying the Fourth Amendment when they invalidate a search.”