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PRINCIPALS' KNOWLEDGE OF LEGAL ISSUES RELATED TO
SEARCH AND SEIZURE ISSUES IN VIRGINIA

A Dissertation Proposal

Presented To

The Faculty of the School of Education
The College of William and Mary in Virginia

In Partial Fulfillment
Of the Requirements for the Degree
Doctor of Education

by

Nicholas Everett Kalafatis

April 26, 1999

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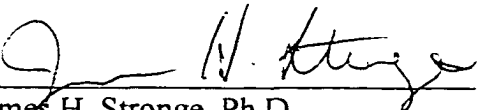
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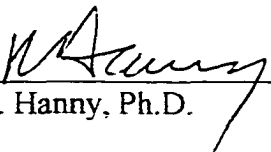
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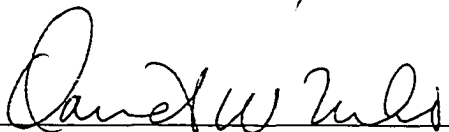
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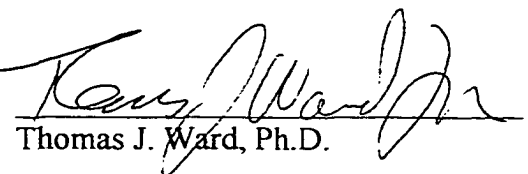
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DEDICATION

This dissertation is dedicated to my mother, Anne, who encouraged me, and believed in me through every step of this long journey, to the memory of my father, Everett, who taught me the beauty of life, and to my two sons, Everett and Christopher, and to my wife, Shirley, who taught me the joy of love and happiness.

TABLE OF CONTENTS

| | |
|---|------|
| ACKNOWLEDGMENTS | vii |
| LIST OF TABLES | viii |
| ABSTRACT | x |
| CHAPTER | |
| I. THE PROBLEM | 1 |
| Introduction | 1 |
| Statement of the Problem | 5 |
| Research Questions | 6 |
| Foundationalism | 6 |
| Pragmatism | 7 |
| Significance of the Study | 8 |
| Operational Definitions | 8 |
| Limitations of the Study | 9 |
| Assumption | 9 |
| II. REVIEW OF THE LITERATURE | 10 |
| Introduction | 10 |
| History of Search and Seizure in America's Schools | 11 |
| Early Abuses to Personal Privacy | 11 |
| Definition of "Search" | 12 |
| Technology Ushers in New Problems | 12 |
| The Exclusionary Rule | 12 |
| Search and Seizure Defined | 13 |
| Students and Constitutional Rights | 13 |
| Landmark Case | 14 |
| Student Drug Testing | 16 |
| Safe Schools v. Student Rights | 17 |
| Foundationalism and Pragmatism as Legal Perspectives | 18 |
| The Doctrine of <i>In Loco Parentis</i> - History and Application | 19 |

| | |
|--|----|
| Search and Seizure Supreme Court Decisions - The Evolution of Legal Standards in Education. | 21 |
| Constitutional Rights for Students. | 23 |
| The Reasonable Suspicion Standard. | 24 |
| Student Drug Testing. | 25 |
| Field Trip Searches. | 27 |
| Locker Searches. | 29 |
| Vehicle Searches. | 31 |
| Student Strip Searches. | 33 |
| Searches by Police. | 37 |
| Searches by School Security Officers. | 39 |
| Searches by Sniff Dogs. | 40 |
| Searches Using Metal Detectors. | 42 |
| Mass Searches. | 44 |
| | |
| III. METHODOLOGY. | 46 |
| Introduction. | 46 |
| Research Questions. | 46 |
| Sample and Accessible Population. | 47 |
| Instrument Development. | 47 |
| Design of the Instrument. | 47 |
| Expert Panel. | 49 |
| Table of Specifications. | 50 |
| Piloting. | 52 |
| Data Collection Procedures. | 52 |
| Data Analysis. | 52 |
| Ethical Guidelines. | 53 |
| | |
| IV. RESULTS. | 54 |
| Overview of the Study. | 54 |
| Research Questions. | 54 |
| Questionnaire Development. | 55 |
| Initial Review. | 55 |
| Expert Panel. | 55 |
| Pilot Study. | 59 |
| Survey Response Rate. | 60 |
| Demographics. | 61 |

| | |
|---|-----|
| Findings of the Research Questions. | 64 |
| Research Question 1. | 64 |
| Research Question 2. | 65 |
| Research Question 3. | 65 |
| Research Question 4. | 66 |
| Additional Questions Posed. | 67 |
| | |
| V. SUMMARY, CONCLUSIONS, RECOMMENDATIONS, AND IMPLICATIONS. | 74 |
| Summary of Findings. | 74 |
| Limitations. | 75 |
| Conclusions. | 76 |
| Discussion. | 78 |
| Recommendations for Practice. | 81 |
| Implications. | 87 |
| Recommendations for Future Study. | 88 |
| | |
| REFERENCES. | 90 |
| | |
| APPENDIX A - Draft Survey Questionnaire. | 103 |
| APPENDIX B - Correspondence Accompanying Questionnaires. | 120 |
| APPENDIX C - Frequency of Responses by Item. | 141 |

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LIST OF TABLES

| | | |
|----|--|----|
| 1 | Number of Public Schools by Type | 47 |
| 2 | Table of Specifications | 51 |
| 3 | Agreement for Correct Answers and Importance to Principals by Expert Panel . . . | 58 |
| 4 | Comparison of School Level in Original Sample and Responding Sample | 60 |
| 5 | Position of Respondents | 61 |
| 6 | Building Level of Respondents | 61 |
| 7 | Highest Professional Degree Earned by Respondents. | 62 |
| 8 | Professional Experience of Respondents | 62 |
| 9 | Number of Graduate Courses in School Law Taken by Respondents During Career | 63 |
| 10 | Number of Professional Conferences on School Law Attended by Respondents During Career | 63 |
| 11 | Range of Scores by Respondents | 64 |
| 12 | Frequency of Respondents Meeting the Cut Score and Frequency of Respondents Not Meeting the Cut Score | 65 |
| 13 | Analysis of Variance of Total Score by School Level | 66 |
| 14 | Theoretical Perspective of Respondents on Search and Seizure Issues | 67 |
| 15 | Percentage of Correct Responses by Item | 68 |
| 16 | Percentage of Correct Responses by Topic. | 71 |

| | | |
|----|---|----|
| 17 | Comparison of Highest Scores with School Law Courses Taken and School Law Conferences Attended | 72 |
| 18 | Comparison of Lowest Scores with School Law Courses Taken and School Law Conferences Attended | 73 |

PRINCIPALS' KNOWLEDGE OF LEGAL ISSUES RELATED TO
SEARCH AND SEIZURE ISSUES IN VIRGINIA

ABSTRACT

Today, public school administrators have the responsibility to provide a safe and secure educational environment for all who enter the school building. Amid continued drug use by students and a proliferation of weapons at school, principals at all levels face the unenviable task of maintaining an environment conducive to learning. In order to do so, principals often must balance the need to preserve individual student rights against the need to make schools safe.

The present study was conducted to determine if public school principals in Virginia meet minimum competency levels with respect to their knowledge of search and seizure law, and to compare the knowledge of search and seizure issues by Virginia public school principals with respect to their organizational level (elementary/middle/high). The study was designed also to examine theoretical perspectives by administrators as applied to search and seizure issues.

The study involved responses from surveys received from 91 public school principals in Virginia (37% of the 246 randomly sampled elementary, middle, and high school principals). Analysis of data revealed that one-third of the respondents fell below the mean, that 64.8% failed to achieve minimal competency, with no significant difference between building levels. Pragmatism was selected by 92.3% of the respondents as their legal perspective.

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Chapter I

The Problem

Introduction

Public school administrators are entrusted with the responsibility of managing the day-to-day operations of schools. First and foremost, building principals are expected to establish and maintain an environment that is conducive to learning. To do so, they must enforce a disciplinary program based upon firmness, fairness, and consistency. Then, too, school administrators must receive the necessary support from school officials, parents, and the judicial system to promote and maintain the safety and welfare of those in our schools.

Over two decades ago, the United States Supreme Court affirmed the authority of states and school officials, consistent with fundamental constitutional safeguards, to prescribe and control student conduct in our public schools (Tinker v. Des Moines Independent School District, 1969). Justice Black, dissenting in *Tinker*, remarked: “I wish therefore . . . to disclaim any purpose . . . to hold that the Federal Constitution compels the teachers, parents, and elected school officials to surrender control of the American public school system to public school students” (393 U.S. at 526).

Today, accounts of school violence are commonplace in our media and in our literature. Each school day, more than 150,000 students stay home. They do so because they are afraid of being shot, stabbed, or beaten (U.S. Departments of Education, Justice, and Health and Human Services, 1994). Commenting on a recent survey by the American Medical Association, U. S.

Secretary of Education Richard W. Riley stated: "Firearms are responsible for more than three quarters of all the deaths that occur in and around schools . . ." (U. S. Department of Education, 1996, p. 1). A published report by the Children's Defense Fund (1995) maintained that every day in America 342 children and youths under the age of 18 are arrested for violent crimes.

According to Sautter (1995), "Over three million crimes - about 11% of all crimes - occur each year in America's 85,000 public schools . . . a school crime takes place every six seconds" (p. K5). Even the 1994 National Teacher of the Year, on one occasion in a California school, helped her students hide weapons so that they would not be killed after school (Maginnis, 1995).

In October, 1995, a 15-year old youth walked into a South Carolina high school with a .32 caliber revolver and killed two math teachers and then himself. In November, 1995, a 14-year old honors student walked into a high school in Washington state with a .22 caliber rifle concealed beneath his trench coat. Shortly thereafter, he killed one teacher and two students. In December, 1995, a 17-year old was shot to death on school grounds in the District of Columbia while waiting for his bus (School Net, 1996). Unfortunately, these are not isolated events. In a recent update on school violence, Reynolds (1993) maintained that nearly 135,000 guns are brought into American schools daily.

Guns are not always the problem in maintaining a safe and secure school environment. On June 8, 1994, three seniors at Gunn High School in Palo Alto, California, constructed a 65-pound smoke bomb as a graduation prank. Ambulances arrived after the bomb exploded on campus. Eighteen students received medical treatment, and two high school women were injured seriously from the explosion (Alexander, 1996). In May, 1996, a 12-year old California girl, with

the assistance of a classmate, poured rat poison into her teacher's Gatorade (School Net, 1996).

In a 1993 survey of more than 2,000 school districts by the National School Boards Association, 35% felt that school violence had increased significantly (National School Boards Association, 1993). Criminologists anticipate that juvenile crime will rise by 114% over the next decade (Burbach, 1996).

Although the use of illegal drugs among high school seniors has declined since the 1980's, it has risen steadily since 1992 (Gest, 1996). On August 20, 1996, federal officials disclosed that marijuana smoking among American teens increased nearly 150% from 1992 to 1995, and that overall teen drug use increased by 105% ("Youths' Drug," 1996). In a 1995 national survey, commissioned by the Partnership for a Drug-Free America, it was found that 38% of teenagers had experimented with marijuana at least once (Wren, 1996).

As contraband continues to be carried into schools, school administrators are being forced to take actions designed to preserve the safety and welfare of all. To enter many schools, students must pass through metal detectors like those at airports and at other high security areas. With the alarming increase of drugs and weapons, school officials have stepped up their efforts to search school lockers, other school property, and at times, students themselves (National School Safety Center [NSSC], 1995). Some school administrators have resorted to the routine drug testing of all students, and in some cases, of students only in high school athletic programs.

More than seven decades ago, the United States Supreme Court ruled that the Fourth Amendment was designed to restrain governmental authority and no one else (Burdeau v.

McDowell, 1921). However, students today live in an age where violence is prevalent in our schools. Principals are caught in a dilemma. They are responsible for student safety. However, while attempting to provide a safe and secure environment for our students, there are some who argue that principals are violating student rights guaranteed under the Fourth Amendment. Some critics charge that student rights have been forsaken at the expense of maintaining student safety. If that is untrue, why then do some principals require students to prove their innocence by forcing them to walk through metal detectors and submit to mandatory drug testing programs? Do students no longer have rights as citizens under the Fourth Amendment? This controversy places principals squarely in the middle of two competing forces. As a result, principals now need to know more than ever before regarding what to do to preserve safety, what their legal responsibilities are, what rights students have under the law, and how to protect those rights.

Prior to the time the Fourth Amendment was drafted in 1791, abuses to personal privacy were frequent. Operating under writs of assistance against the colonists in the New World, British officials were permitted virtually unrestrained entry into homes and dwellings to search for smuggled goods. Although several Boston merchants tried to have such writs of assistance declared illegal by the Superior Court of Massachusetts in 1760, writs of assistance were used until the American Revolution (Blake & Harlow, 1964).

The Fourth Amendment to the United States Constitution reads:

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 (U.S. Constitution, amend. IV).

Steffkovich (1996) explained the problem facing school administrators today: "Lack of clarity in the law has resulted in school administrators being left with a great deal of discretion regarding the rights of students and with a dilemma as to how to keep schools safe while respecting rights" (p. 229). At times, balancing both interests remains a difficult task.

Indeed, many public school administrators today face a multitude of problems in their attempt to maintain an environment conducive to learning. The increase in school violence in recent years, the increased prevalence of weapons at school, and the continued involvement of students with drugs and alcohol have combined to cause many school administrators to become more concerned with discovering and eliminating weapons and drugs from school buildings (Bjorklun, 1995).

As a result of this renewed effort to make schools safe, the body of school search and seizure law has become increasingly diverse, ambiguous, and complex (McKinney, 1994). No longer can prudent administrators afford to act on mere hunches. Rather, school employees "need training in actual cases if they're to learn to make spur-of-the-moment decisions about whether a search is legal" (Sendor, 1995, p. 18). Administrative decisions need not be feared if principals have a solid understanding of search and seizure law.

Statement of the Problem

In light of the epidemic of violence and drugs in our schools today, it is not surprising that a large and growing number of court cases deal with search and seizure issues (Russo, 1995).

Unless school administrators thoroughly understand search and seizure law, they may subject their school systems to lengthy court battles, legal expenses, and public embarrassment. The primary purpose of the study is to determine the level of knowledge that current public school administrators in Virginia possess regarding this important aspect of legal inquiry.

Research Questions

1. What is the level of Virginia principals' knowledge regarding search and seizure law?
2. Do Virginia principals reflect minimal competency in their knowledge of law related to search and seizure issues?
3. Is there a significant difference in the knowledge of public school elementary, middle, and high school principals in Virginia on search and seizure issues?
4. Do public school principals believe in foundationalism or pragmatism regarding legal aspects of search and seizure?

Theoretical Perspectives

There are two theoretical perspectives pertaining to a study of the Fourth Amendment: (1) foundationalism, and (2) pragmatism. Although foundationalism and pragmatism differ markedly, each perspective attempts to provide a unified principle for judicial decision making.

Foundationalism

Proponents of foundationalism, referred to as strict constitutionalists or foundationalists, believe in a narrow interpretation of the Fourth Amendment, and view the use of metal

detectors, locker searches, automobile searches, canine searches, urine tests, and strip searches as an invasion of their own personal rights. Believers in this camp feel that individual rights and cherished freedoms to privacy are eroding. They question why students are forced to pass through mandatory metal detectors in schools, while at airports, people choose to do so if they want to board a plane. They wonder why students are placed in situations that require them to prove their innocence. After all, isn't everyone innocent until proven guilty? They do not understand why student rights today seem to take a back seat to school safety.

Pragmatism

Proponents from this camp believe that school authorities possess broad latitude like police officials to maintain a safe and secure educational setting for all. In the name of student safety, believers of this perspective wield great authority and resort to a number of administrative options such as metal detectors, locker searches, automobile searches, canine searches, urine tests, and strip searches. This perspective is shared by those referred to as legal pragmatists. According to Farber (1988), pragmatists question whether fundamental rights work better for society. Pragmatists, like all nonfoundationalists, interpret rather than discover the meanings of phenomena by situating them in their particular contexts (Smiley, 1990).

Although the controversy continues between both theoretical camps, it appears that our courts more recently have supported school officials in their quest to maintain safe and secure environments so that our children may receive the education they deserve and need in an increasingly competitive world. Our courts continue to balance the need to preserve student

rights against society's need for safe schools.

Significance of the Study

This study provided a detailed examination of search and seizure issues as they pertained to school administrators in Virginia public schools. The study contrasted the need by public school principals to offer safe and secure educational environments against student rights to privacy. Most importantly, this study revealed the current level of knowledge school administrators in Virginia possess about search and seizure law. This study also revealed if public school principals in Virginia possess minimum competency on search and seizure law. Improved training for public school administrators and enhanced understanding about search and seizure issues were anticipated outcomes of this study.

Operational Definitions

For the purposes of this study, the following definitions applied:

Elementary School Principal. A building level administrator of a school specifically designed to meet the needs of young children, ages 5 and above, in an instructional setting that embraces any or all of grades K-5, as identified in the 1997 Virginia Educational Directory.

Knowledge of Legal Issues. A score on the assessment of knowledge of search and seizure law as developed to measure minimal competency for this study.

Middle School Principal. A building level administrator a school specifically designed to meet the needs of the transescent, including any or all of grades 6-8, as identified in the 1997 Virginia Educational Directory.

Secondary Principal. A building level administrator of a school specifically designed to meet the needs of young people, including any or all of grades 9-12, as identified in the 1997 Virginia Educational Directory.

Limitations of the Study

The following limitations may have impacted the study:

1. This study was limited to the knowledge base of public school principals in the areas of search and seizure issues specifically addressed by the survey questions.
2. The conclusions and implications of this study were limited to search and seizure issues applicable to federal and state laws and federal and state court rulings relevant to Virginia public school principals. Legislation and case law in other states may be relevant or parallel to search and seizure issues discussed in this study but were beyond the purview of the study.
3. This study did not attempt to determine differences of principals' knowledge based upon personal and institutional variables.

Assumption

1. The expert panel of judges was able to judge adequately the level of knowledge of competent principals.
2. The questionnaire (the method of data collection) was based on the assumption that respondents answered fully. A further assumption was that the information provided was accurate based on the respondents' knowledge and that the questionnaire was completed by the appropriate personnel.

Chapter Two

Review of the Literature

Introduction

Recent statistics on guns and drugs in schools suggest that school administrators should be well versed in school law in order to handle the challenges that lie ahead. According to a report completed for the Department of Education, some 6,093 students were expelled during the 1996-1997 school year for bringing firearms or explosives to school (Bolcik, Daft, Gutmann, Hamilton, & Sinclair, 1998). In a 1997 national survey, an alarming 76% of high school students and 46% of middle school students reported that drugs are kept, consumed, or sold on school grounds (The National Center on Addiction and Substance Abuse at Columbia University, 1997). Statistics such as these reflect a serious concern for student safety and for the maintenance of school environments conducive to learning.

It has long been held by educators and by parents that a principal's major responsibility is to ensure a quality education for students. Although this continues to be a high priority, there is a growing concern by many educators and parents that ensuring safe and secure schools may be our most urgent priority. Mr. Michael Durso, Principal of Springbrook High School in Silver Spring, Maryland, recently stated: "No matter where you are, parents want their students to be safe and secure . . . that might even precede a quality education . . ." (Granat, 1997, p. 71). In the 30th Annual Phi Delta Kappa/Gallup Poll of the Public's Attitudes Toward the Public Schools, more than one third of the public school parents surveyed expressed fear for their child's

physical safety at school (Rose & Gallup, 1998). This concern for student safety recently has been echoed by a number of educators and governmental agencies advocating violence prevention programs for our schools (e.g., Crouch & Williams, 1995; Hatkoff, 1994; Kessler, 1993; Knapp & Steward, 1997; Sautter, 1995; Schwartz, 1996; United States Department of Education, 1997; Watson, 1995).

According to Dr. Ronald D. Stephens, Executive Director of the National School Safety Center, “No greater challenge exists today that [than] creating safe schools. Restoring our schools to tranquil and safe places of learning requires a major strategic commitment. It requires placing school safety at the top of the educational agenda” (Stephens, 1998, p. 1). Today, search and seizure issues take center stage as school administrators focus on the schoolhouse as a safe and orderly place.

History of Search and Seizure in America's Schools

Early Abuses to Personal Privacy. One of the most coveted rights we cherish as Americans is that of personal privacy. The Fourth Amendment to the United States Constitution has been interpreted as protecting our privacy against government officials, and as such, it is the most direct constitutional safeguard we have for privacy (Alderman & Kennedy, 1995). In agreement, Richardson (1995) noted that the Fourth Amendment was drafted not for efficient law enforcement and social control, but rather to ensure personal privacy. Prior to its draft in 1791, abuses to personal privacy were frequent (Blake & Harlow, 1964). The hated writs of assistance in colonial times allowed customs officials to enter buildings forcibly by the authority of their

commissions. According to Lasson (1937/1970), “That a man’s house was his castle was one of the most essential branches of English liberty, a privilege totally annihilated by such a general warrant” (p. 60). Such searches at will, in the minds of many historians, were contributory to the American Revolution (Johnson, 1997).

Definition of “Search.” It was not, however, until 1886 that the high court defined what constitutes a search. In Boyd v. United States (1886), Justice Joseph Bradley, in the opinion of the Supreme Court, maintained that a search is the invasion of a person’s personal security, liberty, and private property.

Technology Ushers in New Problems. As time moved forward, advancements in technology changed the way people lived and conducted business. According to Leming (1993), the “telephone, the microphone, and instantaneous photography all created new ways to conduct searches and seizures” (p. 1). As a result, technology created new search and seizure situations for courts to consider.

The United States Supreme Court, in Olmstead v. United States (1928), ruled that a wiretap is not a search or seizure within the meaning of the Fourth Amendment. This ruling lasted for almost 40 years until Katz v. United States (1967), in which case the Supreme Court reversed itself and held that wiretaps and other forms of electronic surveillance are unconstitutional because they violate an individual’s right to be free from unreasonable searches and seizures.

The Exclusionary Rule. The United States Supreme Court, in Weeks v. United States (1914), held that evidence obtained illegally, without probable cause or a search warrant, should be

excluded from the courtroom. This particular decision became known as the Exclusionary Rule. Affecting only federal courts, this ruling proved to be widely unpopular among most state courts at that time (Leming, 1993).

The U.S. Supreme Court, in Mapp v. Ohio (1967), expanded the Exclusionary Rule to prohibit illegally seized evidence in state courts. According to Moylan (1995), this case has had more impact on the Fourth Amendment than any other Supreme Court decision.

Search and Seizure Defined. The Supreme Court, in United States v. Jacobsen (1984), defined two important terms associated with search and seizure case law. According to the high court, a search occurs “when an expectation of privacy that society is prepared to consider reasonable is infringed. A ‘seizure’ of property occurs when there is some meaningful interference with an individual’s possessory interests in that property” (466 U.S. at 113).

Prior to 1968, student search and seizure issues were defined by the common law doctrine of *in loco parentis*, which empowered school administrators to act in place of the parent. In effect, this enabled school administrators to search students for items deemed illegal, and also for contraband which was prohibited by either state or local law, or by school board policy.

Students and Constitutional Rights. For the very first time, the U.S. Supreme Court, in Tinker v. Des Moines Independent School District (1969), held that students have constitutional rights. The Supreme Court said: “It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the school house gate” (393 U.S. at 506). Suddenly, student constitutional rights ascended to new heights as the doctrine of *in loco*

parentis began to erode. With *Tinker* and the erosion of the doctrine of *in loco parentis*, the days when school administrators had strong judicial support for unlimited use of autocratic authority came to an end (Strahan & Turner, 1987).

The U. S. Supreme Court in *Tinker* failed to address Fourth Amendment safeguards against unreasonable student searches and seizures. Seventeen years later, in New Jersey v. T.L.O. (1985), the Supreme Court's landmark case for student search and seizure issues gained national prominence.

Landmark Case. The U.S. Supreme Court, in New Jersey v. T.L.O. (1985), rejected the doctrine of *in loco parentis* and held that school officials are representatives of the state. By rejecting *in loco parentis*, the Supreme Court maintained that student searches are subject to Fourth Amendment limitations. Prior to this time, the Supreme Court had never ruled on whether the Fourth Amendment applied to public school officials.

Noting the need by students to carry varied items to school and the need of school personnel to maintain order, the U.S. Supreme Court stated:

In short, schoolchildren may find it necessary to carry with them a variety of legitimate, noncontraband items, and there is no reason to conclude that they have necessarily waived all rights to privacy in such items merely by bringing them onto school grounds . . . Against the child's interest in privacy must be set the substantial interest of teachers and administrators in maintaining discipline in the classroom and on school grounds. Maintaining order in the classroom has never been easy, but in recent years, school disorder has often taken

particularly ugly forms: drug use and violent crime in the schools have become major social problems. (469 U.S. at 339)

In its attempt to balance a student's expectation of privacy against the school's duty to maintain a safe and secure educational environment, the court ruled that school employees may conduct warrantless student searches provided that the school employee has reasonable suspicion to suspect the search will uncover evidence of a violation of the law or school rules and provided that the search is not unduly intrusive, taking into account the age and sex of the student as well as the nature of the offense. Therefore, a more highly intrusive search requires a higher level of reasonable suspicion. The two-pronged test to determine reasonableness allows courts substantial latitude in interpreting Fourth Amendment rights (Cambron-McCabe, N., McCarthy, M., & Thomas, S., 1998).

The Supreme Court in *T.L.O.* refused to address the issue of individualized suspicion, which simply means that the person being searched is the one who possesses contraband or has broken the law or a school rule. However, the court noted briefly that "some quantum of individualized suspicion is usually a prerequisite to a constitutional search or seizure . . . the Fourth Amendment imposes no irreducible requirement of such suspicion" (469 U.S. at 342, n. 8).

Nonindividualized suspicion can occur in two types of searches. In the first case, misconduct of some type has occurred, and suspicion is directed at a group of students. In the second case, school officials attempt to prevent misconduct by searching students, without suspecting that a particular student has engaged in the misconduct (Shreck, 1991). Since this issue has far reaching consequences, the issue of individualized suspicion "for valid searches of students is of

keen jurisprudential significance” (Gardner, 1988, p. 926). In the absence of a crisis requiring an immediate search, courts have been reluctant to support student searches void of individualized suspicion (Cambron-McCabe et al., 1998).

Student Drug Testing. In an effort to control student drug use in schools, the U.S. Supreme Court upheld a school district’s policy of random urinalysis drug testing of students participating in athletic programs (Veronia School District 47J v. Acton, 1995). This landmark case tilted the scale in favor of educators attempting to provide safe and secure educational environments against the preservation of individual student rights to privacy guaranteed by the Fourth Amendment (Beyer, n.d.). According to Hagge (1996), this decision by the Supreme Court “almost completely disabled citizens from forming any consistent basis of protection. . . [representing] the final blow to the intent of the Framers regarding individualized suspicion” (p. 583). Moreover, this case “may stand for the increasing realization that the courts are in the ‘re-empowering mode’ for school authorities” (Rossow & Stefkovich, 1996, p. 49). Then too, there are some writers who have expressed concerns that student Fourth Amendment rights may be declining or nearing their end (Sanchez, 1992; Zirkel, 1994).

On the issue of student privacy, the Court maintained that student athletes have an expectation of privacy below that of other students in school. Commenting further, the Court held that “students who voluntarily participate in school athletics have reason to expect intrusions upon normal rights and privileges, including privacy” (115 S.Ct. at 2293).

In the event of a Fourth Amendment violation, the consequences are serious. If school officials violate the Fourth Amendment, they may be held liable under section 1983 of the

Civil Rights Act of 1871 for damages resulting from a deprivation of rights protected by the Fourth Amendment. A school system also can be held liable for damages under Section 1983 if the deprivation of constitutional rights was the result of an official governmental policy or custom (Shreck, 1991).

Safe Schools v. Student Rights. With the emergence of drugs and illegal weapons into our nation's schools, search and seizure issues have become topics of paramount concern to those who want a safe and secure environment for learning. In attempting to provide a safe environment, school administrators are caught in a dilemma. To what extent do principals go to preserve and protect the rights of students desiring a safe and quality education? What about the rights of those students who bring to school illegal drugs and weapons?

Valente (1994) stated: "The reason for continuing controversy over the constitutionality of school searches lies substantially in the [Fourth] Amendment's inconclusive language" (p. 286). Rossow and Stefkovich (1995) felt that the problem stems from a lack of clarity in the application of the Fourth Amendment to the school setting, and that as a result, both principals and law enforcement officials are confused over this state of affairs.

Thirty years ago, school administrators operated under the doctrine of *in loco parentis* at a time when societal problems such as violence and drugs were not as prevalent. Today, school administrators must maintain and preserve a safe educational environment for all at a time when personal rights and freedoms are eroding against a backdrop of weapons in schools and the proliferation of drugs in our society.

Today, some of the rules for school administrators have changed. No longer do principals

work *in loco parentis*, per se, but act as agents of the state (New Jersey v. T.L.O., 1985). The Supreme Court has reminded everyone that students have rights under the Constitution (Tinker v. Des Moines Independent School District, 1969), that reasonable suspicion must be present in order for a school administrator to begin a student search (New Jersey v. T.L.O., 1985), and that the suspicionless drug testing of student athletes is permitted as a condition of participation in school sports (Veronia School District 47J v. Acton, 1995).

Foundationalism and Pragmatism as Legal Perspectives

There are two opposing viewpoints to legal decision making: foundationalism and pragmatism. School administrators who are strict advocates of a literal interpretation of the United States Constitution are termed foundationalists. Their decisions are based solely upon the individual rights and freedoms crafted by the Framers of our Constitution, and not by institutional or societal needs to control drugs and prevent violence in our schools. Foundationalists believe that school administrators erode student rights and freedoms when they resort to locker searches, canine searches, metal detectors, and drug testing. Farber (1988) defined foundationalism as a theory of judicial review in an effort by scholars to discover a unified principle providing the basis for judicial decision making.

The opposite legal perspective of foundationalism is pragmatism. Cloud (1995) described pragmatism simply as a renunciation of foundationalism. This perspective, he asserted, should be viewed as a tool to be used to achieve social or policy goals. Pragmatics believe that their ideas are “tools for effecting change in the world” (Summers, 1992, p. 1). Fitzpatrick

(1997) defined pragmatism as “a method of thought that founds knowledge on experience”

(p. 1). Early pragmatic thinkers include Oliver Wendell Holmes, Roscoe Pound, Charles Sanders Pierce, William James, and John Dewey.

During the 1970's and 1980's, there was considerable debate on constitutional theory. However, no real consensus of opinion emerged as to the most appropriate theoretical perspective (Farber, 1988).

Today, pragmatics believe that school safety and security outweigh any loss of student rights and freedoms by employing such methods as locker and canine searches, metal detectors, and student drug testing. School administrators, who are faced with the difficult task of maintaining safe and secure educational environments in the wake of illegal drugs and violence, often view pragmatism as the only viable perspective to grasp.

The debate continues. Some feel that administrators have forsaken student rights in their quest to eliminate drugs in schools. Others feel that school administrators are justified by resorting to practices such as locker and canine searches in order to maintain safe and secure schools.

The Doctrine of *In Loco Parentis* - History and Application

It is generally accepted in our society today that parents entrust their children to school and to teachers in order to gain an education. In doing so, teachers and school administrators are said to be *in loco parentis*, which in Latin means, “in the place of a parent.”

The doctrine of *in loco parentis* dates back to eighteenth century common law. Blackstone

(1770) wrote:

The father may also delegate part of his parental authority. . . to the tutor or schoolmaster of his child; who is then in loco parentis, and has such portion of the power of the parent committed to his charge, viz. that of restraint and correction, as may be necessary to answer the purpose for which he is employed. (p. 413)

This doctrine has since been codified by many states to authorize school officials to invade the privacy of students without their consent for the purpose of maintaining an environment in the best interests of the student (Schiff, 1982). In People v. Stewart (1970), a New York court held that a school official, acting *in loco parentis*, could establish reasonable rules and regulations for student conduct. “Under this view, school officials were not bound by the Fourth Amendment and could search students and their belongings as freely as a parent could” (Alderman & Kennedy, 1995, p. 40.). Here, it is clear that school officials could conduct student searches without the warrant or probable cause requirements of other citizens.

The doctrine of *in loco parentis* began to crumble in 1969 when the U.S. Supreme Court held in Tinker v. Des Moines Independent School District (1969) that students do not give up their constitutional rights while attending school. The court in Horton v. Goose Creek Independent School District (1982) maintained that school officials cannot stand *in loco parentis* because the interests of school officials differ markedly from those of a parent. In New Jersey v. T.L.O. (1985), the Supreme Court asserted that “school officials act as representatives of the State, not merely as surrogates for the parents, and they cannot claim the parents’ immunity from

the strictures of the Fourth Amendment” (469 U.S. at 336, 337).

However, in Veronia School District 47J v. Acton (1995), the United States Supreme Court extended the belief that schools act *in loco parentis*. Here, the Court held: “When parents place minor children in private schools for their education, the teachers and administrators of those schools stand *in loco parentis* over the children entrusted to them” (115 S.Ct. at 2391). In agreement, Rossow and Stefkovich (1996) maintained: “In *Acton*, *in loco parentis* is invigorated” (p. 49).

According to Alexander and Alexander (1992), “the doctrine of *in loco parentis*, as a vestige of common law, is viable and operates to help define the school and student relationship in the public school today” (p. 282). Moreover, the judiciary today is continuing to formulate a useful student-institution legal relationship while the relationship itself is still changing (Edwards, 1994).

Search and Seizure Supreme Court Decisions - The Evolution of Legal Standards in Education

When Congress adopted the first ten amendments to the United States Constitution in December, 1791, the Fourth Amendment restricted only the Federal government. The Supreme Court, in 1914, ruled that evidence seized without a warrant could not be used in federal courts for federal prosecution. Here was born the *Weeks Doctrine*, which excluded evidence obtained illegally by federal officials from use in federal courts (Weeks v. United States, 1914).

In Wolf v. People of the State of Colorado (1949), the *Weeks Doctrine* was found to be inapplicable to states because it was thought that other remedies could be used at the state level

to negate arbitrary law enforcement actions in conducting illegal searches. However, in Mapp v. Ohio (1961), the Supreme Court held that the basic protections of the Bill of Rights were applicable to the states by means of the Fourteenth Amendment. In essence, the High Court reversed the finding in Wolf v. People of the State of Colorado (1949), and expanded the *Weeks Doctrine* to prohibit illegally seized evidence in state courts. It was here that the *Exclusionary Rule* was born, which holds that evidence seized as a result of an illegal search cannot be used in court. Strahan and Turner (1987) pointed out six exceptions by the Supreme Court to the *Exclusionary Rule*:

- 1) Emergency Situations. Warrantless searches are justified when necessary to prevent immediate harm to a person or to property or the destruction of evidence.
- 2) Searches of Vehicles. Officials of the law can search vehicles with a warrant at any time if reasonable grounds are present for believing the vehicle contains contraband.
- 3) Hot Pursuit. Officers of the law who are in pursuit of a fleeing criminal following the commission of a crime are not required to obtain a warrant before searching a person or premises.
- 4) Searches of Property in Official Custody. A car seized in a drugs' forfeiture proceeding can be searched without a warrant.
- 5) In Plain View. If law enforcement officials have a legitimate reason for being in a certain place and eye contraband *in plain view*, they can seize it without a search warrant.
- 6) Border Searches. Customs' officials have the legal right at the border to stop and to search all persons, baggage, and vehicles entering the United States. (p. 134)

Strahan and Turner (1987) also noted a seventh exception to the *Exclusionary Rule*. They pointed out that “the warrant requirement is unsuited to the school environment” (p. 135). In public education cases, the *Exclusionary Rule* has been litigated a number of times. However, courts generally have allowed materials seized by school officials to be used in criminal court proceedings (Alexander & Alexander, 1992). The Supreme Court, in Mapp v. Ohio (1961), maintained that the *Exclusionary Rule* was an important part of the right to privacy as guaranteed by the Fourth Amendment.

Nevertheless, the Fourth Amendment does not define what constitutes a legal search, nor does it specify what constitutes an illegal one. Since the Fourth Amendment applies specifically to law enforcement cases, other questions arise regarding the application of the Fourth Amendment to the search of a student’s person and his/her personal property (Hudgins & Vacca, 1995).

Constitutional Rights for Students. In Tinker v. Des Moines Independent School District (1969), the Supreme Court maintained that students and teachers do not forsake their constitutional rights to freedom of speech or expression at school. Despite this ruling, the Supreme Court failed to answer the important question of whether Fourth Amendment safeguards against unreasonable searches and seizures apply to students when searched by school officials. Questions remaining unanswered were left for lower courts to decide. Noting the wide division among lower courts on the application of the Fourth Amendment in schools, the Supreme Court addressed this important issue 16 years later in New Jersey v. T.L.O. (1985).

The Reasonable Suspicion Standard. The Supreme Court, in New Jersey v. T.L.O. (1985), held that the standard of *reasonable suspicion* was applicable to searches conducted by school officials. Prior to this case, most lower courts found the Fourth Amendment's prohibition against unreasonable searches applicable to public schools. Here, the Court agreed and declared that school officials are agents of the state, thereby rejecting the doctrine of *in loco parentis*. Citing the interest school officials have in maintaining student discipline, the High Court reasoned that "requiring a teacher to obtain a warrant before searching a child suspected of an infraction of school rules (or of the criminal law) would unduly interfere with maintenance of the swift and informal disciplinary procedures needed in the schools" (469 U.S. at 340). The Court held that searches of student personal effects are constitutional if based upon reasonable suspicion. This new standard permits school officials to search students (without a warrant) upon the passage of a two prong test: the search must be justifiable at its inception and reasonable in scope.

According to Sendor (1985), the Supreme Court's decision in the case still left unanswered some important questions about school searches:

- 1) Must a school official have 'individualized suspicion' of misconduct by one or more students before searching those students?
- 2) Does the standard of 'reasonableness' apply to searches of lockers, desks, and other school property provided to store school supplies?
- 3) Is a higher level of suspicion required to justify the controversial practice of strip searches?
- 4) Is a higher level of suspicion required to justify a search in cooperation with or instigated by the police?

5) If a search violates the rule of reasonableness, will the evidence seized still be admissible in court? Will it be admissible in a school disciplinary hearing? (p. 25)

Student Drug Testing. The Supreme Court, in Skinner v. Railway Labor Executives' Association (1989), held that urinalysis, often used as a method for drug testing, is a search under the Fourth Amendment. More recently, in Veronia School District 47J v. Acton (1995), the U.S. Supreme Court upheld a school district's drug policy authorizing random urinalysis of students participating in school athletic programs. Here, the Court noted that the lower privacy expectations within the school setting are reduced even further when a student chooses to participate in sports. Hagge (1996) commented that the "Court's decision represents the final blow to the intent of the Framers regarding individualized suspicion" (p. 583). James and Pyatt (1995) maintained that "the decision of the Court in *Veronia* underscores the importance of eradicating drug use by the nation's schoolchildren to remove that threat to maintaining a safe and effective learning environment" (p. 32). However, from a different perspective, Levit (1996) noted that the "Court's willingness to discount individual privacy rights in *Acton* does not bode well for the 'right to privacy' questions that will inevitably arise in future cases" (p. 482). Rossow and Stefkovich (1996) maintained: "In a broader sense *Acton* may stand for the increasing realization that the courts are in the 're-empowering mode' for school authorities . . . In *Acton*, *in loco parentis* is invigorated" (p. 49).

To date, the U.S. Supreme Court has not addressed the issue of blanket or random drug testing of students by school officials. Cambron-McCabe et. al. (1998) added:

Although blanket or random drug testing of all students is not likely to withstand judicial challenge, many schools subject students to urinalysis based on *individualized suspicion*, and such practices have not been invalidated by courts. Any drug-testing program, however, must be carefully constructed to avoid impairing students' Fourth Amendment privacy rights. The policy must be clearly developed, specifically identifying reasons for testing. Data collection procedures must be precise, and well-defined. Students and parents should be informed of the policy, and it is advisable to request students' consent prior to testing. If the test indicates drug use, the student must be given an opportunity to explain the results. Providing for the rehabilitation of the student rather than punishment strengthens the policy. (p. 232)

The United States District Court for the District of Oregon recently considered a case involving non-athletes where there was reasonable suspicion that a group of students had used alcohol while on a field trip. Breathalyzer tests were administered to the entire group. In Juran v. Independence or Central School District 13J (1995), the court held that exigent circumstances justified immediate drug testing, and as a result, concluded that the breathalyzer testing was reasonable. "In any event, although many school administrators do not realize it, mandatory drug testing of public school students based on individualized reasonable suspicion was and continues to be constitutional" (Zirkel, 1995, p. 188).

Advocates of urinalysis believe that with adequate safeguards, drug testing can provide adequate results. Critics argue that urinalysis testing for drugs is inaccurate because it only reveals the byproducts of metabolism. Since each person's metabolism differs, there is no

accurate way to tell when a student ingests drugs into his/her system (Rom, 1992).

Field Trip Searches

In Webb v. McCullough (1987), the legality of field trip searches came before the United States Court of Appeals for the Sixth Circuit. While on a band field trip to Hawaii, the accompanying principal was notified by several adult chaperones and a hotel clerk that several female students had alcohol in their hotel room. The principal obtained a room key and entered their room without advance notice. Finding the girls in their underwear, he left briefly in order for them to dress. Upon his return, the principal found that one of the girls had locked herself in the bathroom. He then broke the bathroom door, slapped the girl, and threw her up against the wall. No alcohol was found, and the girls in the hotel room were sent home on the next flight.

The federal appeals court upheld the principal's search of the hotel room. The court stated: The trip to Hawaii was an appropriate circumstance for the operation of *in loco parentis*. The principal was acting as both a representative of the state and *in loco parentis* in his task of searching Webb's room . . . The crucial factual difference between the in-school search in *TLO* and the search during a field trip in this case permits, indeed requires, the application of the *in loco parentis* doctrine. (828 F.2d. at 1157)

It appears, however, that courts are split regarding the mass searching of student luggage prior to school sponsored field trips. In Kuehn v. Renton School District No. 403 (1985), a Washington state court invalidated a search of student luggage by school officials prior to a band trip because the searches lacked individualized suspicion. However, in a similar case, Desilets v.

Clearview Regional Board of Education (1993), a search by school authorities of student hand luggage prior to a field trip was upheld by the court.

In the rendering of these two different cases by two different judges, Zirkel (1994) maintained: “In the eight years between the two cases, society had moved to a warlike view of alcohol, drugs, and violence in the schools” (p. 729). Zirkel also noted that courts have begun to sacrifice the individualized suspicion standard. It appears far more likely that searches of students’ luggage on field trips may pass the scrutiny of the courts provided the searches are justifiable at inception and reasonable in scope, the trip itself is voluntary, and the school has issued written guidelines for the trip.

More recently, in Hassan v. Lubbock Independent School District (1995), the United States Court of Appeals for the Fifth Circuit held that school officials, who were in charge of students on a school sponsored field trip to a juvenile center and had seized a student who had been misbehaving, were entitled to qualified immunity from liability. Despite the fact that the disruptive child was placed in an intake room away from his school group during the field trip, the court upheld the actions taken by school officials as “a de minimus deprivation of [the] student’s liberty that did not implicate either procedural or substantive due process guarantees” (55 F.3rd. at 1077).

During school field trips, it is incumbent upon school officials to ensure adequate supervision. There have been several cases in which students have been hurt while on field trips and their injuries have evoked tort actions challenging the adequacy of adult supervision. In Morris v. Douglas County School District No. 9 (1965), a teacher was assessed damages

stemming from a student's injury while at a beach during a school outing. The court held that the unusual action of the waves was a known hazard, and that the teacher failed to take adequate safety precautions. However, in Powell v. Orleans Parish School Board (1978), a Louisiana appeals court held that school personnel were not liable for the accidental drowning of a student in a swimming pool at a hotel while on a school band field trip. Here, school personnel were not aware that the student could not swim.

Locker Searches

Although most students use school lockers as storage sites for textbooks and personal articles, there are some who use them to hide illegal weapons and dangerous drugs. At varying times, courts have commented on the duty of school officials to police student lockers. In regard to student lockers, Judge Keating remarked in People v. Overton (1969): "Not only have the school authorities a right to inspect but *this right becomes a duty when suspicion arises* that something of an illegal nature may be secreted there" (249 N.E.2d. at 367). Similarly, in Zamora v. Pomeroy, 639 F.2d. 662 (1981), the United States Court of Appeals for the Tenth Circuit maintained that "school authorities have, on behalf of the public, an interest in these lockers and a duty to police the school, particularly where possible serious violations of the criminal laws exist" (639 F.2d. at 670).

There have been a number of state cases in which courts have maintained that students have a legitimate expectation of privacy in school lockers (Commonwealth v. Snyder, 1992; S.C. v. State, 1991; State v. Michael G., 1987). The Supreme Court of Mississippi, in

S.C. v. State (1991) noted “that the student’s expectation of privacy in a school locker is considerably less than he would have in the privacy of his home or even, perhaps, his automobile . . . a lesser showing is required . . . to search a student’s locker” (583 So.2d. at 192). In each of the three cases cited, individualized suspicion existed to justify the search (Bjorklun, 1995).

The key to conducting locker searches legally rests upon state law and school board policy (National Safety Center, 1995). A school district can adopt a locker policy in which it retains both ownership and control of all student lockers. In 1993, the Milwaukee Public School did just that. In doing so, the school system lowered the students’ expectation of privacy and thereby permitted its school administrators easier access under the law. The Supreme Court of Wisconsin, in In Interest of Isiah B. (1993), asserted that the Milwaukee Public School System “has a written policy retaining ownership and possessory control of school lockers (hereinafter referred to as a locker policy), and notice of the locker policy is given to students, then students have no reasonable expectation of privacy in those lockers” (500 N.W.2d. at 641). Thus, when schools have a written locker policy declaring ownership and control, and that policy is distributed to students, students then have a lowered expectation of privacy. In summary, Rossow and Stefkovich (1995) suggested:

If the school develops clear policies and practices that inform students that they shall not have a reasonable expectation for privacy in school owned containers, the need for reasonable suspicion to open a locker is minimal. If looking for serious contraband, suspicion may not be required at all. For the school to successfully search lockers without first establishing more than minimal suspicion before entering the locker, it must be absolutely

clear to the students that if they want their possessions to remain outside the purview of school officials, then they should not put them in the locker. (p. 29)

Vehicle Searches

A student's car may be searched if reasonable suspicion can be established. In Keene v. Rogers (1970), the search of a student's car on campus by a security officer in the presence of the student resulted in the discovery of a can of beer and a plastic bag containing marijuana. According to Hudgins and Vacca (1995), the search "was deemed to be proper, and this decision extended the jurisdiction of an administrative search from school-owned property to student-owned property on campus" (p. 351).

If students have access to their cars on school grounds during the course of the school day, students have a lowered expectation of privacy. Likewise, if students do not have access to their cars during the school day, their expectation of privacy is much higher. Greater reasonable suspicion must be present when the student's expectation of privacy is higher. Such was the case in Jones v. Latexo Independent School District (1980), in which a Texas federal district court declined to uphold a general dragnet search of a student parking lot. Here, the court maintained that the school's interest in the contents of the cars was minimal, since students did not have access to their cars during the day. However, if a student parks a vehicle off school grounds, school administrators lack authority to impose school discipline. In such cases, law enforcement officials must be summoned if students are suspected of illegalities. The fact that a student's car was parked on an adjacent street rather than on school grounds proved the deciding factor in

overturning a student's expulsion for the possession of marijuana in his car in Galveston Independent School District v. Boothe (1979). Here, the court ruled that the student's expulsion was not within the school board's grant of discretionary power.

At school, the search of a student often begins as a personal search, but later migrates to a vehicle search. In such cases, courts have upheld school authorities. In State v. Slattery (1990), a Washington court of appeals upheld the warrantless search of a high school student's car and of a locked briefcase stowed in the vehicle's trunk. Here, the initial student search was of his person, but the search process migrated to the student's locker, and then to the student's vehicle parked in the school parking lot.

Warrantless searches of student vehicles have also been supported by courts when contraband has been in plain view. In State v. D.T.W. (1983), a teacher's aide, while patrolling the student parking lot at a Jacksonville, Florida high school, spied a waterpipe lying on the console of a car. After the waterpipe was taken from the car, a package of cigarettes, also against school regulations, was discovered. Here, the appeals court upheld the seizure of prohibited materials from the student's car because the waterpipe had been in plain view and patrolling the lot fell within the school's duty to maintain order and discipline.

The National School Safety Center (1995) offered several suggestions for school administrators:

Although students' vehicles are not school property, they are frequently parked on school property. This creates an opportunity for the school to consider making parking on campus a privilege and not a right. Students should be required to obtain a parking pass before parking

on school property. The pass should include a search consent. Under these circumstances, reasonable suspicion would not even be required since consent to the search has already been given. Without prior consent, the T.L.O. standard [reasonable suspicion] should be followed for cars parked on or adjacent to the campus. And, if a search is required, the school should take appropriate steps to make sure that damage to the car is not incurred during the search. (pp. 15-16)

Student Strip Searches

Although personal searches of students are permitted, it is doubtful that strip searches of students can be justified on the basis of reasonable suspicion (Cambron-McCabe et al., 1998). Due to the intrusiveness of strip searches, the required standard approaches probable cause. It is far more prudent that school administrators leave student strip searches to experienced police officials, unless such a situation poses an immediate threat or danger to others in school. Strip searches are so intrusive that California, Iowa, Oklahoma, Washington, and Wisconsin have banned this practice by public school officials (Rossow & Stefkovich, 1995).

The nature of the contraband sought is an important factor that is weighed by the courts in deciding strip search cases. If the contraband is drugs or weapons, courts are more sympathetic to school officials in such situations. In Rone v. Daviess County Board of Education (1983), in Williams by Williams v. Ellington (1991) and in Cornfield v. Consolidated High School District No. 230 (1993), all three appeal courts upheld student strip searches for drugs. Additionally, in southern Ohio, the U. S. District Court dismissed a case in which a high school student who was

strip searched for marijuana sued the school (Widener v. Frye, 1992).

However, when such searches have been for stolen money, the searches were not upheld. In State ex. rel. Galford v. Mark Anthony B. (1993), a student who was suspected of stealing \$100.00 from his teacher, was taken by his principal into a restroom and was asked to pull down his underwear. Although the money was found in the student's underwear, the West Virginia Supreme Court ruled the search as unjustified and commented that stealing money "does not pose the type of immediate danger to others that might conceivably necessitate and justify a warrantless strip search" (433 S.E.2d. at 49). In another case, missing money prompted a principal to order a search of each student in a gym class in an attempt to recover \$4.50 which had been reported missing from the locker room. The principal, along with a substitute food service worker and a teacher, conducted a partial strip search of each student. Some students were also asked to remove their shirts and underwear. The court, in Oliver by Hines v. McClung (1995) held that the searches were a clear violation of constitutional rights.

By contrast, a recent Florida case involving the strip search of two students accused of stealing \$7.00, resulted in the court granting the named school officials and the school board qualified immunity. Here, the court, in Jenkins by Hall v. Talladega City Board of Education (1997), held that the case did not establish a clear violation of constitutional rights, despite the fact that both students were forced to remove their underwear twice. Both searches failed to turn up the missing money. Savage (1997) maintained that "the case illustrates how the more conservative federal judges have shrunk the scope of individual rights and given public officials a broader shield from damage suits" (p. 1). On November 10, 1998, the U.S. Supreme Court

refused to hear this case on appeal (Walsh, 1997).

However, student strip searches by school officials often lead to future litigation by parents and/or bad publicity for school districts. In November, 1997, the Greene County Public Schools, located in Standardsville, Virginia, paid out \$5,000 to each of six students who were strip searched by school officials in May. With practically no investigation, approximately 50 male students were searched in an attempt to find the sum of \$100 which had been reported missing from another student's wallet earlier in the day. Although the American Civil Liberties Union was prepared to file suit on behalf of six students, the payments made by the school system negated any further legal action. Charlottesville attorney Steve Rosenfield, representing the six students, stated in a 1997 American Civil Liberties Press Release entitled, "Six Strip-Searched Students Receive \$30,000 in Virginia":

Realizing that schools must be kept safe for our children, the courts have given school officials the right to conduct some searches when an offense has occurred, but only if there is individualized suspicion or an investigation that legitimately narrows the search to a select few. (p. 1)

The American Civil Liberties Union later filed a second lawsuit in this case on behalf of 21 other male students who were strip-searched at William Monroe High School. As a result of the second lawsuit, each of the 21 additional male students received the sum of \$5,000 for an out of court settlement. After both lawsuits were settled, the cost to Greene County Public Schools amounted to more than \$200,000 as a result of the high school strip search ("Virginia

School to Pay \$170,000 In Student Strip-Search Case,” 1998).

In 1992, two girls who attended Great Neck Junior High School in Virginia Beach, Virginia, were accused of stealing and subsequently were strip searched by school officials. More than four years later, the girls and their parents sought \$1.6 million in compensatory damages against all defendants, plus \$1 million against the assistant principal who ordered the search (Davis, 1996). One girl received \$50,000 and the other \$25,000 in an out of court settlement reached on Friday, March 21, 1997, just two days before the scheduled trial date. Local school policy in Virginia Beach Public Schools bans student strip searches. During this incident, the two girls were made to remove their shoes and socks, as well as to lift up their shirts and drop their pants in front of the assistant principal and a teacher’s assistant. Despite protesting that her actions did not constitute a strip search, the assistant principal was fired by the School Board in 1992 following the incident (Davis, 1997). Needless to say, such situations cause negative publicity for school systems as well as unanticipated outlays of money.

The National Safety Center (1995) recommended that school officials have “ample evidence and only strip search when the contraband in question is dangerous drugs or weapons. A strip search is considered so intrusive . . . that many courts will require a standard of evidence much nearer to probable cause than reasonable suspicion” (p. 16). According to Donovan, Hong, and Shatz (1991): “School officials should not be permitted to strip search any child without a warrant or consent, except in the case of a genuine emergency” (p. 39).

In summary, the most intrusive search is the strip search. Although a strip search must be reasonable at its inception and in scope, its intrusiveness is such that most courts require a

standard closer to probable cause rather than reasonable suspicion. Unless exigent circumstances are present, school administrators are not advised to strip search. If a strip search is entertained, the contraband in question should be drugs or dangerous weapons. In such cases, there should be ample evidence and several witnesses present. It is important to note that litigation may follow.

Searches by Police

As noted previously, the legal standard for school searches is one of reasonable suspicion in accordance with New Jersey v. T.L.O. (1985). However, when police officials become involved in a school search, additional legal questions arise as a result.

If the extent of participation by police is marginal, the standard of reasonable suspicion applies (Cason v. Cook, 1987; Tarter v. Raybuck, 1984;). In Tarter v. Raybuck (1984), the police were summoned to school, but only for assistance after the suspect ceased cooperating with school officials in their investigation. The appeals court here held that the “involvement of the police with respect to plaintiff was marginal. Their presence does not suggest that a standard other than reasonable cause ought to be adopted” (742 F.2d. at 984). In Cason v. Cook (1987), the principal asked a police officer, who was assigned to the school as a liaison officer, to accompany her to a locker room. The court held the police officer’s involvement as minimal and held that the standard of reasonable suspicion was applicable to the student search. A Pennsylvania court upheld the arrest of a high school student by a police officer assigned to the school for conducting uniform bag searches and metal detector scans as part of a school wide effort to prohibit drugs and weapons at school (In Interest of F.B., 1995). Here, the court held

that “the school’s interest in ensuring security for its students far outweighs the juvenile’s privacy interest” (658 A.2d. at 1382).

It is always important to realize that the appropriate legal standard must be met at all times. Personal hunches about drugs or weapons on students carry no weight in the eyes of the court. Such was the case in People v. Dilworth (1994), where a police officer, who was assigned to the school on a full-time basis, was asked by two teachers to search a student suspected of drugs. After doing so and finding no contraband, the police officer overheard that same student laughing. Acting on a hunch, the police officer grabbed the student’s flashlight and found drugs within. The appeals court held that the police officer lacked reasonable suspicion, and accordingly, the police officer’s search was found unreasonable under the law.

If police officers are summoned to school to find evidence of a criminal incident, the higher standard of probable cause is required (Picha v. Wielgos, 1976). More recently, in State of New Mexico v. Tywayne H. (1997), four uniformed police officers were assigned to a school dance. The Court of Appeals of New Mexico held that probable cause was the proper standard in a warrantless search of two students who entered a dance smelling of alcohol. Here, the court maintained that students do not have a lowered expectation of privacy with regard to uniformed police officers.

The use of police officers in student searches should be done with much care and forethought. If police officers direct or initiate a student search, the search standard escalates from reasonable suspicion to probable cause. When police are called to a school, their primary interest is in determining criminal misconduct. The primary intent of school administrators is to

enforce student discipline. School administrators should take command of student search situations and only summon police officers for observational purposes or after student searches have been completed by school officials in order to maintain the standard of reasonable suspicion.

Searches by School Security Officers

Courts are divided on the issue of whether school security guards are to be treated like police officers who often are required to have probable cause prior to a search, or if they are more like school officials and need only reasonable suspicion to conduct a student search. Rossow and Stefkovich (1995) advised that this issue can be avoided if the school security guard is limited to the detention of students suspected of drugs. After such questioning, the school security guard can always escort the student to the office where the principal, who needs only reasonable suspicion, can conduct the search.

In People v. Bowers (1974), a New York court addressed the subject of school security guards. The court maintained that “a security officer, acting without direction of the school authorities, must premise a search upon probable cause” (356 N.Y.S.2d.432 at 435). Also, in A.J.M. v. State (1993), the court reasoned that school guards are police officers who must have probable cause to conduct student searches.

However, in S.D. v. State (1995), a Florida court held that a school security guard was not a law enforcement officer. The court ruled that the security guard had reasonable suspicion to detain a student. The detention of a student by a security guard with reasonable suspicion also

was upheld in In re. Frederick B. (1987).

Despite the fact that several students left school grounds to smoke marijuana in a culvert off school grounds and were confronted by the assistant principal and a security guard at a location away from the school, the Supreme Court of Hawaii upheld the search as reasonable (In Interest of Doe, 1994). This case demonstrates clearly the interest of the court in assisting school authorities with students using drugs. In a concurring opinion of the court, Justice Levinson maintained “that too many of our state and nation’s public schools have become virtual war zones, generating an atmosphere that is antithetical to the education and training of young people, is intolerable and simply cannot be ignored” (887 P.2d. At 655).

According to Gluckman (1992), as long as “a security officer is operating under the general direction of a school administrator, he will be held only to the same standard of reasonable suspicion in carrying out investigations and searches as would the school administrator himself” (p. 15).

Searches by Sniff Dogs

The Supreme Court held in United States v. Place (1983) that the use of narcotics detection dogs to sniff air traveler’s luggage was not a search. However, the High Court to date has not addressed the use of sniff dogs in public schools. As a result, lower court holdings are varied on this subject.

The use of drug sniffing dogs to walk up and down classroom aisles in an attempt to find marijuana was upheld by an Indiana district court in Doe v. Renfrow (1979). Here, the court

ruled that the search by sniff dogs was not a violation of students' constitutional rights. On appeal, the court (1980) maintained that the dog's alert constituted reasonable suspicion for school officials to search pockets and purses, but it stopped short of condoning a strip search based upon the dog's alert.

In Zamora v. Pomeroy (1981), the use of sniff dogs to search student lockers was upheld by the Tenth Circuit Court of Appeals. However, in Horton v. Goose Creek Independent School District (1982), the U.S. Court of Appeals for the Fifth Circuit held that "dogs' sniffing of student lockers in public hallways and automobiles parked on public parking lots did not constitute [a] 'search' . . . [and the] dogs' sniffing of students' persons was [a] search within purview of [the] Fourth Amendment" (690 F.2d. at 470). The court, in denying a rehearing, asserted that the sniff dogs' reliability must be present to permit reasonable suspicion. In addition, the court concluded that even when there is a significant need to search, individualized suspicion must be present due to the degree of personal intrusion. Most recently, a Louisiana court agreed that the action of a dog sniffing personal effects does not constitute a search, but the examination of the contents of a student's pockets is a search (State of Louisiana v. Barrett, 1996).

In contrast to the decision in Doe v. Renfrow (1980), a Texas federal district court, in Jones v. Latexo Independent School District (1980), ruled that a blanket search of students' cars by sniff dogs was unreasonable. The court concluded that individualized suspicion must be present prior to such a search, and that a dog's alert is insufficient to establish reasonable suspicion. Here, student access to cars was minimal, and as a result, the school was required to establish

reasonable suspicion prior to conducting the search.

At the point where a dog sniffs a student's person or the airspace around the body, the sniff dog becomes a search method (Rossow & Stefkovich, 1995). If, however, a school official sniffs a student's hands, it is not considered a search for Fourth Amendment purposes (Burnham v. West, 1987).

Concluding, Cambron-McCabe et al. (1998) maintained: "Until the Supreme Court addresses whether such a practice constitutes a search in schools (requiring individualized suspicion) or whether a dog alert can establish reasonable grounds for a personal search, different interpretations among lower courts seem destined to persist" (p. 230). Although the sniffing of student personal effects by trained dogs has been viewed differently by several state courts (e.g., Doe v. Renfrow, 1980; Horton v. Goose Creek Independent School District, 1982; Jones v. Latexo Independent School District, 1980; State of Louisiana v. Barrett, 1996; Zamora v. Pomeroy, 1971), it seems prudent for school officials to determine reasonable suspicion prior to searching students' personal items with sniff dogs. Then too, the reliability and experience of sniff dogs must be high in case of future litigation.

Searches Using Metal Detectors

Due to the fact that many public schools today face the problem of increased drug traffic, a number of schools have resorted to the use of metal detectors in order to maintain and to preserve a safe and secure environment for all. A Pennsylvania appellate court, In Interest of F.B. (1995), upheld the use of a metal detector as a general search instrument of all students

entering the school building. Each student's belongings were searched, and then each student was subjected to scanning by the metal detector. Since the high school had a history of recent violence, the court held that school officials were not required to prove individualized suspicion.

Similarly, in State of Florida v. J.A. (1996), a Third District Florida Court of Appeals overturned a lower court's decision to suppress the evidence of a firearm in connection with the state's delinquency petition against a student for carrying a concealed weapon on school grounds. Here, school officials, using a hand-held metal detector, found a student carrying a gun. The appellate court noted that the minimal intrusion into the student's privacy was offset by the greater need to deter and to curtail the presence of weapons in school.

Also, in Thompson v. Carthage School District (1996), upheld the use of a metal detector to scan all students in grades six to twelve for dangerous weapons. The court reasoned that the search was minimally intrusive considering the fact that weapons had been brought to school that same day. In In the Interest of S.S. (1996), the Superior Court of Pennsylvania, on appeal, affirmed a trial court's order denying the plaintiff's motion to suppress the evidence obtained by school officials through the use of a metal detector at school. Once again, the court held that the administrative search outweighed the student's right to privacy in order ensure student safety at the high school.

In People v. Dukes (1992), a New York court upheld the search of a student's bag containing a switchblade. Here, the student's bag failed to pass the metal scanning device employed by the school. The court ruled the use of a metal detector as an administrative search. An administrative search "is upheld as reasonable when the intrusion involved in the search is no

greater than necessary to satisfy the governmental interest underlying the need for the search” (National Safety Center, 1995, p. 24).

Our lower courts appear to support the use of metal detectors in order to ensure student safety in our schools provided that school districts show a legitimate need to do so based upon past weapons’ violations at the respective school. To date, the United States Supreme Court has not addressed this issue.

Mass Searches

In general, blanket or mass searches of student lockers and student vehicles can be permitted. However, searching a group of students is rarely permitted, except in the use of metal detectors as a condition of student entry for schools that can demonstrate a compelling need (Rossow & Stefkovich, 1995).

The principal of Albert Hill Middle School in Richmond, Virginia, ordered his instructional staff in December, 1986, to search students’ bookbags, pockets, and pocketbooks for magic markers, which were prohibited by school rule. Another similar search of students was made on or about January 6, 1987, for “Walkmen” or radios, which had been previously reported as missing. A third search of students was initiated on or about February 2, 1987, in an attempt to uncover marijuana, after such smoke had been noticed by a teacher in two hallway areas. The court, in Burnham v. West (1987), ruled that “the general searches conducted at AHS are powerfully reminiscent of the general searches that the Fourth Amendment was enacted to prohibit” (681 F.Supp. at 1167). Thus, the blanket or mass searches conducted at Albert Hill

Middle School were held to be unconstitutional.

However, in Thompson v. Carthage School District (1996), a mass search of students was undertaken by the principal to find a gun among his students after being told earlier that a gun was on school grounds. Here, all students were housed in one grade in this small school district. Fearing for students' safety, the principal ordered a minimally intrusive search of all students. The United States Court of Appeals for the Eighth Circuit concluded that, under the circumstances, the search was reasonable and within the law.

New Jersey v. T.L.O. (1985) provides school administrators with direction for student searches. This landmark case holds that student searches must be justifiable at their inception and reasonable in scope. In general, school administrators should not entertain mass searches because the two-pronged test given in *T.L.O.* cannot be met easily. However, exigent circumstances in which the health, safety, and welfare of children are at risk dictate otherwise. If exigent circumstances can be demonstrated, school administrators should feel confident that our legal system will be supportive. The health, safety, and welfare of children remain our highest priority as educators.

Chapter 3

Methodology

Introduction

This study was designed with two major purposes: (a) to determine if public school principals in Virginia meet minimum competency levels with respect to their knowledge of search and seizure law, and (b) to compare the knowledge of search and seizure issues by Virginia public school principals with respect to their organizational level (elementary/middle/high). A survey of theoretical perspectives by administrators as applied to search and seizure issues will also be made. The methodology and procedures used to investigate the research questions addressed in the study are summarized in this chapter.

Research Questions

1. What is the level of Virginia public school principals' knowledge regarding search and seizure law?
2. Do Virginia public school principals reflect minimal competency in their knowledge of law related to search and seizure issues?
3. Is there a significant difference in the knowledge of public school elementary, middle, and high school principals in Virginia on search and seizure issues?
4. Do Virginia public school principals believe in foundationalism or pragmatism regarding student search and seizure issues?

Sample and Accessible Population

In order to draw conclusions about Virginia principals' knowledge of search and seizure law, the sample of principals was drawn from public elementary, middle, and high schools in Virginia. The number and type of schools (elementary, middle, and high school) was determined by the 1997 Fall Membership Report by Grade and Ethnicity as of November, 1997, as provided by the Virginia Department of Education. In order to ensure a satisfactory questionnaire return rate, 17% of each school type was used in the survey. Principals were randomly selected from these three distinct groups on a stratified random basis.

Table 1

Number of Public Schools by Type

| | Total | Sample (17%) |
|------------|-------|--------------|
| Elementary | 900 | 153 |
| Middle | 285 | 48 |
| High | 264 | 45 |

Instrument Development

Design of the Instrument. A review of related studies yielded no appropriate survey instrument for use in this study. Therefore, an instrument was developed and was validated for

the purpose of this study. Survey questions were developed by the researcher with the assistance of educational and legal professionals familiar with search and seizure law in Virginia. Survey questions were developed to address key areas of search and seizure law facing Virginia public school principals at all levels of instruction. Areas of specific concern addressed included field trip searches, locker searches, vehicle searches, strip searches, searches by police, searches by school security officers, searches by sniff dogs, searches using metal detectors, drug testing, and general information.

The final form of the survey was divided into three sections: Part I consisted of questions regarding the respondent's background, training, and school demographics. Part II consisted of multiple choice questions about the respondent's knowledge of legal issues and practices related to student search and seizure. Part III consisted of inquiry about the respondent's legal perspective.

Part I: Background and Demographic Information. Respondents were asked to provide information regarding the number of years experience as a principal and the type and extent of formal training and familiarity with student search and seizure issues. Information was obtained regarding the organizational level of the respondent's school, as well as the size of its student membership.

Part II: Knowledge of School Law and Search and Seizure Issues.

The survey covered knowledge and competencies under ten categories of student search and

seizure law: field trip searches, locker searches, vehicle searches, strip searches, searches by police, searches by school security officers, searches by sniff dogs, searches using metal detectors, drug testing, and general information.

Part III: Survey of Respondent's Legal Perspective.

This part of the survey collected information regarding the legal perspective of the respondent. Of specific interest was whether the respondent was an advocate of foundationalism or pragmatism as applied to search and seizure issues in Virginia public schools.

Expert Panel

The survey was validated for its content using a panel of expert judges consisting of a law professor, and four professors of education with a prominent background in school law. The expert panel was asked to rank the ten subcategories on a scale of one to five in terms of each category's importance to a principal: field trip searches, locker searches, vehicle searches, strip searches, searches by police, searches by school security officers, searches by sniff dogs, searches using metal detectors, drug testing, and general information. The panel was asked to 1) indicate the probability that a minimally competent principal in the area of search and seizure law, in order to conduct his/her job, would be able to answer the question correctly; 2) determine if the circled correct response was the only correct response among the choices (The expert panel survey was prepared so that all questions had the correct response noted); 3) provide any suggestions for changes to the question items, or item responses; and 4) provide any format

suggestions which improved the questionnaire. A modified Angoff technique (Angoff, 1988) was used to compute estimates that a minimally competent principal would be able to answer each question correctly. A raw score performance standard was computed using the judges' (N = 5) probability estimates that a minimally competent principal would be able to answer each question correctly without guessing. Using a 1-to-10 scale, each judge rendered a probability estimate for each of the 40 items on the test. The judges' estimates were converted then to probability values and summed and averaged, yielding a raw score performance standard which served as the cut score.

Table of Specifications

Four to six questions were written for each category in order to obtain a reliable sampling of the respondent's knowledge of search and seizure law in Virginia. The survey included open-ended items in which respondents listed any additional competencies or concerns they believed were of importance.

Table 2Table of Specifications

| | Knowledge | Application |
|---|--------------------------|-------------------|
| | Questions: | Questions: |
| General Information | #1, 2, 6, 7 9, 16, 38 | #12, 29, 32 |
| | Questions: | Questions: |
| Locker Searches | #8, 15 | #14, 37 |
| | Questions: | Questions: |
| Vehicle Searches | #28, 34 | #3, 27 |
| | Questions: | Questions: |
| Strip Searches | #23, 24 | #11, 25 |
| | Questions: | Questions: |
| Searches by School Security Officers/ Police/Sniff Dogs | #4, 5, 13 17, 39, 40 | #18, 26, 33 36 |
| | Questions: | Questions: |
| Searches Using Metal Detectors | #19, 21 | #20, 22 |
| | Questions: | Questions: |
| Drug Testing | #30, 31 | #10, 35 |

Piloting

Fifteen principals were selected for the survey pilot. The pilot was mailed to 15 randomly selected principals in public school systems in Virginia. Included in the pilot survey were seven elementary principals, three middle school principals, and five high school principals.

All questions appeared in the pilot. However, the pilot sample did not provide answers to the survey items. The pilot sample provided explicit directions for completing the survey and requested the respondent to provide any comments or suggestions for improving the survey specifically related to the clarity of each item.

Data Collection Procedures

The surveys were sent to a proportional stratified sample of elementary, middle, and high school principals in Virginia public schools. The sample consisted of 153 elementary principals, 48 middle school principals, and 45 high school principals. The surveys were mailed with a stamped, self-addressed return envelope to the sample of principals. Two weeks following the due date, follow-up mailings were sent with another copy of the survey to those who did not respond initially. Follow up mailings or phone calls were made to increase the response rate as necessary. All subjects were assured of confidentiality of responses. Participants in the pilot study were not included in the final survey results.

Data Analysis

Question one was analyzed using descriptive statistics. Question two was analyzed using a

cut score from a modified Angoff Technique. Question three was analyzed using an Analysis of Variance (ANOVA, $p < .05$), and question four was analyzed using descriptive statistics with nominal data.

Ethical Guidelines

This survey ensured strict confidentiality of all participants and their respective responses, in addition to protecting the confidentiality of each respondent's associated school division. The names of subjects were removed prior to formal data collection and replaced by individual codes to maintain the privacy of all participants. Once research data was collected, appropriate safeguards were employed to ensure that only the researcher and his professional advisors had access to the data.

At the conclusion of this study, the researcher made available a copy of survey results to those participants who requested one at the beginning of the study.

Chapter 4

Results

This chapter presents the analysis of the research data for the study and is organized as follows: (a) overview of the study, (b) questionnaire development, (c) demographics information relative to respondents, and (d) findings of the research questions and hypotheses.

Overview of the Study

This study was designed with two major purposes: (a) to determine if public school principals in Virginia meet minimum competency levels with respect to their knowledge of search and seizure law, and (b) to compare the knowledge of search and seizure issues by Virginia public school principals with respect to their organizational level (elementary/middle/high). Additionally, the study was designed to examine theoretical perspectives by administrators as applied to search and seizure issues.

Research Questions:

1. What is the level of Virginia public school principals' knowledge regarding search and seizure law?
2. Do Virginia public school principals reflect minimal competency in their knowledge of law related to search and seizure issues?
3. Is there a significant difference in the knowledge of public school elementary, middle, and high school principals in Virginia on search and seizure issues?

4. Do Virginia public school principals believe in foundationalism or pragmatism regarding student search and seizure issues?

Questionnaire Development

Based on the review of the literature, and interviews with school administrators, six broad categories related to search and seizure issues emerged. These six categories were: 1) locker searches, 2) vehicle searches, 3) strip searches, 4) searches by school security officers/police/sniff dogs, 5) searches using metal detectors, and 6) drug testing. The items were written with the assistance of experienced educators to address legal issues within each of these areas. The items were designed such that there was only one clearly correct response for each item. Thus, if a respondent failed to answer a question, the answer was regarded as incorrect.

Initial Review. The initial survey questionnaire was reviewed by Dr. Richard Vacca, a prominent university professor of school law at Virginia Commonwealth University. Dr. Vacca is well known as an accomplished author and an authority on school law issues. During this initial review, Dr. Vacca recommended that the length of the survey questionnaire be shortened; the wording of several questions be modified for improved understanding; and that questions pertaining to the same issue be grouped together for clarity.

Expert Panel. A three-member panel of experts judged the content validity of the survey items. The panel consisted of three accomplished university professors of school law. The expert panel consisted of Dr. David Alexander of Virginia Polytechnic Institute, Dr. Jacqueline

Stefkovich of Temple University, and Dr. James Stronge of The College of William and Mary. Each member was asked to do the following: 1) verify that the keyed response was accurate and that no other response option could be interpreted as correct; (2) rate a minimally competent performance in order to establish a competency level; (3) using a Likert scale of 1-5, with 1 being least likely and 5 being most likely, determine the probability that a “minimally competent” principal would answer the item correctly; and 4) note any suggestions for word revision or format changes that would improve the overall quality and readability of the survey. Appendix B contains a copy of the final survey used by the expert panel to judge the items.

When judging the correctness of the keyed response, there was 100% agreement that the keyed response was correct for the 45 survey questions. However, five questions out of the 45 submitted to the expert panel were deleted in their entirety from the survey questionnaire because these questions were perceived to be unclear and confusing. In five other instances, the expert panel suggested slight revisions to answer choices, and in one case, the panel recommended a modification to one question, with no change to answer options. Thus, the original questionnaire containing 45 items evolved to 40 after this review.

Respondents were also asked to rank each question using a Likert scale of 1-5 to determine the probability that a minimally competent principal would be able to answer the question correctly. Scores were adjusted here to reflect a 1-10 scale for statistical purposes. Agreement percentages for the correct answer and perceived importance to principals are shown in Table 3.

The Likert scale scores ranged from 47% to 93% over the 40 items. In order to establish

points for determining minimal competence, a modified Angoff technique (Angoff, 1988) was used. An average for each expert judge's rating was determined by doubling each ranking from 1 to 5 in order to transform ratings to a ten point scale. The average of those scores was taken to gain an average rating from all three judges on a 1 to 10 scale. Then, these average ratings were converted to proportions. The proportions were then added over all 40 items. Based upon the ratings by the three judges, the raw cut score was 29.3, which when rounded, produced a final cut score of 29. The cut score is a criterion standard to determine whether principals are judged competent (as defined by the expert panel) in the cumulative areas of general information, locker searches, vehicle searches, strip searches, searches by school security officers/police/sniff dogs, searches using metal detectors, and drug testing.

Table 3
Agreement for Correct Answers and Importance to Principals by Expert Panel

| Question Number | Correct Answer Agreement | Importance to Principals |
|-----------------|--------------------------|--------------------------|
| 1 | 100% | .73 |
| 2 | 100% | .80 |
| 3 | 100% | .67 |
| 4 | 100% | .80 |
| 5 | 100% | .87 |
| 6 | 100% | .73 |
| 7 | 100% | .80 |
| 8 | 100% | .80 |
| 9 | 100% | .60 |
| 10 | 100% | .87 |
| 11 | 100% | .93 |
| 12 | 100% | .60 |
| 13 | 100% | .80 |
| 14 | 100% | .73 |
| 15 | 100% | .80 |
| 16 | 100% | .87 |
| 17 | 100% | .80 |
| 18 | 100% | .73 |
| 19 | 100% | .67 |
| 20 | 100% | .87 |
| 21 | 100% | .60 |
| 22 | 100% | .53 |
| 23 | 100% | .53 |
| 24 | 100% | .67 |
| 25 | 100% | .87 |
| 26 | 100% | .87 |
| 27 | 100% | .73 |
| 28 | 100% | .80 |
| 29 | 100% | .60 |
| 30 | 100% | .93 |
| 31 | 100% | .67 |
| 32 | 100% | .87 |
| 33 | 100% | .60 |
| 34 | 100% | .53 |
| 35 | 100% | .53 |
| 36 | 100% | .73 |
| 37 | 100% | .87 |
| 38 | 100% | .73 |
| 39 | 100% | .73 |
| 40 | 100% | .47 |

Pilot Study. The survey was sent to 15 randomly selected principals in public school systems within the Commonwealth of Virginia: seven elementary principals, three middle school principals, and five high school principals. The pilot study respondents were asked to answer the 40 questions in the survey questionnaire and to report any changes that would improve wording and readability.

Although all 15 surveys were returned, six were not received in a timely manner. One survey was returned unanswered and without comment. A concern about questions 9 and 30 was voiced by one respondent, who felt that court decisions on search and seizure issues should not be part of the questionnaire. Comment was also made regarding the length of the questionnaire itself by two other respondents. In both cases, however, no changes were made to the final survey. The importance of knowing both Supreme Court cases, New Jersey v. T.L.O. (1985), and Veronia School District 47J v. Acton (1995), was discussed during the Initial Review and with the Expert Panel. Accordingly, these two items were retained as presented. Additionally, it was felt that the length of the questionnaire was unavoidable in order to cover the vast content area of the subject at hand. Several favorable comments about the structure and content of the survey questionnaire were duly noted.

As a result of having the survey questionnaire reviewed and modified during the Initial Review and by the Expert Panel, no further changes were made to the final survey instrument. The Pilot Study reaffirmed the work completed during the Initial Review and by the Expert Panel.

Survey Response Rate. The final questionnaire was mailed to a random sampling of 246 school principals in Virginia public schools (N = 246). The 246 included 153 at the elementary level, 48 at the middle school level, and 45 at the high school level. The overall return rate of usable questionnaires for all respondents was 37% (N = 91). Forty-one elementary, 25 middle, and 25 high school principals' surveys were usable out of a total return of 94 surveys. The return rate of each level was 27% for elementary, 52% for middle, and 56% for high school. Table 4 shows the frequency distribution of the final sample for school level. Since three respondents failed to answer any questions, their surveys could not be used for the tests of the hypotheses, and the analyses of demographic variables.

Table 4

Comparison of School Level in Original Sample and Responding Sample

| School Level | Original Sample | Responding Sample |
|-------------------|-----------------|-------------------|
| Elementary School | 153 (62%) | 41 (44%) |
| Middle School | 48 (20%) | 25 (27%) |
| High School | 45 (18%) | 25 (27%) |
| Missing Cases | | 3 (3%) |
| Total | 246 (100%) | 94 (100%) |

Demographics

Of the surveys returned by elementary administrators, 90% were completed by principals and 10% by assistant principals. At the middle school level, 96% of the respondents were principals and 4% were assistant principals. Among high school respondents, 84% were principals and 16% were assistant principals. The demographic data obtained from Part 1 of the survey provided frequency patterns which are summarized in Tables 5-10.

Table 5

Positions of Respondents

| Professional Position | Frequency | Percentage |
|-----------------------|-----------|------------|
| Principal | 82 | 90.1 |
| Assistant Principal | 9 | 9.9 |
| TOTAL | 91 | 100.0 |

Table 6

Building Level of Respondents

| Level | Frequency | Percent |
|-------------|-----------|---------|
| Elementary | 41 | 45.0 |
| Middle | 25 | 27.5 |
| High School | 25 | 27.5 |
| TOTAL | 91 | 100.0 |

Table 7Highest Professional Degree Earned by Respondents

| Degree | Frequency | Percent |
|------------------------|-----------|---------|
| Bachelor's | 1 | 1.1 |
| Master's | 68 | 74.7 |
| Educational Specialist | 7 | 7.7 |
| Doctorate | 15 | 16.5 |
| TOTAL | 91 | 100.0 |

Table 8Professional Experience of Respondents

| Experience | Frequency | Percent |
|------------------|-----------|---------|
| 0 to 4 years | 39 | 42.9 |
| 5 to 9 years | 32 | 35.2 |
| 10 to 14 years | 7 | 7.7 |
| 15 to 19 years | 8 | 8.8 |
| 20 or more years | 5 | 5.5 |
| TOTAL | 91 | 100.0 |

Table 9

Number of Graduate Courses in School Law
Taken by Respondents During Career

| Graduate Courses Taken in School Law | Frequency | Percent |
|---|-----------|---------|
| 0 | 3 | 3.3 |
| 1 | 45 | 49.5 |
| 2 | 34 | 37.4 |
| 3 or more | 9 | 9.9 |
| TOTAL | 91 | 100.0 |

Table 10

Number of Professional Conferences on School Law
Attended by Respondents During Career

| School Law Conferences Attended | Frequency | Percent |
|------------------------------------|-----------|---------|
| 0 | 17 | 18.7 |
| 1 | 27 | 29.7 |
| 2 | 18 | 19.8 |
| 3 or more | 29 | 31.8 |
| TOTAL | 91 | 100.0 |

Findings of the Research Questions

Research Question 1: What is the level of Virginia principals' knowledge regarding search and seizure law? Correct scores ranged from 11 to 36, with a median score of 27. Only one respondent achieved the low score of 11. No respondent achieved a maximum score of 40. The mean score was equivalent to 65% of the total questions surveyed. To obtain an average score (mean) or better, a respondent correctly answered 65% or more of the 40 questions surveyed. However, more than one-third of the 91 respondents achieved scores beneath the mean, which suggests that the overall level of knowledge of Virginia principals regarding search and seizure issues is lower than it should be. Data analysis confirmed the mean to be at 26.2, with a standard deviation of 5.2. The reliability coefficient alpha was calculated at .7715. The skewness and kurtosis indicated a distribution of scores close to normal.

Table 11

Range of Scores by Respondents

| | | | | | | | | | |
|----|----|----|----|----|----|----|----|---------------------------------|-------------|
| 11 | 20 | 23 | 25 | 27 | 28 | 30 | 32 | 34 | |
| 15 | 20 | 23 | 25 | 27 | 28 | 30 | 32 | 35 | Mean = 26.2 |
| 16 | 20 | 23 | 26 | 27 | 28 | 30 | 32 | 36 | |
| 17 | 20 | 23 | 26 | 27 | 28 | 30 | 33 | Standard Deviation = 5.2 | |
| 17 | 20 | 23 | 26 | 27 | 29 | 30 | 33 | | |
| 17 | 20 | 24 | 26 | 27 | 29 | 31 | 33 | Median = 27.0 | |
| 18 | 21 | 24 | 26 | 27 | 29 | 31 | 33 | | |
| 19 | 22 | 24 | 26 | 28 | 29 | 31 | 33 | Reliability Coefficient = .7715 | |
| 19 | 22 | 24 | 26 | 28 | 29 | 32 | 33 | | |
| 19 | 22 | 24 | 26 | 28 | 29 | 32 | 34 | | |
| 19 | 23 | 25 | 26 | 28 | 29 | 32 | 34 | | |

Research Question 2: Do Virginia principals reflect minimal competency in their knowledge of law related to search and seizure issues? This study sought to determine if Virginia public school principals reflect minimal competency in their understanding of the law related to search and seizure issues. After determining that the minimal competency (cut score) was 29.3, each respondent's score was referenced to the minimal competency level. The data showed that 59 respondents, or 64.8%, did not achieve the cut score, and that 32 respondents, or 35.2%, met or surpassed the cut score. These findings are summarized in Table 12.

Table 12

Frequency of Respondents Meeting the Cut Score and

Frequency of Respondents Not Meeting the Cut Score

| | Frequency | Percent |
|---------------------------------------|-----------|---------|
| Respondents Meeting the Cut Score | 32 | 35.2 |
| Respondents Not Meeting the Cut Score | 59 | 64.8 |
| TOTAL | 91 | 100.0 |

Research Question 3: Is there a significant difference in the knowledge of public school elementary, middle, and high school principals in Virginia on search and seizure issues? A primary question in this study sought to determine if there was a significant difference in the knowledge of public school elementary, middle, and high school principals in Virginia on search

and seizure issues. A one-way ANOVA, using the dependent variable of total score and the independent factor of school level, showed no significant differences ($p = .679$) among groups. In examining the means for each group (elementary = 26.0, middle = 26.9, and high school = 25.6), all three group means were so close that no significant differences existed. Table 13 reflects the one-way Analysis of Variance as described.

Table 13

Analysis of Variance of Total Score by School Level

| ONE-WAY ANOVA | | | | | |
|--|------|----------------|--------------|---------|---------|
| Variable: Individual Respondent's Score on Questionnaire | | | | | |
| By: Respondent's School Level | | | | | |
| Source | D.F. | Sum of Squares | Mean Squares | F Ratio | F Prob. |
| Between Groups | 2 | 21.444 | 10.722 | .388 | .679 |
| Within Groups | 88 | 2430.380 | 27.618 | | |
| Total | 90 | 2451.824 | | | |

Research Question 4: Do Virginia public school principals believe in foundationalism or pragmatism regarding student search and seizure issues? The fourth question in this study sought to determine if Virginia public school principals believe in the legal perspective of pragmatism or foundationalism with regard to search and seizure issues. Table 14 reflects the theoretical perspective given by respondents. Foundationalism, was selected only

once by 91 respondents (1.1%). Conversely, pragmatism, was selected by 64 respondents (92.3%). Six respondents (6.6%) out of 91 failed to answer this question. Overwhelmingly, pragmatism was the predominant legal perspective chosen by respondents in this study.

Table 14

Theoretical Perspective of Respondents on Search and Seizure Issues

| Theoretical Perspective | Frequency | Percent |
|-------------------------|-----------|---------|
| Foundationalism | 1 | 1.1 |
| Pragmatism | 64 | 92.3 |
| Missing | 6 | 6.6 |
| TOTAL | 91 | 100.0 |

Additional Questions Posed

Upon the conclusion of this formal study, several additional questions emerged. The first question sought to determine what topic or topics within this study were respondents the most knowledgeable and the least knowledgeable. Tables 15 details the frequency of correct responses by respondents for all surveyed questions. It is important to note that respondents, on some occasions, failed to answer certain survey questions. In such cases, all missing responses were counted as incorrect answers. As a result, 57 missing responses were counted as incorrect answers.

Table 15Percentage of Correct Responses by Item

Legend: Correct answer choice = **bold**. Miss = Respondent failed to answer question.

| <u>Item</u> | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> | <u>Miss</u> |
|-------------|-------------|-------------|-------------|-------------|----------|-------------|
| 1 | 92.3 | 1.1 | 2.2 | 0 | N/A | 4.4 |
| 2 | 17.6 | 64.8 | 0 | 16.5 | N/A | 1.1 |
| 3 | 4.4 | 1.1 | 15.4 | 78.0 | N/A | 1.1 |
| 4 | 24.2 | 9.9 | 57.1 | 8.8 | N/A | 0 |
| 5 | 19.8 | 31.9 | 12.1 | 35.2 | N/A | 1.1 |
| 6 | 72.5 | 13.2 | 0 | 14.3 | N/A | 0 |
| 7 | 0 | 2.2 | 96.7 | 1.1 | N/A | 0 |
| 8 | 2.2 | 28.6 | 67.0 | 2.2 | N/A | 0 |
| 9 | 16.5 | 3.3 | 56.0 | 19.8 | N/A | 4.4 |
| 10 | 72.5 | 5.5 | 22.0 | 0 | N/A | 0 |
| 11 | 7.7 | 82.4 | 7.7 | 2.2 | N/A | 0 |
| 12 | 14.3 | 9.9 | 68.1 | 5.5 | N/A | 2.2 |
| 13 | 22.0 | 0 | 73.6 | 3.3 | N/A | 1.1 |
| 14 | 80.2 | 8.8 | 11.0 | 0 | N/A | 0 |
| 15 | 84.6 | 0 | 12.1 | 0 | N/A | 3.3 |
| 16 | 3.3 | 65.9 | 25.3 | 2.2 | N/A | 3.3 |

| <u>Item</u> | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> | <u>Miss</u> |
|-------------|-------------|-------------|-------------|-------------|----------|-------------|
| 17 | 19.8 | 1.1 | 78.0 | 0 | N/A | 1.1 |
| 18 | 89.0 | 6.6 | 2.2 | 2.2 | N/A | 0 |
| 19 | 2.2 | 33.0 | 5.5 | 58.2 | N/A | 1.1 |
| 20 | 8.8 | 5.5 | 6.6 | 78.0 | N/A | 1.1 |
| 21 | 37.4 | 19.8 | 17.6 | 23.1 | N/A | 2.2 |
| 22 | 1.1 | 9.9 | 8.8 | 79.1 | N/A | 1.1 |
| 23 | 5.5 | 2.2 | 91.2 | 1.1 | N/A | 0 |
| 24 | 78.0 | 4.4 | 0 | 16.5 | N/A | 1.1 |
| 25 | 5.5 | 3.3 | 6.6 | 83.5 | N/A | 1.1 |
| 26 | 64.8 | 6.6 | 5.5 | 22.0 | N/A | 1.1 |
| 27 | 28.6 | 38.5 | 18.7 | 13.2 | N/A | 0 |
| 28 | 69.2 | 19.8 | 2.2 | 7.7 | N/A | 1.1 |
| 29 | 2.2 | 4.4 | 6.6 | 84.6 | 1.1 | 1.1 |
| 30 | 57.1 | 16.5 | 2.2 | 9.9 | N/A | 14.3 |
| 31 | 8.8 | 3.3 | 63.7 | 23.1 | N/A | 1.1 |
| 32 | 15.4 | 42.9 | 25.3 | 15.4 | N/A | 1.1 |
| 33 | 2.2 | 2.2 | 93.4 | 2.2 | N/A | 0 |
| 34 | 41.8 | 13.2 | 3.3 | 40.7 | N/A | 1.1 |
| 35 | 23.1 | 8.8 | 54.9 | 7.7 | N/A | 5.5 |

| <u>Item</u> | <u>A</u> | <u>B</u> | <u>C</u> | <u>D</u> | <u>E</u> | <u>Miss</u> |
|-------------|-------------|-------------|-------------|----------|----------|-------------|
| 36 | 78.0 | 8.8 | 3.3 | 8.8 | N/A | 1.1 |
| 37 | 4.4 | 85.7 | 4.4 | 3.3 | N/A | 2.2 |
| 38 | 18.7 | 2.2 | 9.9 | 69.2 | N/A | 0 |
| 39 | 65.9 | 8.8 | 4.4 | 20.9 | N/A | 0 |
| 40 | 0 | 7.7 | 89.0 | 2.2 | N/A | 1.1 |

N=91

Table 15 provides an overview, in percentage format, of how respondents answered all 40 survey questions. Correct responses ranged from 96.7% on question #7, to a low of 8.8% correct on question #4. Question #7 highlighted the need for principals to know that the search standard of reasonable suspicion is mandatory before conducting a student search. Here, 88 out of 91 respondents knew the correct answer, which reflected a high degree of understanding by almost all respondents surveyed on this important aspect of school law related to search and seizure issues. By comparison, question #4 sought to determine if principals knew which item constituted a legal search. Here, principals had to know that the touching of a student by a sniff dog constitutes an intrusive search, whereas the sniffing of a student by a school official does not. In 32 out of 40 survey questions, the majority of respondents supported the correct answer choice.

Table 16 provides an analysis of correct responses by topic in percentage format. The analysis of data summarized and presented in table 16 showed that public school administrators were least knowledgeable (52%) in the area of “Vehicle Searches.” In addition, other deficient areas noted were “Searches Using Metal Detectors” (59%), “Drug Testing” (62%), “General Questions” (63%), and “School Security Officers, Police, and Sniff Dogs” (65%). Out of seven major topics on search and seizure issues, public school principals showed a lack of knowledge in five. Areas reflecting knowledge were “Locker Searches” (80%), and “Strip Searches” (84%).

Table 16

Percentage of Correct Answers by Topic

| Survey Questionnaire Topic | Percentage Correct: All Respondents | Percentage Correct: Respondents Who Met Cut Score | Percentage Correct: Respondents Who Failed to Achieve Cut Score |
|--|-------------------------------------|---|---|
| General Questions | 63% | 74% | 56% |
| Locker Searches | 80% | 96% | 70% |
| Vehicle Searches | 52% | 69% | 43% |
| Strip Searches | 84% | 96% | 78% |
| School Security Officers, Police, and Sniff Dogs | 65% | 76% | 59% |
| Searches Using Metal Detectors | 59% | 76% | 51% |
| Drug Testing | 62% | 77% | 54% |
| | N = 91 | N = 32 | N = 59 |

Table 17 shows a comparison of the ten highest survey scores with each respective respondent's number of school law courses taken and the number of school law conferences attended. Of the top ten scores, 60% of those respondents reported that they had taken two or more school law courses. Seventy percent of those respondents indicated that they had attended two or more school law conferences. The ten respondents who achieved the top ten scores took 16 school law courses and attended 21 school law conferences.

Table 17

Comparison of Highest Scores with School Law Courses

Taken and School Law Conferences Attended

| Total Score In Descending Order | Number of School Law Courses Taken | Number of School Law Conferences Attended |
|--|---|--|
| 36 | 2 | 0 |
| 35 | 1 | 2 |
| 34 | 2 | 1 |
| 34 | 2 | 3+ |
| 34 | 3+ | 3+ |
| 33 | 0 | 3+ |
| 33 | 1 | 1 |
| 33 | 2 | 3+ |
| 33 | 2 | 2 |
| 33 | 1 | 3+ |

Table 18 shows a comparison of the ten lowest survey scores with each respective respondent's number of school law courses taken and the number of school law conferences attended. Here, 50% of these respondents reported that they had taken two or more school law courses. Sixty percent of these respondents indicated that they had attended two or more school law conferences. The ten respondents who achieved the lowest ten scores took 14 school law courses and attended 15 school law conferences.

Table 18

Comparison of Lowest Scores with School Law Courses
Taken and School Law Conferences Attended

| Total Score In Ascending Order | Number of School Law Courses Taken | Number of School Law Conferences Attended |
|---|---|--|
| 11 | 2 | 2 |
| 15 | 1 | 0 |
| 16 | 2 | 2 |
| 17 | 1 | 0 |
| 17 | 1 | 3+ |
| 17 | 2 | 1 |
| 18 | 2 | 2 |
| 19 | 0 | 0 |
| 19 | 1 | 2 |
| 19 | 2 | 3+ |

Chapter 5

Summary, Conclusions, Recommendations, and Implications

This chapter provides a summary and discussion of the major findings of the study.

Implications for future research are also provided.

Summary of Findings

The 1960's were witness to many changes in our American society, including several profound changes in public education. By the end of the decade, the strong autocratic authority of the principal began to erode. In Tinker v. Des Moines Independent School District (1969), the U.S. Supreme Court maintained, for the first time, that students have constitutional rights.

Over the past two decades, public school officials across America have been forced to deal with increased school violence and the emergence of illegal drugs into our schools. The issue of school safety has become a topic of national concern. Today, parents continue to express their concern for safe schools. In the 30th Annual Phi Delta Kappa/Gallup Poll of the Public's Attitudes Toward the Public Schools, more than one third of the public school parents surveyed expressed fear for their child's physical safety at school (Rose & Gallup, 1998).

Faced with the serious responsibility of providing a safe and secure environment for learning, school administrators have had to resort to a number of interventions designed to maintain a safe learning environment for both students and teachers. In many schools today, school administrators require students to pass through metal detectors as a condition of entry. The use of sniff dogs to search student lockers is common in many high schools. In Veronia

School District 47J v. Acton (1995), the U.S. Supreme Court upheld the mandatory urinalysis of students participating in school athletic programs. Security guards are employed often in many secondary public schools to ensure student safety and to assist school administrators in matters of student discipline.

Although school administrators once were thought to act *in loco parentis*, the Supreme Court in New Jersey v. T.L.O. (1985) declared that school administrators are agents of the state. Due to the continued use of drugs by students, the continued presence of weapons in our schools, and our litigious society, student search and seizure issues now command a much higher priority than ever before.

This study was designed with two major purposes: (a) to determine the level of knowledge of search and seizure issues by Virginia principals, and (b) to determine if such knowledge reflects minimal competency as defined by an expert panel. In addition, the study was designed to determine if the knowledge of search and seizure issues by Virginia principals differed by level, and to determine each principal's legal perspective.

A 40-item questionnaire to investigate principals' knowledge of search and seizure issues in Virginia was developed for use in the study. The survey was validated for its content and refined for use by an expert panel of judges. Descriptive statistics and analysis of variance were used to analyze the data collected from the surveys.

Limitations

The conclusions, discussion, interpretations, and recommendations rising from this study

need to be considered in light of the following limitations:

1. This study was limited to the knowledge base of building administrators in the areas of search and seizure issues specifically addressed by the survey questions.
2. The conclusions and implications of this study were limited to search and seizure issues addressed by relevant case law, and case law applicable to search and seizure issues identified by the results of the survey. School board policy, school district practice, legislation, and case law in other states may be relevant or parallel to search and seizure issues and practices discussed in this study, but are beyond the purview of the study.
3. The questionnaire (the method of data collection) was based on the assumption that respondents answered truthfully. A further assumption was that the information provided was accurate based on the respondents' knowledge and that the questionnaire was completed by the appropriate personnel.
4. If a respondent failed to answer a particular question, the question was counted as incorrect.
5. The sample size for each of the levels (elementary, middle, and high school) was small. The return rate for each level was 27% (elementary), 52% (middle), and 56% (high school). The overall survey return rate was 37%.

Conclusions

In light of these limitations, the conclusions drawn from this study were as follows:

1. Research question #1 assessed the level of Virginia principals' knowledge regarding

search and seizure issues. Out of 40 questions surveyed, the mean score was 26. Scores ranged from a low of 11 to 36, with no respondent achieving all 40 correct responses. The mean score (26) equaled 65% of the total questions (40).

2. Research question #2 assessed whether public school principals in Virginia reflect minimal competency in their knowledge of law related to search and seizure issues in Virginia. Minimal competency was placed at a cut score of 29.3. Based upon the cut score, 59 respondents, or 64.8% did not meet the competency level, and 32 respondents, or 35.2% did meet the competency level. In summary, the results of data analysis indicated that a majority of public school principals surveyed (64.8%) failed to achieve the competency level in their knowledge of search and seizure issues.

3. Research question #3 assessed whether Virginia public school principals significantly differed by organizational level in their knowledge of law related to search and seizure issues. A one-way ANOVA, using the dependent variable of total score and the independent factor of school level, showed no significant difference ($p = .679$) among groups. In summary, the analysis of data indicated that Virginia public school principals, in their knowledge of law relating to search and seizure issues, did not differ significantly according to their assigned organizational level.

4. Research question #4 assessed the legal perspective of Virginia public school principals with regard to search and seizure issues. Analysis of data indicated that 92.3% of respondents favored pragmatism, a legal perspective favoring a more liberal interpretation of the United

States Constitution and the placement of societal needs above individual Fourth amendment protections. In contrast, only 1.1% favored the legal perspective of foundationalism, whose advocates favor a strict interpretation of the Constitution and the protection of individual Fourth amendment rights. Overwhelmingly, Virginia public school principals espoused pragmatic thinking in regard to the law related to search and seizure issues.

Discussion.

The predominant question of this study was whether public school principals in Virginia have minimal competency in their knowledge of the law related to search and seizure issues. Prior to this study, there had been little research on this topic nationally, and no research on this subject applicable solely to Virginia public schools.

Over the past 25 years, the subject of search and seizure issues has been researched by educators from several different perspectives. Three educators have researched the subject of search and seizure law as it applies to student rights (Bagby, 1976; Clark, 1990; Johnson, 1985). More often though, the research has focused on an analysis of the subject (Dunaway, 1985; Greene, 1980). Others have explored its legal implications and related issues for public schools (Brooks, 1987; Fon, 1985; Gettings, 1987; Watson, 1990).

In the last decade, a study was undertaken to survey the knowledge of Mississippi superintendents and high school principals and teachers on school law relating to student rights (Clark, 1990). Clark's study revealed serious deficiencies in educators' knowledge in a number of areas of school law: freedom of expression (speech/press), religion, corporal punishment,

special education, divorce/child custody, and search/seizure. The survey questionnaire offered 41 questions in total, with only four devoted to search and seizure issues. Of the 79 high school principals surveyed, 55 responded (70%). The individual scores for each question highlight the need for school administrators to gain additional competence in the area of school law related to search and seizure issues.

In a recent study (Bull, 1997), the comfort level of high school administrators was assessed with respect to the law of safe schools. This University of Northern Colorado study found that high school principals reported a relatively high level of comfort in search and seizure law when having to articulate a decision if challenged. The two exceptions were in the areas of sniff dogs and urine testing to discover drug possession. Although comfort level does not equate to professional competence, Bull's study suggests that the use of sniff dogs and drug testing are areas of continued uncertainty for school administrators.

With the continued proliferation of weapons on school grounds, the violent society in which we live, and the continued use of drugs by students, it is imperative that school administrators be competent in their knowledge of the law related to search and seizure issues. Issues related to search and seizure practices face all school administrators, regardless of organizational level. Although many search and seizure issues face middle and high school principals far more often than their colleagues at the elementary level, a working knowledge of these issues is important to administrators at all levels. Young people in our generation today behave differently than in past generations. Societal changes have been accompanied by changes in personal values and

perspectives. No longer can elementary principals dismiss the possibility that someone may bring weapons or drugs into our schools, or that an angry, frustrated parent might shoot a staff member. Then too, with divorce rates high, who can say that a separated father might not come to school with a gun to kidnap his own daughter or son? From my study, it was comforting to learn that school administrators' competence or incompetence associated with search and seizure issues is not characteristic of any particular school organizational level.

This study also revealed that the majority of Virginia public school principals support the legal perspective of pragmatism rather than foundationalism. Today, pragmatic thought is clearly evident in many news accounts about safe schools. One such report appeared in a Richmond, Virginia newspaper article on April 24, 1999. After uncovering a plot by two Manchester High School students to explode bombs in school, Dr. William C. Boshier, Jr., Superintendent of Chesterfield County Public Schools in Richmond, Virginia, stated: "We are going to protect the rights of everyone before we protect the rights of 'someone.' For too long we've been reversing that" (Bowes, 1999, p. A7). In agreement, public school principals in Virginia also believe that the need to provide a safe and secure educational environment outweighs individual student rights. Our legal system today strongly favors the efforts of those school administrators who promote learning through safe schools. Getting a solid education in a safe environment remains the focus of Virginia public school principals.

More than 200 years ago, our founding fathers objected to customs officials forcibly entering premises to search for prohibited goods. Today, that standard remains intact, despite pleas by

police officials due to increased dangers in searching for illegal drugs. In 1997, the Supreme Court in Richards v. Wisconsin (1997), refused to allow an exception for police officers searching for drugs to enter homes without knocking and announcing themselves. Legal opinion remains split on the subject, with some in favor of a no-knock warrant policy for police (Allegro, 1989), and others against such a policy in favor of Fourth Amendment rights (Garcia, 1993). According to Steven R. Shapiro, the National Legal Director for the American Civil Liberties Union, this ruling represents “an important statement by the Court that the war on drugs does not permit the police to suspend the Constitution” (“The ACLU Responds,” 1997, p. 1). Although pragmatic thinking was predominant among those administrators surveyed in this study, by no means has pragmatic thought usurped our individual rights guaranteed under the Constitution.

The prudent school administrator should be grounded in all facets of the law related to search and seizure issues in order to avoid costly litigation and unnecessary expense. Since most search and seizure issues are handled by school administrators rather than by instructional faculty, it is most important for principals and assistant principals to have a good understanding of the law related to student search and seizure. Teachers also need to have a thorough understanding of the law with respect to these timely issues in order to make better decisions, to safeguard their students, and to avoid costly litigation for themselves as well as for their school systems.

Recommendations for Practice

A knowledge of school law, with emphasis on search and seizure issues, is a necessity for all

educators today. The presence of drugs in our schools today, and the use of guns by students are striking reasons for educators to enhance their knowledge of search and seizure principles and procedures. Although many incidents go unreported or are downplayed by school systems in order to maintain a positive image in the public eye, numerous accounts of students possessing guns at schools across our nation reflect the seriousness of America's problem with weapons:

1. Camden, Delaware (May 27, 1998) - W. B. Simpson Elementary School. Two teenage students were arrested for pointing a gun at students and then at a staff member.
2. Hereford, Maryland (May 27, 1998) - Hereford Middle School. A 15-year old student was arrested for bringing a semiautomatic pistol to class. A loaded magazine was later found in the student's locker.
3. Memphis, Tennessee (May 22, 1998) - Newberry Elementary School. A 10-year old student pointed a loaded .25 caliber semiautomatic pistol at another student's head.
4. Springfield, Oregon (May 21, 1998) - Thurston High School. A 15-year old student killed two students and wounded 20 others in the school's cafeteria. Prior to coming to school on May 21st, the student had killed both parents at home. On the day before the shooting in the school cafeteria, the student had been suspended for bringing a loaded handgun to school.
5. Jonesboro, Arkansas (March 24, 1998) - Westside Middle School. Two middle school students shot and killed four students and a teacher, and wounded 10 other students in a shooting spree. The two male students were found with three rifles, seven handguns, and

more than 500 rounds of ammunition (“Guns in American Schools,” 1998).

Such incidents as these, and the massacre of 15 students at Columbine High School on April 20, 1999, in Littleton, Colorado remind everyone that safe schools are our highest priority. Then too, such tragedies renew the urgent need for more to be done to curb gun violence (Koch, 1999).

With the availability of various weapons and the proliferation of drugs in our society, no school system can claim that its schools are entirely safe. The “safe” schools are those led by administrators who monitor students continuously and train their staffs periodically on search and seizure issues. Although all school systems offer in-service training on various subjects during the school year, few systems offer training on issues pertaining to school law and search and seizure procedures. Why is this so? Many school systems believe that they operate “safe schools,” and as a result, they have no need to spend valuable staff training on these issues. Some systems believe that “since it hasn’t happened” equates to operating safe schools. Such thinking is erroneous. Then too, such training usually requires the expenditure of money because few personnel in-house are qualified to speak on this important topic. Unfortunately, there are many school systems in our state today which see no need to allocate funds for in-service programs on school law. During the analysis of data in this study, one elementary principal noted that she had not seen even one in-service program on school law in the 27 years she had been a school employee.

Table 16 in this study highlighted five major subject areas in this survey on search and seizure issues that received fewer correct responses from respondents than in other areas. These

subjects included vehicle searches (52%), searches using metal detectors (59%), drug testing (62%), general questions (63%), and school security officers/police/sniff dogs (65%). Such percentages reflect the need for greater study and understanding in these specific content areas. Although the two remaining content areas reflected higher levels of understanding by survey respondents (locker searches - 80%, and strip searches - 84%), all subject areas need greater study and understanding since no one subject area received a score of more than 84%.

The fact that Virginia public school principals knew the least about the subject of vehicle searches (52%) in this study, and the continued importation of weapons and drugs into our nation's schools suggest that this area needs immediate focus and attention by those who plan school law classes and educational conferences. Additionally, very few respondents displayed professional knowledge in the area of searches using metal detectors (59%). As more schools opt to install and use metal detectors to maintain safe schools, the need for training in this important aspect of search and seizure law will become more readily apparent. Unfortunately, many Virginia public school principals see little need to enhance their knowledge in the use of metal detectors until school safety demands this option.

The use of school security officers, police, and sniff dogs are all very important topics for school administrators faced with weapons and drugs in their schools. A strong knowledge in these areas is vital if principals are to maintain school safety. Since the results of this survey demonstrated low knowledge (65%) by principals, additional training here is critical.

Since a knowledge of search and seizure issues is so important to school security and to

school safety, mediocre results no higher than 84% underscore the serious need for further study in all content areas of school law related to search and seizure issues. Maintaining a safe and secure environment for learning demands that Virginia public school principals achieve a higher level of understanding than 84% in all search and seizure content areas.

Table 17 presented a comparison of the top ten highest survey scores along with the number of school law courses taken and the number of school law conferences attended. Similarly, table 18 presented a comparison of the lowest ten survey scores along with the number of school law courses taken and the number of school law conferences attended. An analysis of data in both tables indicated that the higher scores in table 17 were achieved by respondents who had taken more school law courses (16 v. 14), and by respondents who had attended more school law conferences (21 v. 14). This suggests that the higher number of school law courses taken and the higher number of school law conferences attended by Virginia public school principals may have a bearing on increased levels of knowledge by principals with respect to search and seizure issues. Courses in school law need to be taught from a “hands-on” perspective. Real life situations need to be presented to principals so they can internalize what is learned. Search and seizure issues need much discussion and role play in order to ready educators for the challenges that await them.

Since state certification requirements in Virginia require a course in school law for school principals, master’s programs in administration offer a course in school law. However, most undergraduate programs for those interested in teaching do not. Due to the confrontational

nature of many parents today, the use of drugs and weapons by students in school, and the litigious society in which we live, teachers need to have a strong understanding of school law, especially in the areas of search and seizure. How can we blame teachers for their lack of knowledge in these important areas if we do not provide them the necessary training? A course in school law should be offered to all who aspire to be teachers.

Educational conferences on school law are far and few between compared to those offered on other subjects. Table 10 from this survey showed that 18.7% of respondents never attended a professional conference on school law. Thus, almost 1 out of every 5 respondents surveyed never attended a school law conference during their careers. This data suggests a serious problem since a sound knowledge of school law is so pertinent to the role of school principal. School administrators today receive notices of conference offerings virtually every week of the year, but conference offerings on school law are seldom seen. The very fact that so few are received gives educators the perception that such conferences are unimportant as compared to the number received on other topics such as curriculum, assessment, standards of learning, technology, and instruction. Then too, some educators feel no need to attend school law conferences because they feel that their schools are safe from weapons and drugs. Such attitudes provoke a false sense of security.

Throughout the Commonwealth of Virginia today, the newly adopted Standards of Learning have required a great deal of attention on the part of educators in school systems and in colleges and in universities. Most clearly, the focus is on effective classroom instruction. Understandably,

teacher training programs will emphasize methodologies designed to enhance instructional effectiveness. However, the clamor to make schools safe must not be forgotten.

Implications

This study was undertaken to investigate the level of knowledge of school principals on search and seizure issues in Virginia public schools. The analysis of data reflected that almost two-thirds of those surveyed failed to meet a competency level established by an expert panel. The variable of school level had no bearing on achieving the competency level. Additionally, practically all school administrators surveyed believed in legal pragmatism rather than foundationalism.

The final results of this study suggest that many school administrators in Virginia public schools need additional training in the areas of school law related to search and seizure issues. This study also suggests that school administrators recognize the need to provide safe and secure schools even at the loss of certain individual student rights and freedoms.

Local school boards and division superintendents need to provide in-service programs periodically on school law, with emphasis on search and seizure issues. Both teachers and school administrators need to remain knowledgeable about these important issues in order to maintain safe and secure educational environments, and to prevent costly litigation against the school system as well as school employees. Colleges and universities also need to intensify offerings in school law, with emphasis on search and seizure issues and practices.

More recently, our legal system has supported the efforts of school administrators to

maintain a safe and secure learning environment for all. Although this has been accomplished with some erosion of student rights and freedoms for the common good, it is important not to forget that students still have constitutional rights as American citizens.

Recommendations for Future Study

Out of 246 survey questionnaires mailed, 37% or 91 usable questionnaires were returned. Although a higher return rate was desired, there were a number of principals who simply did not want to participate in the study. This may, in part, have been attributed to professional anxiety over a series of questions about a subject that many need to know more about. At a time of increased accountability in Virginia public schools, principals as a group are not anxious to expose themselves to a study designed to document knowledge or the lack thereof. Additional measures must be employed to gain larger return rates on survey questionnaires.

This study highlighted the need for additional course work in school law, both at the undergraduate and graduate levels. Virginia public school districts need to offer in-service training periodically to all administrators and teachers in order to update employees on search and seizure procedures. The Virginia Department of Education also needs to sponsor periodic seminars and to encourage individual school districts to offer more law related programs for professional development purposes.

Future research studies on search and seizure law should be focused on school division superintendents on a statewide basis, and later if possible, on the national level. Perhaps if division superintendents then realize the importance of school law as it relates to search and

seizure issues, public school divisions will schedule appropriate in-service training for all instructional and administrative school staff.

Additional research should be focused on the classroom teacher at all levels. Too often, the classroom teacher is dismissed as unimportant in search and seizure issues because principals typically handle such situations. However, all teachers should have a thorough understanding of school law. On many occasions, especially in small, rural school systems, a teacher is often appointed as the principal's designee while the principal is absent from the school building. Nevertheless, in all cases, teachers need to know about search and seizure issues in order to prevent costly mistakes from happening and to lessen the possibility of unwanted litigation.

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Appendix A
Draft Survey Questionnaire

- 1) To which setting is the doctrine of “in loco parentis” most applicable?
 - a) locker searches
 - b) *field trip searches*
 - c) vehicle searches
 - d) dragnet searches

- 2) If a school administrator goes beyond what is considered reasonable in a search and seizure case, the injured party may sue under . . .
 - a) *The Civil Rights Act of 1871.*
 - b) The Buckley Amendment.
 - c) Title IX of the Educational Amendments of 1972.
 - d) Improving America’s Schools Act.

- 3) With respect to student search and seizure issues, courts are making more decisions . . .
 - a) today favorable to students.
 - b) *today favorable to school authorities.*
 - c) today favorable to parents.
 - d) today without regard to any particular group.

- 4) What doctrine is best exemplified in the scenario presented below?

Scenario: A school administrator is walking through a student parking lot and sees a gun lying on the front seat of a locked car. The weapon is ultimately seized, and the driver

of the vehicle , an eighteen-year old student, is arrested after police are called to the scene by the school official.

a) Habeas Corpus

b) The Weeks Doctrine

c) In Loco Parentis

d) *Plain View*

5) Case law is divided on what constitutes a legal search. Which situation below demonstrates such a dilemma?

a) dog's sniffing of student automobiles in a school parking lot which is accessible to students throughout the school day.

b) school official's sniffing of a student.

c) dog's sniffing of student lockers.

d) *dog's sniffing of students.*

6) Generally, a sniff dog becomes a search method when . . .

a) the dog's reliability is well-established prior to actual use in school.

b) the dog sniffs a student's locker for contraband.

c) *the dog sniffs a student's person.*

d) the dog begins barking once contraband has been smelled.

7) Scenario: A high school principal suspects that someone in class is in possession of illegal drugs. The principal orders each student in the class to empty all pockets, book bags,

and purses/wallets. Which statement typically is true in Virginia public schools?

a) *Case law does not support this "sweep search" because it fails to meet the "reasonableness test."*

b) Case law supports the principal's actions here due to the doctrine of "In Loco Parentis."

c) Case law protects school principals from personal liability even when the school official acts with ignorance or a disregard for the law.

d) Case law protects school principals from criminal prosecution in such cases due to the doctrine of "Sovereign Immunity."

8) In order to conduct a student search, which item below is mandatory for a principal?

a) Parental permission.

b) Student consent.

c) *Reasonable suspicion.*

d) Having a law enforcement official present.

9) If a principal initiates a search of a student's locker for drugs and later summons police to school, the prevailing legal standard required for the principal's search is . . .

a) "In Loco Parentis."

b) "Probable Cause."

c) *"Reasonable Suspicion."*

d) "Sovereign Immunity."

10) In its landmark decision on search and seizure issues, the United States Supreme Court ruled

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

- a) *that school officials are agents of the state.*
- b) that students have no privacy rights.
- c) that “probable cause” is the prevailing standard for school officials to search students.
- d) that “in loco parentis” is the prevailing standard for school officials to search students.

11) Which of the following actions would be most likely upheld in a court of law?

- a) *As a condition of participation in school sports, a student is required to submit to drug testing.*
- b) A student who is suspected of truancy is required to submit to a urinalysis at school.
- c) The random drug testing of all students in school.
- d) As a condition of high school registration and in order to lessen a growing drug problem, a new student is required to submit to a urinalysis.

12) Which one of the following actions would be least likely upheld in a court of law?

- a) A high school student informed the principal that John was carrying a small gun. The principal then ushered John into the school office and made him empty his book bag.
- b) *A male high school student who was suspected of stealing five dollars from another student was stripped and searched by Mr. Sims, the principal, in the privacy of his office.*
- c) A high school student named Harry, while riding in a school bus on a twelfth grade class field trip, was seen with a small amount of marijuana by others in the rear of the school bus. Several students approached one of the teachers on the bus and reported to her what they had

seen. One of the teachers on board investigated. Upon questioning by the teacher, Harry admitted that he did have a small amount of marijuana in his lunch bag. After arriving back at school, the incident was reported and the police were called to Harry's school. Harry admitted his guilt and was arrested. Harry was later expelled from school after it became clear that he had sold marijuana to a number of students over a period of eight weeks.

d) An assistant principal employed by a public school system in Virginia entered a boys' bathroom at a high school because he smelled smoke. One student in the bathroom who admitted smoking, attempted to enter a stall while fidgeting with his pockets. The administrator then patted down the student's pocket and retrieved three packets of cocaine. The student was taken promptly to the principal's office and placed under arrest by law enforcement officials.

13) The "Exclusionary Rule" means that . . .

a) contraband in sight may be seized without a formal search warrant.

b) contraband in sight may be seized without establishing reasonable suspicion.

c) *contraband seized illegally may not be used as evidence in a court of law.*

d) contraband seized illegally may not be retained by law enforcement officials.

14) If a law enforcement official initiates the search of a student's closed locker, the legal standard is . . .

a) *reasonable suspicion*.

b) in loco parentis.

c) probable cause.

d) plain view.

15) If a principal initiates the search of a student's closed locker, the legal standard is . . .

a) *reasonable suspicion*.

b) in loco parentis.

c) probable cause.

d) plain view.

16) For Fourth Amendment challenges to locker searches, most courts would require of school administrators . . .

a) *reasonable suspicion*.

b) in loco parentis.

c) probable cause.

d) plain view

17) In order to meet the "reasonableness standard," the United States Supreme Court in New Jersey v. T. L. O. ruled that a search must be "justified at its inception" and that . . .

a) "prior notice must be given before any student search is undertaken."

b) "*measures adopted must be reasonably related to the objectives of the search.*"

c) "probable cause must be present before any student search is undertaken."

d) “probable cause must always outweigh individual privacy rights.”

18) With regard to student search and seizure from the perspective of most federal courts, a school security officer can be likened to:

a) a principal.

b) a parent.

c) *a law enforcement official.*

d) a custodian.

19) When illegal drugs are suspected in a student’s possession, a school security officer should:

a) *assist the school administrator in conducting the student search.*

b) summon a law enforcement official to the scene to search the student’s locker.

c) conduct a routine strip search of the student in the presence of an additional staff member.

d) notify the student’s parents of the school’s intent to use sniff dogs in a locker search.

20) The major legal concern facing school officials who use metal detectors as a condition for entering school is:

a) the absence of parental permission.

b) the absence of trained employees to run the sensitive equipment.

c) the absence of trained law enforcement officials.

d) *the absence of individualized suspicion.*

21) If a school system decides to use metal detectors as a precondition for entering school, which item below is essential to initiate such a program?

- a) A request to do so must first be approved by the Virginia Department of Education.
- b) Approval must first be obtained from local law enforcement.
- c) The school system must first obtain permission from a majority of parents whose children attend the school.
- d) *The school system must first demonstrate that there is a danger to the safety and the security of the school.*

22) Most critics of metal detectors in schools argue that . . .

- a) metal detectors constitute an intrusive search.
- b) *students do not have the option to terminate this type search as adults do at airports.*
- c) metal detectors often give out false readings.
- d) such a search is usually worthless against drug offenders.

23) The use of metal detectors in schools is . . .

- a) illegal except in cases of court order.
- b) a search under the Fourth Amendment.
- c) *minimally intrusive.*
- d) sanctioned only when individualized suspicion is evident.

24) Among the student searches listed below, which search is most likely to be the most difficult for a male principal to defend in a court of law?

- a) The removal of a male student's jeans when suspecting a student of carrying illegal drugs.
- b) The visual body cavity search of a male student when suspecting a student of carrying

illegal drugs.

c) *The manual body cavity search of a male student when suspecting a student of carrying illegal drugs.*

d) Requesting a male student to empty the contents of his jean pockets on a table when suspecting a student of carrying illegal drugs.

25) Several courts have upheld student strip searches when . . .

a) *there were multiple sources of reliable and substantive evidence supporting the actions taken by the principal.*

b) groups of students were asked to remove their clothing during a search for illegal drugs.

c) student personal property was stolen at school by more than one thief.

d) such action by the principal was recommended by local law enforcement officials.

26) When student strip searches have been upheld, such cases have been . . .

a) those in which students were pressured to offer their consent.

b) related to the theft of school property.

c) related to the theft of personal property.

d) *related to drug use.*

27) The use of sniff dogs to search for illegal drugs outside school lockers is sanctioned because:

a) *student lockers are school property and are inanimate objects.*

b) principals act “in loco parentis” with respect to student lockers.

- c) The reliability of sniff dogs is always high.
- d) The sniffing of student lockers by police dogs bears a relatively low degree of intrusiveness.

28) In United States v. Place (1983), the Supreme Court held that . . .

- a) the sniffing of a student's locker by a trained "sniff dog" does constitute a legal search under the Fourth Amendment.
- b) the sniffing of a student's locker by a trained "sniff dog" does not constitute a legal search under the Fourth Amendment.
- c) *the sniffing of a person's luggage by a trained narcotics detection dog does not constitute a search under the Fourth Amendment.*
- d) the sniffing of a person's luggage by a trained narcotics detection dog does constitute a search under the Fourth Amendment.

29) In a student vehicle search on school property, which item below would be of least importance to the trial court?

- a) The location where the vehicle was parked at the time of the search.
- b) The student's expectation of privacy in his vehicle at school.
- c) *The doctrine of "in loco parentis."*
- d) The location of the contraband found in the student's car.

30) Student vehicle searches by school officials require . . .

- a) *reasonable suspicion.*

- b) probable cause.
- c) sovereign immunity.
- d) a search warrant in all cases.

31) The legality of luggage searches on school field trips appears dependent on a number of factors. Which one factor below does not belong in this grouping?

- a) The school has published guidelines for the student field trip.
- b) Participating students will receive guidelines for the field trip prior to departure.
- c) Student searches on the field trip will be limited in scope.
- d) *There are several parents on the trip serving as chaperones.*
- e) If a search is conducted on the field trip, its purpose will be to confiscate any potentially dangerous items.

32) In Veronia School District 47J v. Acton (1995), the United States Supreme Court heard a case dealing with drug testing. The Court held that . . .

- a) *the mandatory drug testing of all students wishing to participate in school sports is constitutional.*
- b) the mandatory drug testing of all teacher applicants is constitutional.
- c) the mandatory drug testing of all students in school as a condition of attendance is constitutional.
- d) the mandatory drug testing of all school maintenance personnel is constitutional.

33) Which group enjoys the lowest expectation of privacy?

- a) A physical education teacher.
- b) A school custodian.
- c) *A student athlete.*
- d) A parent volunteer in a school.

34) To which scenario is the standard of “probable cause” not applicable?

- a) A principal conducts a student search at the request of local law enforcement.
- b) *A principal receives assistance from local law enforcement in searching the school for a bomb.*
- c) Police officials request to be present and direct search activities at school.
- d) Police officials conduct a strip search of a student suspected of carrying illegal drugs.

35) In which scenario below is a search warrant required?

- a) Suspecting that a bomb is planted in the glove compartment of a student’s parked car, the principal smashes the car’s windshield to gain entry.
- b) After receiving a tip from an anonymous person that John Jones has marijuana in his school locker, the principal conducts a thorough search of the suspect’s locker.
- c) *An 18-year old high school student, who is suspected of drug distribution, denies police permission to enter his trailer. The police proceed to search the premises anyway.*
- d) Police initiate a canine search of a student’s closed desk at John B. Tyler High School.

36) In which scenario does a principal act as an agent of the state and “in loco parentis?”

- a) The search of a student’s locker at school.

- b) The search of a student's desk at school.
- c) The search of a student's automobile parked behind the school's gym.
- d) *The search of a student's luggage on a school field trip.*

37) Which item below does not relate to student vehicle searches on school property by the principal?

- a) The reasonableness test.
- b) Plain view.
- c) Reasonable suspicion.
- d) *Probable cause.*

38) Drug testing in public schools has caused much attention over the past few years. What method below is the most controversial used in public schools?

- a) Blood test.
- b) Administration of a breathalyzer.
- c) *Urinalysis.*
- d) Stool sample.

39) With regard for the law, the prudent school administrator must be mindful that student drug testing must be reasonable in a number of areas. Which area listed below does not belong in the grouping presented?

- a) intensity
- b) duration

c) *consent*

d) *scope*

40) Since many jurisdictions today are split on the prevailing legal standard required of school security officers to conduct a student search, public school board policies generally require school security officers to:

a) *detain a student until a search may be conducted by the principal.*

b) initiate the student search until the principal arrives on the scene.

c) obtain a search warrant before conducting a locker search.

d) telephone local law enforcement to perform the student search.

41) If a school board adopts a locker policy retaining ownership and possessory control of student lockers, and gives notice of that policy to all students, the school has . . .

a) attempted, although unsuccessfully, to facilitate locker searches by the principal.

b) *in effect, limited the scope of each student's reasonable expectation of privacy in lockers.*

c) actually made it more difficult for law enforcement personnel to initiate student locker searches.

d) actually made it more difficult for school security guards to initiate student locker searches.

42) If a student wanted to hide contraband at school, which place might be selected as the most safe legally?

a) Gym locker.

- b) Classroom desk.
 - c) Locker in the back hall.
 - d) *Pocket of jeans.*
- 43) Of the student searches listed below, which one remains undecided by our Virginia courts?
- a) *Student luggage associated with school field trips.*
 - b) Student locker searches.
 - c) Vehicle searches of student cars parked on school grounds.
 - d) Mass searches of students in classrooms.
- 44) A main reason school officials often do not involve the police too heavily in student searches is:
- a) *their presence often heightens the legal standard for initiating a student search.*
 - b) their presence nullifies the principal's ability to act "in loco parentis" when it is necessary to conduct a student search.
 - c) police officials tend to dominate all situations.
 - d) police involvement often delays the administrator's ability to search quickly when necessary.
- 45) If a law enforcement official is present at school for "Career Day" and sees a student leaving the school parking lot with a gun on its dashboard, he . . .
- a) could do nothing since the he was "off duty" at the time.
 - b) could act, if and only if , the principal chose to do so.

c) *could follow the student in his patrol car and order him to pull off the road.*

d) could only report what he saw to the school principal for investigation the next school day.

Appendix B

Correspondence Accompanying Questionnaires

Principal

Dear

As a doctoral candidate at the College of William and Mary and an elementary principal for Goochland County Public Schools, I am conducting a study investigating principals' knowledge of law related to search and seizure issues in Virginia. The survey is designed to collect (a) demographic information and (b) information as to the knowledge of law related to search and seizure issues in Virginia public schools.

Although I realize that your school year ends in June, I would appreciate your valuable time in completing the enclosed questionnaire which will take only twenty minutes to complete. Only the answer sheet should be returned to me in the enclosed stamped, self-addressed envelope within ten days. Confidentiality of responses will be maintained and no data will be reported in a manner which enables the identification of the individual or the school. A summary of survey results will be provided to you at your request.

Thank you for taking time from your busy schedule to give attention to this request. The topic surveyed is of vital interest to school administrators, and for that reason, I hope that you will benefit from your participation. If you have any questions regarding the survey, please contact me at (804) 273-9949 (home) or (804) 556-5380 (work). You may also contact my advisor, Dr. James Stronge, at (757) 221-2339 (The College of William and Mary). Again, thank you in advance for your assistance with this project.

Sincerely,

Nicholas E. Kalafatis
Doctoral Candidate

Enclosures

Principal Follow-Up

Dear

Recently I wrote to you asking you to complete a questionnaire on principals' knowledge of law related to search and seizure issues in Virginia. Since the school year has just come to a close, I hope you may now find time to complete this questionnaire. Data from your school will help me to ensure the completeness of survey results. If you have not yet returned the answer sheet in the self-addressed, stamped envelope provided, please do so as soon as possible.

Search and seizure issues are often in the news, and your assistance by returning the completed answer sheet will be most appreciated. Please be assured that all responses will be treated in a confidential manner, and no data will be reported in a manner which enables the identification of the individual or the school.

I realize that this is a busy time of year for you, but I hope you will take a few minutes to assist me in this important endeavor. I will be most happy to provide you with a copy of survey results at your request.

If you have any questions regarding this survey, please do not hesitate to contact me at 804-556-5380 (Byrd Elementary School, Goochland, Virginia) or at 804-273-9949 (home). Thank you so very much for your time and assistance with this project.

Sincerely,

Nicholas E. Kalafatis
Doctoral Candidate

PRINCIPALS KNOWLEDGE OF LAW RELATED
TO SEARCH AND SEIZURE ISSUES

The purpose of this survey is to learn about principals' knowledge of law related to search and seizure issues. Please take a few minutes of your time to respond to the survey questions below and return the survey and blue answer sheet in the enclosed envelope by June 12, 1998. Please call Nick Kalafatis at (804) 273-9949 if you have any questions about the survey.

Part I: Demographics

Before beginning the survey questions, please answer a few questions about you and your school. Locate the '**Demographics**' section on the front of the blue answer sheet. In each column, write the letter indicating your answer in the box under the question and then fill in the corresponding answer in the space provided. Use only a No. 2 pencil. In case you need to change an answer, please erase completely all previous responses.

Demographics:

- 1) Your current position is . . .
 - a) principal
 - b) assistant principal
- 2) Your work setting is . . .
 - a) Elementary
 - b) Middle
 - c) Senior High
- 3) Number of years you have been in your present position:
 - a) 0 to 4 years
 - b) 5 to 9 years

- c) 10 to 14 years
 - d) 15 to 19 years
 - e) 20 or more years
- 4) What is the highest degree you have earned?
- a) undergraduate level (B.A. or B.S.)
 - b) master's
 - c) educational specialist
 - d) doctorate
- 5) How many graduate courses on school law have you completed?
- a) 0
 - b) 1
 - c) 2
 - d) 3 or more
- 6) How many professional conferences on school law have you attended?
- a) 0
 - b) 1
 - c) 2
 - d) 3 or more

Part II: Survey on Search and Seizure Issues

Mark your answer by filling in completely the corresponding blue answer sheet beginning with number 1. **Use only a No. 2 pencil.** Erase all stray marks. Please do not refer to any authoritative sources to answer these questions.

Survey on Search and Seizure Issues:

- 1) If a school administrator goes beyond what is considered reasonable in a search and seizure case, the injured party may sue under . . .
 - a) The Fourth Amendment.
 - b) The Buckley Amendment.
 - c) Title IX of the Educational Amendments of 1972.
 - d) Improving America's Schools Act.
- 2) With respect to student search and seizure issues, courts are making more decisions . . .
 - a) today favorable to students.
 - b) today favorable to school authorities.
 - c) today favorable to parents.
 - d) today without regard to any particular group.
- 3) What doctrine is *best* exemplified in the scenario presented below?

Scenario: A school administrator is walking through a student parking lot and sees a gun lying on the front seat of a locked car. The weapon is ultimately seized, and the driver of the vehicle, an eighteen year-old student, is arrested after police are called to the scene by the school official.

- a) Habeas Corpus
 - b) The Weeks Doctrine
 - c) In Loco Parentis
 - d) Plain View
- 4) Case law is divided on what constitutes a legal search. Which of the following situations constitutes a legal search?
- a) dog's sniffing of student automobiles in a school parking lot which is accessible to students throughout the school day.
 - b) school official's sniffing of a student.
 - c) dog's sniffing of student lockers.
 - d) dog's sniffing of students.
- 5) Generally, a sniff dog becomes a search when . . .
- a) the dog's reliability is well-established prior to actual use in school.
 - b) the dog sniffs a student's locker for contraband.
 - c) the dog sniffs a student's person.
 - d) the dog begins barking once contraband has been smelled.
- 6) Scenario: A high school principal suspects that someone in a class is in possession of illegal drugs. The principal orders each student in the class to empty all pockets, book bags, and purses/wallets.

Which statement typically is true in Virginia public schools?

- a) Case law does not support this "sweep search" because it fails to meet the

“reasonableness test” due to lack of individualized suspicion.

b) Case law supports the principal’s actions here due to the doctrine of “In Loco Parentis.”

c) Case law protects school principals from personal liability even when the school official acts with ignorance or a disregard for the law.

d) Case law protects school principals from criminal prosecution in such cases due to the doctrine of “Sovereign Immunity.”

7) In order to conduct a student search, which item below is mandatory for a principal?

a) Parental permission.

b) Student consent.

c) Reasonable suspicion.

d) Having a law enforcement official present.

8) If a principal initiates a search of a student’s locker for drugs and later summons police to school, the prevailing legal standard required for the principal’s search is . . .

a) “In Loco Parentis.”

b) “Probable Cause.”

c) “Reasonable Suspicion.”

d) “Sovereign Immunity.”

9) In its landmark decision on search and seizure issues, the United States Supreme Court ruled in New Jersey v. T. L. O. (1985):

a) that school officials are agents of the state.

b) that students have no privacy rights.

c) that “probable cause” is the prevailing standard for school officials to search students.

d) that “in loco parentis” is the prevailing standard for school officials to search students.

10) Which of the following actions would be most likely upheld in a court of law?

a) As a condition of participation in school sports, a student is required to submit to drug testing.

b) A student who is suspected of truancy is required to submit to a urinalysis at school.

c) The random drug testing of all students in school.

d) As a condition of high school registration and in order to lessen a growing drug problem, a new student is required to submit to a urinalysis.

11) Which one of the following actions would be least likely upheld in a court of law?

a) A high school student informs the principal that John is carrying a small gun. The principal then ushers John into the school office and makes him empty his book bag.

b) A male high school student who is suspected of stealing five dollars from another student is stripped and searched by Mr. Sims, the principal, in the privacy of his office.

c) A high school student named Harry, while riding in a school bus on a twelfth grade class field trip, is seen with a small amount of marijuana by others in the rear of the school bus. Several students approach one of the teachers on the bus and report to her what they had seen. One of the teachers on board investigates. Upon prolonged questioning by the teacher, Harry admits that he does have a small amount of marijuana in his lunch bag.

After arriving back at school, the incident is reported and the police are called to Harry's school. Harry admits his guilt and is arrested.

- d) An assistant principal, employed by a public school system in Virginia, enters a boys' bathroom at a high school because he smells smoke. One student in the bathroom who admits to smoking, attempts to enter a stall while fidgeting with his pockets. The administrator then pats down the student's pockets and retrieves three packets of cocaine. The student is taken promptly to the principal's office and is placed under arrest by law enforcement officials.

12) The "Exclusionary Rule" means that . . .

- a) contraband in sight may be seized without a formal search warrant.
- b) contraband in sight may be seized without establishing reasonable suspicion.
- c) contraband seized illegally may not be used as evidence in a court of law.
- d) contraband seized illegally may not be retained by law enforcement officials.

13) If a law enforcement official initiates the search of a student's closed locker, the legal standard is . . .

- a) reasonable suspicion.
- b) in loco parentis.
- c) probable cause.
- d) plain view.

14) If a principal official initiates the search of a student's closed locker, the legal standard is . . .

- a) reasonable suspicion.
- b) in loco parentis.
- c) probable cause.
- d) plain view.

15) For Fourth Amendment challenges to locker searches, most courts would require of school administrators . . .

- a) reasonable suspicion.
- b) in loco parentis.
- c) probable cause.
- d) plain view.

16) In order to meet the “reasonableness standard,” the United States Supreme Court in New Jersey v. T. L. O. ruled that a search must be “justified at its inception” and that . . .

- a) “prior notice must be given before any student search is undertaken.”
- b) “measures adopted must be reasonably related to the objectives of the search.”
- c) “probable cause must be present before any student search is undertaken.”
- d) “probable cause must always outweigh individual privacy rights.”

17) When a security guard is employed by the local police and placed in the school under the partial direction of the principal, searches by the school security guard can be likened to:

- a) a principal.
- b) a parent.

- c) a law enforcement official.
 - d) a custodian.
- 18) When illegal drugs are suspected in a student's possession, a school security officer should:
- a) assist the school administrator in conducting the student search.
 - b) summon a law enforcement official to the scene to search the student's locker.
 - c) conduct a routine strip search of the student in the presence of an additional staff member.
 - d) notify the student's parents of the school's intent to use sniff dogs in a locker search.
- 19) The major legal concern facing school officials who use metal detectors as a condition for entering school is:
- a) the absence of parental permission.
 - b) the absence of trained employees to run the sensitive equipment.
 - c) the absence of trained law enforcement officials.
 - d) the absence of individualized suspicion.
- 20) If a school system decides to use metal detectors as a precondition for entering school, which item below is essential to initiate such a program?
- a) A request to do so must first be approved by the Virginia Department of Education.
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security of the school.

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- a) metal detectors constitute an intrusive search.
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- c) metal detectors often give out false readings.
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22) The use of metal detectors in schools is . . .

- a) illegal except in cases of court order.
- b) an example of “in loco parentis.”
- c) sanctioned only when individualized suspicion is evident.
- d) minimally intrusive.

23) Among the student searches listed below, which search is most likely to be the most difficult for a male principal to defend in a court of law?

- a) The removal of a male student’s jeans when suspecting a student of carrying illegal drugs.
- b) Requesting a female student to empty the contents of her jean pockets on a table when suspecting a student of carrying illegal drugs.
- c) The manual body cavity search of a male student when suspecting a student of carrying illegal drugs.
- d) Requesting a male student to empty the contents of his jean pockets on a table when suspecting a student of carrying illegal drugs.

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- a) there were multiple sources of reliable and substantive evidence supporting the actions taken by the principal.
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- c) The doctrine of "in loco parentis."
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b) duration

c) consent

d) scope

36) Since many jurisdictions today are split on the prevailing legal standard required of school security officers to conduct a student search, public school board policies generally require school security officers, whose salaries are paid by the school, to:

- a) detain a student until a search may be conducted by the principal.
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- d) actually made it more difficult for school security guards to initiate student locker searches.

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 - c) could follow the student in his patrol car and order him to pull off the road.
 - d) could only report what he saw to the school principal for investigation the next school day.

Answer Sheet

Part I: Demographics:

Legal Perspective (Choose 1 ONLY!)

_____ 1.

_____ 2.

_____ 3.

_____ 4.

_____ 5.

_____ 6.

_____ **Foundationalism** (belief that locker searches, dog searches, student searches, student drug testing, and like measures infringe upon the individual rights of students as guaranteed under the Constitution).

_____ **Pragmatism** (belief that search methods as described above are necessary and lawful due to the principal's primary responsibility to provide a safe and secure educational environment for all).

Part II: Survey on Search and Seizure Issues:

_____ 1. _____ 11. _____ 21. _____ 31.

_____ 2. _____ 12. _____ 22. _____ 32.

_____ 3. _____ 13. _____ 23. _____ 33.

_____ 4. _____ 14. _____ 24. _____ 34.

_____ 5. _____ 15. _____ 25. _____ 35.

_____ 6. _____ 16. _____ 26. _____ 36.

_____ 7. _____ 17. _____ 27. _____ 37.

_____ 8. _____ 18. _____ 28. _____ 38.

_____ 9. _____ 19. _____ 29. _____ 39.

_____ 10. _____ 20. _____ 30. _____ 40.

NOTE: Place any comments you may have, if any, on the back of this answer sheet. RETURN ONLY THIS FORM IN THE ENVELOPE PROVIDED (you keep the questionnaire).

Answer Sheet

- 1) A
- 2) B
- 3) D
- 4) D
- 5) C
- 6) A
- 7) C
- 8) C
- 9) A
- 10) A
- 11) B
- 12) C
- 13) C
- 14) A
- 15) A
- 16) B
- 17) C
- 18) A
- 19) D
- 20) D
- 21) B
- 22) D
- 23) C
- 24) A
- 25) D
- 26) A
- 27) C
- 28) A
- 29) D
- 30) A
- 31) C
- 32) B
- 33) C
- 34) D
- 35) C
- 36) A
- 37) B
- 38) A
- 39) A
- 40) C

Appendix C

Frequency of Responses by Item

Question 1: If a school administrator goes beyond what is considered reasonable in a search and seizure case, the injured party may sue under . . .

| Category | A | B | C | D | Missing |
|--------------|-------------|-----|-----|---|---------|
| General Info | 92.3 | 1.1 | 2.2 | 0 | 4.4 |

Question 2: With respect to student search and seizure issues, courts are making more decisions . . .

| Category | A | B | C | D | Missing |
|--------------|------|-------------|---|------|---------|
| General Info | 17.6 | 64.8 | 0 | 16.5 | 1.1 |

Question 6: Scenario: A high school principal suspects that someone in a class is in possession of illegal drugs. The principal orders each student in the class to empty all pockets, book bags, and purses/wallets. Which statement typically is true in Virginia public schools?

| Category | A | B | C | D | Missing |
|--------------|-------------|------|---|------|---------|
| General Info | 72.5 | 13.2 | 0 | 14.3 | 0 |

Question 7: In order to conduct a student search, which item below is mandatory for a

principal?

| Category | A | B | C | D | Missing |
|--------------|---|-----|------|-----|---------|
| General Info | 0 | 2.2 | 96.7 | 1.1 | 0 |

Question 9: In its landmark decision on search and seizure issues, the United States Supreme Court ruled in New Jersey v. T. L. O. (1985):

| Category | A | B | C | D | Missing |
|--------------|------|-----|------|------|---------|
| General Info | 16.5 | 3.3 | 56.0 | 19.8 | 4.4 |

Question 12: “The Exclusionary Rule” means that . . .

| Category | A | B | C | D | Missing |
|--------------|------|-----|------|-----|---------|
| General Info | 14.3 | 9.9 | 68.1 | 5.5 | 2.2 |

Question 16: In order to meet the “reasonableness standard,” the United States Supreme Court in New Jersey v. T. L. O. ruled that a search must be “justified at its inception” and that . . .

| Category | A | B | C | D | Missing |
|--------------|-----|------|------|-----|---------|
| General Info | 3.3 | 65.9 | 25.3 | 2.2 | 3.3 |

Question 29: The legality of luggage searches on school field trips appears dependent on a number of factors. Which one factor below does not belong in this grouping?

| Category | A | B | C | D | E | Missing |
|-----------|-----|-----|-----|-------------|-----|---------|
| Gen. Info | 2.2 | 4.4 | 6.6 | 84.6 | 1.1 | 1.1 |

Question 32: To which scenario is the standard of “probable cause” not applicable?

| Category | A | B | C | D | Missing |
|--------------|------|-------------|------|------|---------|
| General Info | 15.4 | 42.9 | 25.3 | 15.4 | 1.1 |

Question 38: Of the student searches listed below, which one remains undecided by our Virginia courts?

| Category | A | B | C | D | Missing |
|--------------|-------------|-----|-----|------|---------|
| General Info | 18.7 | 2.2 | 9.9 | 69.2 | 0 |

Question 8: If a principal initiates a search of a student’s locker for drugs and later summons police to school, the prevailing legal standard required for the principal’s search is . . .

| Category | A | B | C | D | Missing |
|-----------------|-----|------|------|-----|---------|
| Locker Searches | 2.2 | 28.6 | 67.0 | 2.2 | 0 |

Question 14: If a principal official initiates the search of a student's closed locker, the legal standard is . . .

| Category | A | B | C | D | Missing |
|-----------------|------|-----|------|---|---------|
| Locker Searches | 80.2 | 8.8 | 11.0 | 0 | 0 |

Question 15: For Fourth Amendment challenges to locker searches, most courts would require of school administrators . . .

| Category | A | B | C | D | Missing |
|-----------------|------|---|------|---|---------|
| Locker Searches | 84.6 | 0 | 12.1 | 0 | 3.3 |

Question 37: If a school board adopts a locker policy retaining ownership and possessory control of student lockers, and gives notice of that policy to all students, the school has . . .

| Category | A | B | C | D | Missing |
|-----------------|-----|-------------|-----|-----|---------|
| Locker Searches | 4.4 | 85.7 | 4.4 | 3.3 | 2.2 |

Question 3: What doctrine is *best* exemplified in the scenario presented below?

Scenario: A school administrator is walking through a student parking lot and sees a gun lying on the front seat of a locked car. The weapon is ultimately seized, and the driver of the vehicle, an eighteen year-old student, is arrested after police are called to the scene by the school official.

| Category | A | B | C | D | Missing |
|------------------|-----|-----|------|-------------|---------|
| Vehicle Searches | 4.4 | 1.1 | 15.4 | 78.0 | 1.1 |

Question 27: In a student vehicle search on school property, which item below would be of least importance to the trial court?

| Category | A | B | C | D | Missing |
|------------------|------|------|-------------|------|---------|
| Vehicle Searches | 28.6 | 38.5 | 18.7 | 13.2 | 0 |

Question 28: Student vehicle searches by school officials require . . .

| Category | A | B | C | D | Missing |
|------------------|------|------|-----|-----|---------|
| Vehicle Searches | 69.2 | 19.8 | 2.2 | 7.7 | 1.1 |

Question 34: Which item below does not relate to student vehicle searches on school property by the principal?

| Category | A | B | C | D | Missing |
|------------------|------|------|-----|------|---------|
| Vehicle Searches | 41.8 | 13.2 | 3.3 | 40.7 | 1.1 |

Question 11: Which one of the following actions would be least likely upheld in a court of law?

| Category | A | B | C | D | Missing |
|----------------|-----|------|-----|-----|---------|
| Strip Searches | 7.7 | 82.4 | 7.7 | 2.2 | 0 |

Question 23: Among the student searches listed below, which search is most likely to be the most difficult for a male principal to defend in a court of law?

| Category | A | B | C | D | Missing |
|----------------|-----|-----|-------------|-----|---------|
| Strip Searches | 5.5 | 2.2 | 91.2 | 1.1 | 0 |

Question 24: Several courts have upheld student strip searches when . . .

| Category | A | B | C | D | Missing |
|----------------|-------------|-----|---|------|---------|
| Strip Searches | 78.0 | 4.4 | 0 | 16.5 | 1.1 |

Question 25: When student strip searches have been upheld, such cases have been . . .

| Category | A | B | C | D | Missing |
|----------------|-----|-----|-----|-------------|---------|
| Strip Searches | 5.5 | 3.3 | 6.6 | 83.5 | 1.1 |

Question 4: Case law is divided on what constitutes a legal search. Which of the following situations constitutes a legal search?

| Category | A | B | C | D | Missing |
|--|------|-----|------|------------|---------|
| Searches by School Security Officers/ Police/ Sniff Dogs | 24.2 | 9.9 | 57.1 | 8.8 | 0 |

Question 5: Generally, a sniff dog becomes a search when . . .

| Category | A | B | C | D | Missing |
|--|------|------|-------------|------|---------|
| Searches by School Security Officers/ Police/ Sniff Dogs | 19.8 | 31.9 | 12.1 | 35.2 | 1.1 |

Question 13: If a law enforcement official initiates the search of a student's closed locker, the legal standard is . . .

| Category | A | B | C | D | Missng |
|--|------|---|-------------|-----|--------|
| Searches by School Security Officers/ Police/ Sniff Dogs | 22.0 | 0 | 73.6 | 3.3 | 1.1 |

Question 17: When a security guard is employed by the local police and placed in the school under the partial direction of the principal, searches by the school security guard can be likened to:

| Category | A | B | C | D | Missing |
|--|------|-----|-------------|---|---------|
| Searches by School Security Officers/ Police/ Sniff Dogs | 19.8 | 1.1 | 78.0 | 0 | 1.1 |

Question 18: When illegal drugs are suspected in a student's possession, a school security officer should:

| Category | A | B | C | D | Missing |
|--|-------------|-----|-----|-----|---------|
| Searches by School Security Officers/ Police/ Sniff Dogs | 89.0 | 6.6 | 2.2 | 2.2 | 0 |

Question 26: The use of sniff dogs to search for illegal drugs outside school lockers is sanctioned because:

| Category | A | B | C | D | Missing |
|--|------|-----|-----|------|---------|
| Searches by School Security Officers/ Police/ Sniff Dogs | 64.8 | 6.6 | 5.5 | 22.0 | 1.1 |

Question 33: In which scenario below is a search warrant required?

| Category | A | B | C | D | Missing |
|--|-----|-----|------|-----|---------|
| Searches by School Security Officers/ Police/ Sniff Dogs | 2.2 | 2.2 | 93.4 | 2.2 | 0 |

Question 36: Since many jurisdictions today are split on the prevailing legal standard required of school security officers to conduct a student search, public school board policies generally require school security officers, whose salaries are paid by the school, to:

| Category | A | B | C | D | Missing |
|--|------|-----|-----|-----|---------|
| Searches by School Security Officers/ Police/ Sniff Dogs | 78.0 | 8.8 | 3.3 | 8.8 | 1.1 |

Question 39: A main reason school officials often do not involve the police too heavily in student searches is:

| Category | A | B | C | D | Missing |
|--|------|-----|-----|------|---------|
| Searches by School Security Officers/ Police/ Sniff Dogs | 65.9 | 8.8 | 4.4 | 20.9 | 0 |

Question 40: If a law enforcement official is present at school for “Career Day” and sees a student leaving the school parking lot with a gun on its dashboard, he . . .

| Category | A | B | C | D | Missing |
|--|---|-----|-------------|-----|---------|
| Searches by School Security Officers/ Police/ Sniff Dogs | 0 | 7.7 | 89.0 | 2.2 | 1.1 |

Question 19: The major legal concern facing school officials who use metal detectors as a condition for entering school is:

| Category | A | B | C | D | Missing |
|--------------------------------|-----|------|-----|-------------|---------|
| Searches Using Metal Detectors | 2.2 | 33.0 | 5.5 | 58.2 | 1.1 |

Question 20: If a school system decides to use metal detectors as a precondition for entering school, which item below is essential to initiate such a program?

| Category | A | B | C | D | Missing |
|--------------------------------|-----|-----|-----|-------------|---------|
| Searches Using Metal Detectors | 8.8 | 5.5 | 6.6 | 78.0 | 1.1 |

Question 21: Most critics of metal detectors in schools argue that:

| Category | A | B | C | D | Missing |
|--------------------------------|------|-------------|------|------|---------|
| Searches Using Metal Detectors | 37.4 | 19.8 | 17.6 | 23.1 | 2.2 |

Question 22: The use of metal detectors in schools is . . .

| Category | A | B | C | D | Missing |
|--------------------------------|-----|-----|-----|-------------|---------|
| Searches Using Metal Detectors | 1.1 | 9.9 | 8.8 | 79.1 | 1.1 |

Question 10: Which of the following actions would be most likely upheld in a court of law?

| Category | A | B | C | D | Missing |
|--------------|-------------|-----|------|---|---------|
| Drug Testing | 72.5 | 5.5 | 22.0 | 0 | 0 |

Question 30: In Veronia School District 47J v. Acton (1995), the United States Supreme Court heard a case dealing with drug testing. The Court held that . . .

| Category | A | B | C | D | Missing |
|--------------|-------------|------|-----|-----|---------|
| Drug Testing | 57.1 | 16.5 | 2.2 | 9.9 | 14.3 |

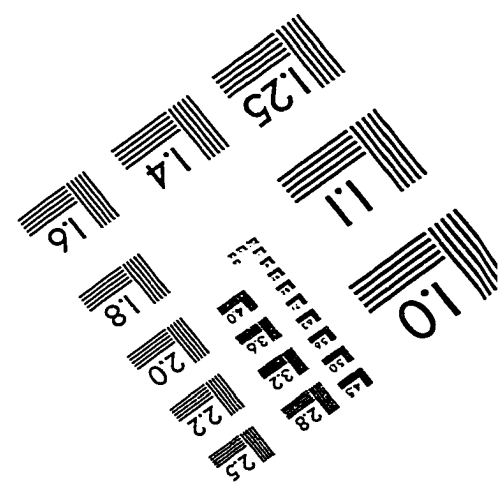
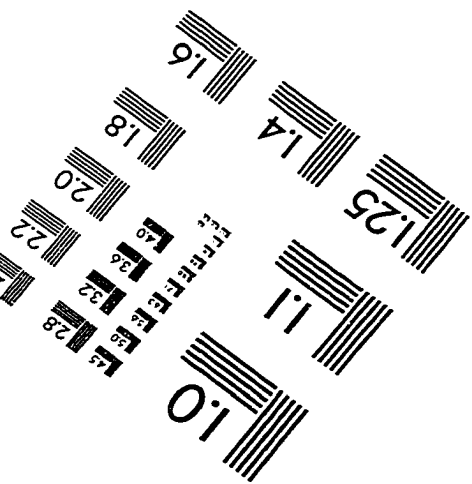
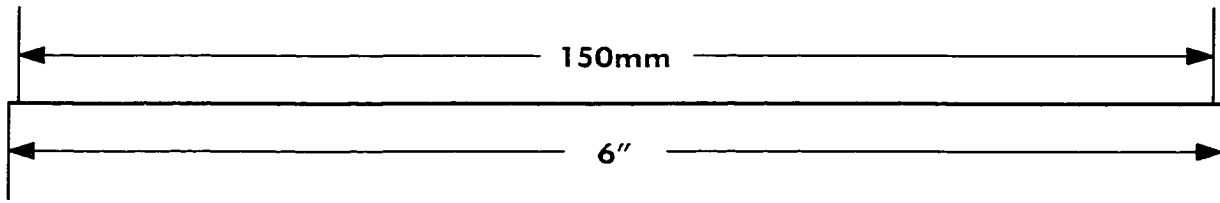
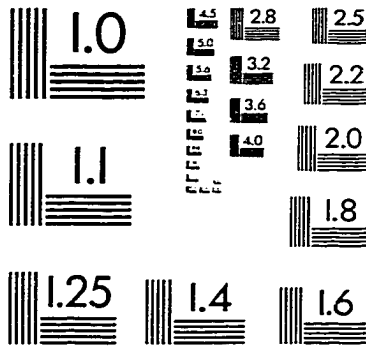
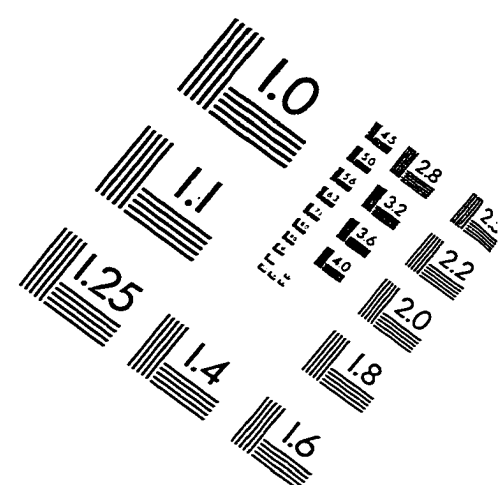
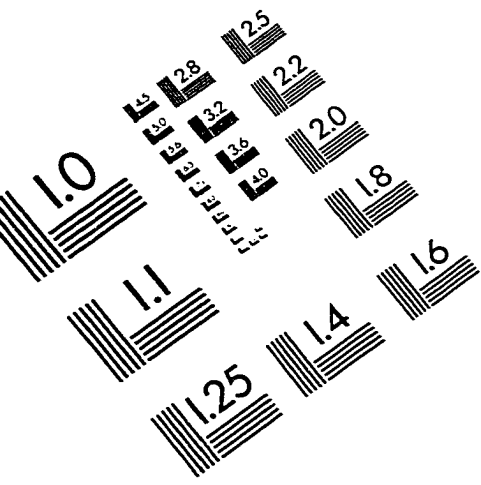
Question 31: Which group enjoys the lowest expectation of privacy?

| Category | A | B | C | D | Missing |
|--------------|-----|-----|------|------|---------|
| Drug Testing | 8.8 | 3.3 | 63.7 | 23.1 | 1.1 |

Question 35: With regard for the law, the prudent school administrator must be mindful that student drug testing must be reasonable in a number of areas. Which area listed below does not belong in the grouping presented?

| Category | A | B | C | D | Missing |
|--------------|------|-----|------|-----|---------|
| Drug Testing | 23.1 | 8.8 | 54.9 | 7.7 | 5.5 |

IMAGE EVALUATION TEST TARGET (QA-3)



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