

Extra Feature Story

Court Weighs School's Right to Strip Search Students

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In a case that could affect students across the country, the United States Supreme Court is considering whether it is constitutional for school officials to strip search students on suspicion of hiding contraband such as drugs.

Student Savana Redding was 13 in 2003 when officials at her school in Safford, Ariz., searched her backpack and then made her take off her clothes so they could check her underwear for ibuprofen pain pills.

The officials said they had a "reasonable suspicion" for the search because one of Savana's friends said she had the pills. The school district has a ban on all types of medication.

The assistant principal and nurse who searched Savana found nothing, but the event was so traumatic, Savana eventually transferred to another school. Redding's mother sued the school district, claiming they violated part of the Bill of Rights: her daughter's Fourth Amendment right against an unreasonable search.

Although that suit was dismissed and a federal appeals panel said the school did not violate her rights, the Ninth Circuit Court of Appeals last year said the search was unconstitutional.

What justifies a strip search?

The question in this case is what circumstances justify a strip search of a student.

"The school district is asking the justices for a bright-line rule that gives them as much flexibility as possible. The school district's lawyer said what we need is, if a school official has a reasonable suspicion that a student possesses drugs, then any search where that drug or contraband may reasonably be is constitutional," the National Law Review's Marcia Coyle told the NewsHour.

Redding's attorneys say that school districts need enough evidence that drugs are in a student's underwear before they make a student take their clothes off for a search.

Tension between teenagers and school officials

The case highlights the tension between teenagers approaching adulthood and school officials.

Because teachers and administrators are legal guardians of all the students while they are at school, they have a responsibility to ensure the safety of the students, which includes getting rid of drugs at the school, Marcia Coyle told the NewsHour.

However students, particularly teenagers, could be psychologically damaged from being forced to take off their clothes in front of school administrators during a sensitive period in their physical development.

"Studies have shown that, particularly with teenagers, it causes trauma and long-lasting damage. So they argued what the Supreme Court needs to say here is that you have to have a reasonable suspicion that the contraband is located in the underwear," Coyle said.

Justice Stephen Breyer, in a sign that he may not be taking the "strip searches are traumatizing" argument very seriously, offered this story about his childhood.

"In my experience, when I was eight or 10 or 12 years old, you know, we did take our clothes off once a day, we changed for gym, OK? And in my experience, too, people did sometimes stick things in my underwear," he told the courtroom to a chorus of laughter.

Justices look to past cases regarding rights in school

An important part of the Supreme Court's decision-making process is taking into account past cases, also known as precedent.

One of those cases is *Tinker v. Des Moines Independent Community School District*. In that 1969 case, justices considered whether it was constitutional for John and Mary Beth Tinker to be suspended from school for wearing black armbands to protest the Vietnam War.

The Court ruled the First Amendment guaranteeing freedom of speech applies in school, as long as the speech is not disruptive.

In 1985, the Court decided in *New Jersey v T.L.O.* that the Fourth Amendment ban on unreasonable searches and seizures partly applies to searches of students by school officials, but that they only need a "reasonable suspicion" to provide a search. Police officers need more evidence before searching an adult.

In that case, a school principal found cigarettes and marijuana in a student's purse, and although the Court ruled that some search protections apply to students, they said this particular search was a reasonable one.

The nine Supreme Court justices will issue an opinion on *Safford United School District v.* April this summer

-- Compiled by Quinn Bowman for NewsHour Extra

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