

# Probable cause essay sample



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Can school officials search students if they do not have probable cause?

Unlike other law enforcement officers outside education institutions, school officials do not require any warrant meant to conduct search on students (US Legal, Inc., 2013). This is after a ruling made by the Supreme Court in 1985 during *New Jersey v. T. L. O.* case contending in order to ensure safety in schools, the fourth amendment should not apply to students (Waldman, 2011).

This is because it best applies to persons while in their respective residential areas and in the public quarters such that law enforcement officers cannot take advantage of them by imposing baseless searches and seizures (Waldman, 2011). In addition, school officials execute their duties based on respective schools' security policies mainly put in place to safeguard students' welfare against incidents like drugs and shootings, which the latter has recently led to the loss of many innocent lives, for instance, Sandy Hook Elementary School shooting (Zolkos, 2012).

Are random searches constitutionally permissible?

It is in accordance with the constitution for school administrators to conduct random searches if at any time they feel or deem there is something harmful secreted in their institutions (Kern & Alexander, 2012). These searches comprise some “special needs” determined by institutions to ensure tight security as well as the welfare of all students together with the entire staff. This action descended from the resolution of *New Jersey v. T. L. O.* (1985) case whereby after searching a certain student the teacher found her in possession of marijuana besides being a cigarette smoker (Kaplin, & Lee,

2014). Therefore, random searches in schools serve as an effective strategy intended to ensure both students and staff's safety. This strategy also ensures schools remain drug-free, hence conducive for learning.

How laws and policies affect the decision-making process of school leaders.

School leaders despite special policies, which they anticipate to implement in their respective institutions, ought to comply with the laws of the land.

Therefore, in each decision-making ought to ensure their intentions do not conflict what the constitution and other state's organs like judiciary has outlined. This is evident in institutions where students and staffs should sign a document to give their consent concerning "suspicionless" and special needs' searches, for instance, in the case of interscholastic athletics events (Kaplin, & Lee, 2014).

## References

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