INTRODUCTION

WE THE PEOPLE

Our country, born in turbulence: challenges both foreign and domestic. We need citizens who believe that government is best when it respects and empowers all citizens, engages them in the democratic process, and is guided by the principle that it is better when the people are in control.

This is why education matters: it is in our School Constitution.

...government of the people, by the people, for the people...

THE EXCHANGE

A MARKETPLACE OF STUDENT IDEAS

Board of Education of Independent School District No. 2 of Pottawatomie County v. Earls (2002) – U.S. Supreme Court Case

Directions:
Amendment’s prohibition of unreasonable searches
Summary:
Amendment’s prohibition of unreasonable searches

Arguments in Favor of Security

Is this item searched by...?

Summary:

Schoolchildren are routinely required to submit their full body search... for drugs, the opinion in... gave rise to a reasonable suspicion that T.L.O. was... purse... searching the student’s belongings for drugs... in and out of school... public school attendance..."...the suspected facts pointing to..."..."...students who participate in competitive extracurricular activity..."

Cases:

Klump v. Nazareth School District

Case

No

Yes

Maybe

6.) Are current safety measures in schools working, that is, are schools safer?

5.) Consider the question “Is our school safe?” by evaluating the policies and effectiveness of your school’s safety measures.

3.) Do schools have unlimited authority to search a student and his or her belongings?

2.) Are students and school officials bound by the same protections under the Constitution?

1.) Why is there a difference between citizens’ and students’ rights to privacy? What is different about a school setting?

LESSONS AND ACTIVITIES

OPENING: TOWN HALL WALL

1.) Box each of your Town Hall questions to your students. Next, have them read the question and discussion on the poster. Read aloud Question 1 (Background). – Fabulously simple: For years, questions about school safety have swelled as a major public concern, especially in the wake of the shootings at Columbine High School. Following through on its promise of collaboration with communities across the nation, the Department of Education released a comprehensive study of school safety.

2.) After discussing these three possibilities, have your students pair up to write their own questions on the issues you’ve discussed.

RESEARCH AND ASSESS: Identify the Constitutional Principles that Apply

– Research the case of Board of Education v. Pottawatomie County. – Students may engage in deeper thinking to arrive at the solution of their own, using research where students may need to conduct primary or secondary research. Encourage all students to develop their own ideas. The Constitution is available in hard copy and online in the archives.

POUNTS OF VIEW

1.) Every student should be able to search and seizure their belongings at school. – Students may engage in deeper thinking to arrive at the solution of their own, using research where students may need to conduct primary or secondary research. Encourage all students to develop their own ideas. The Constitution is available in hard copy and online in the archives.

4.) For Student Worksheet 2 (Developing a Point of View...): Have your students research the following question: Why is there a difference between citizens’ and students’ rights to privacy? What is different about a school setting? Have them develop their research into a thesis or argument that answers each question. Finally, have them write a short essay that answers each question.

PLAN OF ACTION: Take the Next Steps

6.) Encourage students to learn about and engage in advocacy for issues that are important to them. – Students may engage in deeper thinking to arrive at the solution of their own, using research where students may need to conduct primary or secondary research. Encourage all students to develop their own ideas. The Constitution is available in hard copy and online in the archives.

Get the resource list and other tools for your students! – Students may engage in deeper thinking to arrive at the solution of their own, using research where students may need to conduct primary or secondary research. Encourage all students to develop their own ideas. The Constitution is available in hard copy and online in the archives.

Student Worksheet 1 – Evaluating Search Procedures

Student Worksheet 2 – Developing a Point of View
The Fourth Amendment to the U.S. Constitution protects a citizen's right to privacy by prohibiting unreasonable searches and seizures by government authorities. The Supreme Court is constantly trying to find the right balance under the Fourth Amendment between securing the safety of citizens and protecting privacy rights. But how has this right been defined in the lives of students?

The Fourth Amendment does not define what is “unreasonable.” In school, as in the larger community, the Court has attempted to decide this on a case-by-case basis. Often a school district’s responsibility to protect the safety of the entire student body weighs heavily. After the shootings at Columbine High School in 1999, increased security measures, such as bag searches, metal detectors, security guards, and cameras became a way of life in most schools across the country.

With new technology, schools face new challenges to ensure the safety of the classroom learning environment. Will the balance between privacy and security become more difficult to define? Is it constitutionally permissible, for example, for a school official to search the contents of a confiscated cell phone?

Consider the security measures in your own school. Do they strike the right balance between privacy and security?

When should increased security measures outweigh your privacy rights in school?

“The supervision and operation of schools present ‘special needs’ beyond normal law enforcement and, therefore, a different framework is justified… Searches and seizures of students’ cellular phones and laptops are permitted when there is a reasonable suspicion that the student is violating the law or the rules of the school…”

– 2010 legal opinion by Virginia Attorney General, Ken Cuccinelli

What do you think?

Arguments in favor of privacy.

Arguments in favor of security.
Arguments in Favor of Privacy Rights/Due Process

Court Case: Board of Education of Independent School District #2 of Poteau County v. Caros (1982) - U.S. Supreme Court Case

Directions:

1. In your view, when should increased security measures outweigh your privacy rights? Explain your answer.

2. When is it reasonable to search a student's personal belongings? Do schools have unlimited authority to search a student and his belongings? Should a school official be allowed to search the contents of a student's confiscated cell phone? What kind of search is permissible? Explain your reasoning.

3. What kind of search is permissible? Explain your reasoning.

RESOURCES:

- The National Constitution Center’s Constitution Hall Pass
- The Bill of Rights, a service of the Bill of Rights Institute

Point of View and Plan of Action

- Discuss the implications of these cases using the websites provided.
- RESEARCH AND ASSESS: Identify the Constitutional Principles that Apply
- Identify legal precedents in your school's policy to defend or support your privacy rights.
- Explore the federal law or state constitution regarding searches in schools.
- The class can also use the National Constitution Center's Constitution Hall Pass. The Bill of Rights is available online at this site. Use them online or download the Bill of Rights for classroom discussion.

STUDENT WORKSHEET 2

Developing a Point of View

1. Why is there a difference between criminal and student searches? What is different about a criminal setting?

2. Is it constitutional for school officials to search your personal belongings in school? Why or why not?

3. Should there be a school policy in place to search the contents of a student's unattended cell phone?

4. What privacy measures does your school have?

5. Are there current privacy measures in place that are adequate or should be improved?

6. In your opinion, should school officials be allowed to search a student's personal belongings?

7. In your view, when should increased security measures outweigh your privacy rights in school?
Arguments in Favor of Privacy Rights

Directions:

1. Do current safety measures in schools work, that is, are schools safer?
2. Do schools have unlimited authority to search a student and his or her belongings?
3. Is our school safe? By evaluating the policies and effectiveness of your school’s safety measures, explain whether or not your school is safe.

Other Findings:

• Fourteenth Amendment
• United States
• Roles of the Citizen in
• Principles of Democracy
• Foundations of the
• Governance

National Standards

Civics and Government:

National Standards for

TO THE TEACHER

In 2008, a 12-year-old Mississippi student was expelled from school for downloading music from the Internet. The case reached the U.S. Supreme Court in the case Wilson v. DeDico County School District (2009–Federal District Court Case). The school argued that their policy was justified because the student’s actions violated the Code of Conduct.

A teacher accused T.L.O. of smoking in the bathroom. When she denied the allegation, the school conducted a drug test of all students in extracurricular activities. The test will the student (according to the school's academic consequences… only after a third positive test will the student (according to the school's academic consequences… only after a third positive

"When should increased security measures outweigh your privacy rights in school?

The Bill of Rights is the part of the United States Constitution (in Article I, Section 8, of the Constitution) that contains the first 10 amendments; it guarantees certain rights to citizens of the United States. The Bill of Rights is a fundamental document that protects individual liberties, sets limits on government power, and ensures that the government is accountable to the people. The Bill of Rights is an important part of the Constitution because it establishes a framework for a democratic society and protects the rights of all Americans. The Bill of Rights is also an example of the principle of the rule of law, which is the idea that everyone is subject to the same laws and that the law is the ultimate authority in determining how people should live their lives.

"...government of the people, by the people, for the people..."

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**INTRODUCTION**

**Author:** The Education Empowerment, National Constitution Center

**About This Lesson:** The American Constitution embodies rules to govern society, and the majority implies that it would have approved of the school officials' actions in this case. The students should read the text and related materials, frame their position, and prepare a statement based on the questions.

**Materials:**
- Textbook
- Note cards
- Whiteboard
- Poster
- Handout

**NCSS Standards:**
- **American History**: K-12.10
- **Civic Ideals and Practices**: NS-USH.5-12.10
- **Governance**: NSS-C.9-12.3

**Grades:** Grades 9-12

**NCSS Themes:**
- Civic Ideals and Practices
- Governance
- Constitutional Principles and Practices

**LESSONS AND ACTIVITIES**

**OPENING: TOWN HALL MEETING**

1. Introduce the lesson by setting the stage. The students should read the questions and answers on the previous page. The class can discuss the implications of the case and related policy.

**DEBATE PREPARATION**

2. Have the students research the case. They can use the websites provided and suggested on the handout. If necessary, have the students present a summary of the case to the class.

3. After discussing the implications, have the students write short paragraphs on the topic.

**RESEARCH AND ASSIST:** Identify the Constitutional Principles that Apply

4. Discuss the case. The students should research the case and write a summary of the implications for the school district. They can use The National Constitution Center's educational resources and suggested websites.

**POINTS OF VIEW**

5. Read the case study of the United States v. John Doe. The students should use the websites provided and suggested on the handout. If necessary, have the students present a summary of the case to the class.

6. Read the handout to your students. Next, have them read the question and description on the poster. Have them review the website and suggested websites on the handout. If necessary, have the students present a summary of the case to the class.

7. Discuss the implications of the case. The students should write a summary of the implications for the school district. They can use The National Constitution Center's educational resources and suggested websites.

8. The students should read the question and description on the poster. Have them review the website and suggested websites on the handout. If necessary, have the students present a summary of the case to the class.

**PLAN OF ACTION: TAKE THE NEXT STEPS**

9. Discuss the implications of the case. The students should write a summary of the implications for the school district. They can use The National Constitution Center's educational resources and suggested websites.

10. Discuss the implications. The students should write a summary of the implications for the school district. They can use The National Constitution Center's educational resources and suggested websites.

11. The students should read the question and description on the poster. Have them review the website and suggested websites on the handout. If necessary, have the students present a summary of the case to the class.

**DEVELOPING A POINT OF VIEW**

12. Discuss the implications. The students should write a summary of the implications for the school district. They can use The National Constitution Center's educational resources and suggested websites.

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**Board of Education of Independent School District #92**  
**Court Case**

- **Summary:**
  - Court Case
  - The District was concerned about drug use among its students and decided to conduct random drug tests on all students.

**Student Handout 1**

**Court Case**

**Safford Unified School District v. Redding (2009)**
- **Summary:**
  - The school district was investigating a student for drug use.
  - The student was searched and the phone was examined.

**Student Handout 1 (cont.)**

**Court Case**

- **Summary:**
  - The school searched a student's phone for evidence.

**INTRODUCTION**

**Author:**
- The Educational Empowerment, National Constitution Center

**About This Lesson:**
- The lesson is designed for students to engage in a discussion about the Constitution.

**Classroom Time:**
- 45 minutes

**Recommended Grade Levels:**
- 9th-12th

**Materials:**
- Handout
- Internet
- Scissors

**Technology:**
- Computer

**Attributes:**
- Civic, Intellectual

**Points of View:**
- Engaging in a debate on the implications of the Constitution on school life and the rights of students.

**Other Findings:**
- “The Constitution places restrictions on government actions to ensure the protection of individual rights.”

**Constitution Connections:**
- NSS-C.9-12.3
- NECSS 10-12.3
- NECSS 11-12.3
- NECSS 12-13.3

**Lesson Plans:**
- **Opening: Town Hall Wall**
  - Discuss the Constitution and its role in school life.

**Student Worksheet 1 – Court Cases**

**Student Worksheet 2 – Developing a Point of View**

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**NATIONAL CONSTITUTION CENTER**

**Living News**

**Student Handout 1 – Court Cases**

**Student Handout 1 (cont.)**

**Student Handout 2 – Developing a Point of View**

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**When Should Increased Security Measures Outweigh Your Privacy Rights in School?**

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**STUDENT WORKSHEET 1 - Evaluating Search Procedures**

**STUDENT WORKSHEET 2 – Developing a Point of View**
STUDENT HANDOUT 1 Court Cases

New Jersey v. T.L.O. (1985) - U.S. Supreme Court Case
Board of Education of Independent School District #2 of P deSchool County v. Davis (2002) - U.S. Supreme Court Case

STUDENT HANDOUT 1 (cont.) Court Cases
Safford Unified School District v. Boarding (2009) - U.S. Supreme Court Case
J.W. v. DeSoto County School District (2010) - Federal District Court Case

INTRODUCTION

WE THE PEOPLE

Our country faces numerous challenges both foreign and domestic. We need citizens who believe in democracy and its principles. In order to meet this challenge, students must be prepared to understand the basic concepts of our nation’s government.

“...government of the people, by the people, for the people...”

OPENS TOWN HALL WALL

1. Use the “Town Hall Wall” to answer the following questions regarding the pros and cons of student privacy in schools. Students should rank their answers on the poster and share their thoughts with others.

LESSONS AND ACTIVITIES

1. Have students complete Student Worksheet 1 – Evaluating Search Procedures to determine which legal precedent best supports the situation. Students should read the question and description on the poster. After discussion, students can share their thinking with others.

2. Have students complete Student Worksheet 2 – Student Worksheet 2. Students should answer the following questions:
   - Why should students’ privacy rights be a constitutional right?
   - What is the balance between students’ and school officials’ rights?
   - Do schools have unlimited authority to search a student and his or her belongings?
   - When is it reasonable to search a student’s personal belongings?
   - Why is there a difference between citizens’ and students’ rights?
   - What is different about a school setting?

3. Have students conduct research on the Supreme Court cases and develop a point of view. Students should then evaluate the necessity and constitutionality of increased security measures in schools. Students will apply legal precedents to current dilemmas as they deliberate the possibility of increasing security in schools.

4. Have students complete Student Worksheet 3 – Student Worksheet 3. Students should answer the following questions:
   - Why is the balance between students’ and school officials’ rights important?
   - What is the balance between students’ and school officials’ rights?
   - Are students’ rights different from citizens’ rights?
   - How are students’ rights different from citizens’ rights?
   - What is different about a school setting?

5. Have students complete Student Worksheet 4 – Student Worksheet 4. Students should answer the following questions:
   - What is the balance between students’ and school officials’ rights?
   - What is the balance between students’ and school officials’ rights?
   - Are students’ rights different from citizens’ rights?
   - How are students’ rights different from citizens’ rights?
   - What is different about a school setting?

6. Have students complete Student Worksheet 5 – Student Worksheet 5. Students should answer the following questions:
   - Why is the balance between students’ and school officials’ rights important?
   - What is the balance between students’ and school officials’ rights?
   - Are students’ rights different from citizens’ rights?
   - How are students’ rights different from citizens’ rights?
   - What is different about a school setting?

7. Have students complete Student Worksheet 6 – Student Worksheet 6. Students should answer the following questions:
   - Why is the balance between students’ and school officials’ rights important?
   - What is the balance between students’ and school officials’ rights?
   - Are students’ rights different from citizens’ rights?
   - How are students’ rights different from citizens’ rights?
   - What is different about a school setting?

8. Have students complete Student Worksheet 7 – Student Worksheet 7. Students should answer the following questions:
   - Why is the balance between students’ and school officials’ rights important?
   - What is the balance between students’ and school officials’ rights?
   - Are students’ rights different from citizens’ rights?
   - How are students’ rights different from citizens’ rights?
   - What is different about a school setting?

9. Have students complete Student Worksheet 8 – Student Worksheet 8. Students should answer the following questions:
   - Why is the balance between students’ and school officials’ rights important?
   - What is the balance between students’ and school officials’ rights?
   - Are students’ rights different from citizens’ rights?
   - How are students’ rights different from citizens’ rights?
   - What is different about a school setting?

10. Have students complete Student Worksheet 9 – Student Worksheet 9. Students should answer the following questions:
    - Why is the balance between students’ and school officials’ rights important?
    - What is the balance between students’ and school officials’ rights?
    - Are students’ rights different from citizens’ rights?
    - How are students’ rights different from citizens’ rights?
    - What is different about a school setting?

11. Have students complete Student Worksheet 10 – Student Worksheet 10. Students should answer the following questions:
    - Why is the balance between students’ and school officials’ rights important?
    - What is the balance between students’ and school officials’ rights?
    - Are students’ rights different from citizens’ rights?
    - How are students’ rights different from citizens’ rights?
    - What is different about a school setting?

12. Have students complete Student Worksheet 11 – Student Worksheet 11. Students should answer the following questions:
    - Why is the balance between students’ and school officials’ rights important?
    - What is the balance between students’ and school officials’ rights?
    - Are students’ rights different from citizens’ rights?
    - How are students’ rights different from citizens’ rights?
    - What is different about a school setting?
Arguments in Favor of Privacy Rights

Arguments in Favor of Security

Directions:
Amendment's prohibition of unreasonable searches and seizures was not violated since students have reduced expectations of privacy in personal items they bring to school, and school officials had violated the student's rights. The school district only obtained the evidence of these facts through a general search of the student's bookbag, which was unconstitutional, does tread into a constitutionally sensitive area...

Other Findings:

Implications:

The slope is even slippier when, as here, the school officials have violated the student's rights. The school district obtained the evidence of these facts through a general search of the student's bookbag, which was unconstitutional, does tread into a constitutionally sensitive area...


Amendment's due process clause had been violated in gang activity and he was ultimately expelled. In... The school district only obtained the evidence of these facts through a general search of the student's bookbag, which was unconstitutional, does tread into a constitutionally sensitive area...

Other Findings:

Arguments in Favor of Privacy Rights

Arguments in Favor of Security

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Amendment's prohibition of unreasonable searches and seizures was not violated since students have reduced expectations of privacy in personal items they bring to school, and school officials had violated the student's rights. The school district only obtained the evidence of these facts through a general search of the student's bookbag, which was unconstitutional, does tread into a constitutionally sensitive area...

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Arguments in Favor of Privacy Rights

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Other Findings:
When should increased security measures outweigh your privacy rights in school?

**Arguments in Favor of Privacy Rights**

   - Context: The case involved a student's Fourth Amendment rights.
   - Key Point: The court ruled that school officials cannot search a student's locker without probable cause, similar to police searches of a home.

   - Context: The case dealt with drug testing in schools.
   - Key Point: The court agreed that public school attendance, in and of itself, permitted the State to test each student's urine for illegal substances.

   - Context: The case focused on a student's Fourth Amendment rights.
   - Key Point: The court ruled that school officials cannot search a student's locker without probable cause, similar to police searches of a home.

   - Context: The case involved the search of a student's cell phone.
   - Key Point: The court ruled that students do not lose their Fourth Amendment rights when they useADOW (2008)**
   - Context: The case dealt with the search of a student's belongings.
   - Key Point: The court ruled that school officials cannot search a student's belongings without probable cause, similar to police searches of a home.

**Arguments Against Privacy Rights**

1. **City of Moscow v. Jones (2008)**
   - Context: The case involved the search of a student's cell phone.
   - Key Point: The court ruled that students can be searched without probable cause, as long as the search is conducted in a reasonable manner.

   - Context: The case involved the search of a student's cell phone.
   - Key Point: The court ruled that students can be searched without probable cause, as long as the search is conducted in a reasonable manner.

**Summary:**

The debate over privacy rights in schools is complex, with arguments on both sides. While some advocate for strict protections to ensure students' rights, others argue that increased security measures are necessary to maintain a safe learning environment. The cases outlined above highlight the ongoing struggle over how best to balance privacy and safety in educational settings.