

**New Jersey v. T.L.O., 469 U.S. 325 (1985)**

105 S.Ct. 733, 83 L.Ed.2d 720, 53 USLW 4083, 21 Ed. Law Rep. 1122

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Not Followed on State Law Grounds *York v. Wahkiakum School Dist.* No. 200, Wash., March 13, 2008

105 S.Ct. 733

Supreme Court of the United States

NEW JERSEY

v.

T.L.O.

No. 83–712.

|  
Argued March 28, 1984.

|  
Reargued Oct. 2, 1984.

|  
Decided Jan. 15, 1985.

**Synopsis**

State brought delinquency charges against student in New Jersey juvenile court, 178 N.J.Super. 329, 428 A.2d 1327 which after denying student's motion to suppress evidence found in her purse, held that the Fourth Amendment applied to searches by school officials but that the search was a reasonable one and adjudged student to be delinquent. On appeal, the Appellate Division of the New Jersey Superior Court, 185 N.J.Super. 279, 448 A.2d 493, affirmed the trial court's finding that there had been no Fourth Amendment violation but vacated adjudication of delinquency and remanded on other grounds. The New Jersey Supreme Court, 94 N.J. 331, 463 A.2d 934, reversed and ordered suppression of evidence found in student's purse holding that search of purse was unreasonable, and writ of certiorari was granted. The Supreme Court, Justice White, held that: (1) Fourth Amendment's prohibition on unreasonable searches and seizures applies to searches conducted by public school officials, and (2) search of student's purse was reasonable.

Reversed.

Justice Powell, with whom Justice O'Connor joined, filed a concurring opinion.


Justice Blackmun filed an opinion concurring in the judgment.

Justice Brennan with whom Justice Marshall joined, filed an opinion concurring in part and dissenting in part.

Justice Stevens with whom Justice Marshall joined and with whom Justice Brennan joined in Part I, filed an opinion concurring in part and dissenting in part.


West Headnotes (12)

**[1] Education**

 Warrantless searches; reasonable suspicion  
The Fourth Amendment's prohibition on unreasonable searches and seizures applies to searches conducted by school officials. U.S.C.A. Const.Amend. 4.


232 Cases that cite this headnote

**[2] Constitutional Law**

 Students  
Fourteenth Amendment protects rights of students against encroachment by public school officials. U.S.C.A. Const.Amend. 14.


53 Cases that cite this headnote

**[3] Searches and Seizures**

 Fourth Amendment and reasonableness in general  
Determination of standard of reasonableness governing any specific class of searches requires balancing need to search against invasion which search entails. U.S.C.A. Const.Amend. 4.

81 Cases that cite this headnote

**[4] Searches and Seizures**

 Expectation of privacy  
To receive protection of Fourth Amendment, expectation of privacy must be one that society

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is prepared to recognize as legitimate. U.S.C.A. Const.Amend. 4.

158 Cases that cite this headnote

**[5] Education**

🔑 Warrantless searches; reasonable suspicion  
Accommodation of privacy interests of school children with substantial need of teachers and administrators for freedom to maintain order in schools does not require strict adherence to requirement that searches be based on probable cause to believe that subject of search has violated or is violating the law; rather, legality of search of student should depend simply on reasonableness, under all the circumstances, of the search. U.S.C.A. Const.Amend. 4.

597 Cases that cite this headnote

**[6] Searches and Seizures**

🔑 Fourth Amendment and reasonableness in general  
Determining reasonableness of any search involves a twofold inquiry as to whether the action was justified at its inception and whether search as actually conducted was reasonably related in scope to circumstances which justified interference in the first place. U.S.C.A. Const.Amend. 4.

238 Cases that cite this headnote

**[7] Education**

🔑 Warrantless searches; reasonable suspicion  
Under ordinary circumstances, search of student by teacher or other school official will be justified at its inception when there are reasonable grounds for suspecting that search will turn up evidence that student has violated or is violating either the law or rules of school. U.S.C.A. Const.Amend. 4.

418 Cases that cite this headnote

**[8] Education**

🔑 Warrantless searches; reasonable suspicion  
Search of student by teacher or other school official would be permissible in its scope when measures adopted are reasonably related to objectives of search and not excessively intrusive in light of sex of student and nature of infraction. U.S.C.A. Const.Amend. 4.

380 Cases that cite this headnote

**[9] Education**

🔑 Warrantless searches; reasonable suspicion  
Initial search of student's purse by assistant vice principal for cigarettes was reasonable where report had been given to assistant vice principal that student had been smoking in violation of school rule, warranting reasonable suspicion that she had cigarettes in her purse, despite fact that cigarettes, if found, would constitute "mere evidence" of violation of no-smoking rule. U.S.C.A. Const.Amend. 4.

243 Cases that cite this headnote

**[10] Criminal Law**

🔑 Relevancy in General  
Evidence, to be relevant to an inquiry, need not conclusively prove ultimate fact in issue, but need only have any tendency to make existence of any fact that is of consequence to determination of action more probable or less probable than it would be without the evidence. U.S.C.A. Const.Amend. 4.

48 Cases that cite this headnote

**[11] Searches and Seizures**

🔑 Probable Cause  
Search requirement of reasonable suspicion is not a requirement of absolute certainty; sufficient probability, not certainty, is touchstone of reasonableness under Fourth Amendment. U.S.C.A. Const.Amend. 4.

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255 Cases that cite this headnote

**[12] Education**

🔑 Warrantless searches; reasonable suspicion

Assistant vice principal's discovery of rolling papers in student's purse at time when he was searching purse for evidence of cigarettes gave rise to reasonable suspicion that student was carrying marijuana as well as cigarettes in her purse and that suspicion justified further exploration of purse that turned up more evidence of drug-related activities. U.S.C.A. Const.Amend. 4.

109 Cases that cite this headnote

**\*\*734 Syllabus \***

**\*325** A teacher at a New Jersey high school, upon discovering respondent, then a 14-year-old freshman, and her companion smoking cigarettes in a school lavatory in violation of a school rule, took them to the Principal's office, where they met with the Assistant Vice Principal. When respondent, in response to the Assistant Vice Principal's questioning, denied that she had been smoking and claimed that she did not smoke at all, the Assistant Vice Principal demanded to see her purse. Upon opening the purse, he found a pack of cigarettes and also noticed a package of cigarette rolling papers that are commonly associated with the use of marihuana. He then proceeded to search the purse thoroughly and found some marihuana, a pipe, plastic bags, a fairly substantial amount of money, an index card containing a list of students who owed respondent money, and two letters that implicated her in marihuana dealing. Thereafter, the State brought delinquency charges against respondent in the Juvenile Court, which, after denying respondent's motion to suppress the evidence found in her purse, held that the Fourth Amendment applied to searches by school officials but that the search in question was a reasonable one, and adjudged respondent to be a delinquent. The Appellate Division of the New Jersey Superior Court affirmed the trial court's finding that there had been no Fourth Amendment violation but vacated the adjudication of delinquency and remanded on

other grounds. The New Jersey Supreme Court reversed and ordered the suppression of the evidence found in respondent's purse, holding that the search of the purse was unreasonable.

*Held:*

1. The Fourth Amendment's prohibition on unreasonable searches and seizures applies to searches conducted by public school officials and is not limited to searches carried out by law enforcement officers. Nor are school officials exempt from the Amendment's dictates by virtue of the special nature of their authority over schoolchildren. In carrying out searches and other functions pursuant to disciplinary policies mandated by state statutes, school officials act as representatives of the State, not merely as surrogates for the **\*\*735** parents of students, and they cannot claim the parents' immunity from the Fourth Amendment's strictures. Pp. 739–741.

**\*326** 2. Schoolchildren have legitimate expectations of privacy. They 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 by bringing them onto school grounds. But striking the balance between schoolchildren's legitimate expectations of privacy and the school's equally legitimate need to maintain an environment in which learning can take place requires some easing of the restrictions to which searches by public authorities are ordinarily subject. Thus, school officials need not obtain a warrant before searching a student who is under their authority. Moreover, school officials need not be held subject to the requirement that searches be based on probable cause to believe that the subject of the search has violated or is violating the law. Rather, the legality of a search of a student should depend simply on the reasonableness, under all the circumstances, of the search. Determining the reasonableness of any search involves a determination of whether the search was justified at its inception and whether, as conducted, it was reasonably related in scope to the circumstances that justified the interference in the first place. Under ordinary circumstances the search of a student by a school official will be justified at its inception where there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. And such a search will be permissible in its scope when the measures adopted are reasonably related to

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the objectives of the search and not excessively intrusive in light of the student's age and sex and the nature of the infraction. Pp. 741–744.

3. Under the above standard, the search in this case was not unreasonable for Fourth Amendment purposes. First, the initial search for cigarettes was reasonable. The report to the Assistant Vice Principal that respondent had been smoking warranted a reasonable suspicion that she had cigarettes in her purse, and thus the search was justified despite the fact that the cigarettes, if found, would constitute “mere evidence” of a violation of the no-smoking rule. Second, the discovery of the rolling papers then gave rise to a reasonable suspicion that respondent was carrying marihuana as well as cigarettes in her purse, and this suspicion justified the further exploration that turned up more evidence of drug-related activities. Pp. 745–747.

94 N.J. 331, 463 A.2d 934, reversed.

**Attorneys and Law Firms**

\*327 *Allan J. Nodes*, Deputy Attorney General of New Jersey, reargued the cause for petitioner. With him on the brief on reargument were *Irwin J. Kimmelman*, Attorney General, and *Victoria Curtis Bramson*, *Linda L. Yoder*, and *Gilbert G. Miller*, Deputy Attorneys General. With him on the briefs on the original argument were Mr. Kimmelman and Ms. Bramson.

*Lois De Julio* reargued the cause for respondent. With her on the briefs were *Joseph H. Rodriguez* and *Andrew Dillmann*.\*

\* Briefs of *amici curiae* urging reversal were filed for the United States by *Solicitor General Lee*, *Deputy Solicitor General Frey*, and *Kathryn A. Oberly*; for the National Association of Secondary School Principals et al. by *Ivan B. Gluckman*; for the National School Boards Association by *Gwendolyn H. Gregory*, *August W. Steinhilber*, and *Thomas A. Shannon*; for the Washington Legal Foundation by *Daniel J. Popeo* and *Paul D. Kamemar*; and for the New Jersey School Boards Association by *Paula A. Mullaly* and *Thomas F. Scully*.

Briefs of *amici curiae* urging affirmance were filed for the American Civil Liberties Union et al. by *Mary L. Heen*, *Burt Neuborne*, *E. Richard Larson*, *Barry S. Goodman*, and

*Charles S. Sims*, and for the Legal Aid Society of the City of New York et al. by *Janet Fink* and *Henry Weintraub*.

*Julia Penny Clark* and *Robert Chanin* filed a brief for the National Education Association as *amicus curiae*.

**Opinion**

Justice WHITE delivered the opinion of the Court.

We granted certiorari in this case to examine the appropriateness of the exclusionary rule as a remedy for searches carried out in violation of the Fourth Amendment by public school authorities. Our consideration of the proper application of the Fourth Amendment to the public schools, however, has led us to conclude that the search that gave rise to \*328 the case now before us did not violate the Fourth Amendment. Accordingly, we here address only the questions of the proper standard for assessing the legality of searches conducted by public school officials and the application of that standard to the facts of this case.

I

On March 7, 1980, a teacher at Piscataway High School in Middlesex County, N.J., discovered two girls smoking in a lavatory. One of the two girls was the respondent T.L.O., who at that time was a 14-year-old high school freshman. Because smoking in the lavatory was a violation of a school rule, the teacher took the two girls to the Principal's office, where they met with Assistant Vice Principal Theodore Choplick. In response to questioning by Mr. Choplick, T.L.O.'s companion admitted that she had violated the rule. T.L.O., however, denied that she had been smoking \*\*736 in the lavatory and claimed that she did not smoke at all.

Mr. Choplick asked T.L.O. to come into his private office and demanded to see her purse. Opening the purse, he found a pack of cigarettes, which he removed from the purse and held before T.L.O. as he accused her of having lied to him. As he reached into the purse for the cigarettes, Mr. Choplick also noticed a package of cigarette rolling papers. In his experience, possession of rolling papers by high school students was closely associated with the use of marihuana. Suspecting that a closer examination of the purse might yield further evidence of drug use, Mr. Choplick proceeded to search the purse thoroughly. The search revealed a small

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amount of marihuana, a pipe, a number of empty plastic bags, a substantial quantity of money in one-dollar bills, an index card that appeared to be a list of students who owed T.L.O. money, and two letters that implicated T.L.O. in marihuana dealing.

Mr. Choplick notified T.L.O.'s mother and the police, and turned the evidence of drug dealing over to the police. At \*329 the request of the police, T.L.O.'s mother took her daughter to police headquarters, where T.L.O. confessed that she had been selling marihuana at the high school. On the basis of the confession and the evidence seized by Mr. Choplick, the State brought delinquency charges against T.L.O. in the Juvenile and Domestic Relations Court of Middlesex County.<sup>1</sup> Contending that Mr. Choplick's search of her purse violated the Fourth Amendment, T.L.O. moved to suppress the evidence found in her purse as well as her confession, which, she argued, was tainted by the allegedly unlawful search. The Juvenile Court denied the motion to suppress. *State ex rel. T.L.O.*, 178 N.J.Super. 329, 428 A.2d 1327 (1980). Although the court concluded that the Fourth Amendment did apply to searches carried out by school officials, it held that

“a school official may properly conduct a search of a student's person if the official has a reasonable suspicion that a crime has been or is in the process of being committed, *or* reasonable cause to believe that the search is necessary to maintain school discipline or enforce school policies.” *Id.*, 178 N.J.Super., at 341, 428 A.2d, at 1333 (emphasis in original).

Applying this standard, the court concluded that the search conducted by Mr. Choplick was a reasonable one. The initial decision to open the purse was justified by Mr. Choplick's well-founded suspicion that T.L.O. had violated the rule forbidding smoking in the lavatory. Once the purse \*330 was open, evidence of marihuana violations was in plain view, and Mr. Choplick was entitled to conduct a thorough search to determine the nature and extent of T.L.O.'s drug-related activities. *Id.*, 178 N.J.Super., at 343, 428 A.2d, at 1334. Having denied the motion to suppress, the court on March 23, 1981, found T.L.O. to be a delinquent and on January 8, 1982, sentenced her to a year's probation.

On appeal from the final judgment of the Juvenile Court, a divided Appellate Division affirmed the trial court's finding that there had been no Fourth Amendment violation, but vacated the adjudication of delinquency and remanded for a determination whether T.L.O. had knowingly and voluntarily waived her Fifth Amendment rights before confessing.

*State ex rel. T.L.O.*, 185 N.J.Super. 279, 448 A.2d 493 (1982). T.L.O. appealed the Fourth Amendment ruling, and the Supreme Court of New Jersey reversed the judgment of the Appellate Division and ordered the suppression of the evidence found in T.L.O.'s purse. *State ex \*\*737 rel. T.L.O.*, 94 N.J. 331, 463 A.2d 934 (1983).

The New Jersey Supreme Court agreed with the lower courts that the Fourth Amendment applies to searches conducted by school officials. The court also rejected the State of New Jersey's argument that the exclusionary rule should not be employed to prevent the use in juvenile proceedings of evidence unlawfully seized by school officials. Declining to consider whether applying the rule to the fruits of searches by school officials would have any deterrent value, the court held simply that the precedents of this Court establish that “if an official search violates constitutional rights, the evidence is not admissible in criminal proceedings.” *Id.*, 94 N.J., at 341, 463 A.2d, at 939 (footnote omitted).

With respect to the question of the legality of the search before it, the court agreed with the Juvenile Court that a warrantless search by a school official does not violate the Fourth Amendment so long as the official “has reasonable grounds to believe that a student possesses evidence of illegal \*331 activity or activity that would interfere with school discipline and order.” *Id.*, 94 N.J., at 346, 463 A.2d, at 941–942. However, the court, with two justices dissenting, sharply disagreed with the Juvenile Court's conclusion that the search of the purse was reasonable. According to the majority, the contents of T.L.O.'s purse had no bearing on the accusation against T.L.O., for possession of cigarettes (as opposed to smoking them in the lavatory) did not violate school rules, and a mere desire for evidence that would impeach T.L.O.'s claim that she did not smoke cigarettes could not justify the search. Moreover, even if a reasonable suspicion that T.L.O. had cigarettes in her purse would justify a search, Mr. Choplick had no such suspicion, as no one had furnished him with any specific information that there were cigarettes



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 in the purse. Finally, leaving aside the question whether Mr. Choplick was justified in opening the purse, the court held that the evidence of drug use that he saw inside did not justify the extensive “rummaging” through T.L.O.’s papers and effects that followed. *Id.*, 94 N.J., at 347, 463 A.2d, at 942–943.


We granted the State of New Jersey’s petition for certiorari. 464 U.S. 991, 104 S.Ct. 480, 78 L.Ed.2d 678 (1983). Although the State had argued in the Supreme Court of New Jersey that the search of T.L.O.’s purse did not violate the Fourth Amendment, the petition for certiorari raised only the question whether the exclusionary rule should operate to bar consideration in juvenile delinquency proceedings of evidence unlawfully seized by a school official without the involvement of law enforcement officers. When this case was first argued last Term, the State conceded for the purpose of argument that the standard devised by the New Jersey Supreme Court for determining the legality of school searches was appropriate and that the court had correctly applied that standard; the State contended only that the remedial purposes of the exclusionary rule were not well served by applying it to searches conducted by public authorities not primarily engaged in law enforcement.

\*332 Although we originally granted certiorari to decide the issue of the appropriate remedy in juvenile court proceedings for unlawful school searches, our doubts regarding the wisdom of deciding that question in isolation from the broader question of what limits, if any, the Fourth Amendment places on the activities of school authorities prompted us to order reargument on that question.<sup>2</sup> Having heard argument \*\*738 on \*333 the legality of the search of T.L.O.’s purse, we are satisfied that the search did not violate the Fourth Amendment.<sup>3</sup>

II

[1] In determining whether the search at issue in this case violated the Fourth Amendment, we are faced initially with the question whether that Amendment’s prohibition on unreasonable searches and seizures applies to searches conducted by public school officials. We hold that it does.

[2] \*334 It is now beyond dispute that “the Federal Constitution, by virtue of the Fourteenth Amendment,

prohibits unreasonable searches and seizures by state officers.” *Elkins v. United States*, 364 U.S. 206, 213, 80 S.Ct. 1437, 1442, 4 L.Ed.2d 1669 (1960); accord,  *Mapp v. Ohio*, 367 U.S. 643, 81 S.Ct. 1684, 6 L.Ed.2d 1081 (1961); *Wolf v. Colorado*, 338 U.S. 25, 69 S.Ct. 1359, 93 L.Ed. 1782 (1949). Equally indisputable is the proposition that the Fourteenth Amendment protects the rights of students against encroachment by public school officials:

“The Fourteenth Amendment, as now applied to the States, protects the citizen against the State itself and all of its creatures—Boards of Education not excepted. These have, of course, important, \*\*739 delicate, and highly discretionary functions, but none that they may not perform within the limits of the Bill of Rights. That they are educating the young for citizenship is reason for scrupulous protection of Constitutional freedoms of the individual, if we are not to strangle the free mind at its source and teach youth to discount important principles of our government as mere platitudes.” *West Virginia State Bd. of Ed. v. Barnette*, 319 U.S. 624, 637, 63 S.Ct. 1178, 1185, 87 L.Ed. 1628 (1943).

These two propositions—that the Fourth Amendment applies to the States through the Fourteenth Amendment, and that the actions of public school officials are subject to the limits placed on state action by the Fourteenth Amendment—might appear sufficient to answer the suggestion that the Fourth Amendment does not proscribe unreasonable searches by school officials. On reargument, however, the State of New Jersey has argued that the history of the Fourth Amendment indicates that the Amendment was intended to regulate only searches and seizures carried out by law enforcement officers; accordingly, although public school officials are concededly state agents for purposes of the Fourteenth Amendment, the Fourth Amendment creates no rights enforceable against them.<sup>4</sup>

\*335 It may well be true that the evil toward which the Fourth Amendment was primarily directed was the resurrection of the pre-Revolutionary practice of using general warrants or “writs of assistance” to authorize searches for contraband by officers of the Crown. See *United States v. Chadwick*, 433 U.S. 1, 7–8, 97 S.Ct. 2476, 2481, 53 L.Ed.2d


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538 (1977); *Boyd v. United States*, 116 U.S. 616, 624–629, 6 S.Ct. 524, 528–531, 29 L.Ed. 746 (1886). But this Court has never limited the Amendment's prohibition on unreasonable searches and seizures to operations conducted by the police. Rather, the Court has long spoken of the Fourth Amendment's strictures as restraints imposed upon “governmental action”—that is, “upon the activities of sovereign authority.” *Burdeau v. McDowell*, 256 U.S. 465, 475, 41 S.Ct. 574, 576, 65 L.Ed. 1048 (1921). Accordingly, we have held the Fourth Amendment applicable to the activities of civil as well as criminal authorities:

building inspectors, see *Camara v. Municipal Court*, 387 U.S. 523, 528, 87 S.Ct. 1727, 1730, 18 L.Ed.2d 930 (1967), Occupational Safety and Health Act inspectors, see

*Marshall v. Barlow's Inc.*, 436 U.S. 307, 312–313, 98 S.Ct. 1816, 1820, 56 L.Ed.2d 305 (1978), and even firemen entering privately owned premises to battle a fire, see

 *Michigan v. Tyler*, 436 U.S. 499, 506, 98 S.Ct. 1942, 1948, 56 L.Ed.2d 486 (1978), are all subject to the restraints imposed by the Fourth Amendment. As we observed in *Camara v. Municipal Court*, *supra*, “[t]he basic purpose of this Amendment, as recognized in countless decisions of this Court, is to safeguard the privacy and security of individuals against arbitrary invasions by governmental officials.” 387 U.S., at 528, 87 S.Ct., at 1730. Because the individual's interest in privacy and personal security “suffers whether the government's motivation is to investigate violations of criminal laws or breaches of other statutory or regulatory standards,” *Marshall v. Barlow's, Inc.*, *supra*, 436 U.S., at 312–313, 98 S.Ct., at 1820, it would be “anomalous to say that the individual and his private property are fully protected by the Fourth Amendment only when the individual is suspected of criminal behavior.” *Camara v. Municipal Court*, *supra*, 387 U.S., at 530, 87 S.Ct., at 1732.

**\*336** Notwithstanding the general applicability of the Fourth Amendment to the activities of civil authorities, a few courts have concluded that school officials are exempt from the dictates of the Fourth **\*\*740** Amendment by virtue of the special nature of their authority over schoolchildren. See, e.g.,

*R.C.M. v. State*, 660 S.W.2d 552 (Tex.App.1983). Teachers and school administrators, it is said, act *in loco parentis* in their dealings with students: their authority is that of the

parent, not the State, and is therefore not subject to the limits of the Fourth Amendment. *Ibid*.

Such reasoning is in tension with contemporary reality and the teachings of this Court. We have held school officials subject to the commands of the First Amendment, see *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 89 S.Ct. 733, 21 L.Ed.2d 731 (1969), and the Due Process Clause of the Fourteenth Amendment, see *Goss v. Lopez*, 419 U.S. 565, 95 S.Ct. 729, 42 L.Ed.2d 725 (1975). If school authorities are state actors for purposes of the constitutional guarantees of freedom of expression and due process, it is difficult to understand why they should be deemed to be exercising parental rather than public authority when conducting searches of their students. More generally, the Court has recognized that “the concept of parental delegation” as a source of school authority is not entirely “consonant with compulsory education laws.”

*Ingraham v. Wright*, 430 U.S. 651, 662, 97 S.Ct. 1401, 1407, 51 L.Ed.2d 711 (1977). Today's public school officials do not merely exercise authority voluntarily conferred on them by individual parents; rather, they act in furtherance of publicly mandated educational and disciplinary policies. See, e.g., the opinion in *State ex rel. T.L.O.*, 94 N.J., at 343, 463 A.2d, at 934, 940, describing the New Jersey statutes regulating school disciplinary policies and establishing the authority of school officials over their students. In carrying out searches and other disciplinary functions pursuant to such policies, school officials act as representatives of the State, not merely as surrogates for the parents, and they **\*337** cannot claim the parents' immunity from the strictures of the Fourth Amendment.

## III

**[3]** To hold that the Fourth Amendment applies to searches conducted by school authorities is only to begin the inquiry into the standards governing such searches. Although the underlying command of the Fourth Amendment is always that searches and seizures be reasonable, what is reasonable depends on the context within which a search takes place. The determination of the standard of reasonableness governing any specific class of searches requires “balancing the need to search against the invasion which the search entails.”

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*Camara v. Municipal Court, supra*, 387 U.S., at 536–537, 87 S.Ct., at 1735. On one side of the balance are arrayed the individual's legitimate expectations of privacy and personal security; on the other, the government's need for effective methods to deal with breaches of public order.

We have recognized that even a limited search of the person is a substantial invasion of privacy. *Terry v. Ohio*, 392 U.S. 1, 24–25, 88 S.Ct. 1868, 1881–1882, 20 L.Ed.2d 889 (1967). We have also recognized that searches of closed items of personal luggage are intrusions on protected privacy interests, for “the Fourth Amendment provides protection to the owner of every container that conceals its contents from plain view.” *United States v. Ross*, 456 U.S. 798, 822–823, 102 S.Ct. 2157, 2171, 72 L.Ed.2d 572 (1982). A search of a child's person or of a closed purse or other bag carried on her person,<sup>5</sup> no less \*338 than a \*\*741 similar search carried out on an adult, is undoubtedly a severe violation of subjective expectations of privacy.

[4] Of course, the Fourth Amendment does not protect subjective expectations of privacy that are unreasonable or otherwise “illegitimate.” See, e.g., *Hudson v. Palmer*, 468 U.S. 517, 104 S.Ct. 3194, 82 L.Ed.2d 393 (1984);

*Rawlings v. Kentucky*, 448 U.S. 98, 100 S.Ct. 2556, 65 L.Ed.2d 633 (1980). To receive the protection of the Fourth Amendment, an expectation of privacy must be one that society is “prepared to recognize as legitimate.”

*Hudson v. Palmer, supra*, 468 U.S., at 526, 104 S.Ct., at 3200. The State of New Jersey has argued that because of the pervasive supervision to which children in the schools are necessarily subject, a child has virtually no legitimate expectation of privacy in articles of personal property “unnecessarily” carried into a school. This argument has two factual premises: (1) the fundamental incompatibility of expectations of privacy with the maintenance of a sound educational environment; and (2) the minimal interest of the child in bringing any items of personal property into the school. Both premises are severely flawed.

Although this Court may take notice of the difficulty of maintaining discipline in the public schools today, the situation is not so dire that students in the schools may claim no legitimate expectations of privacy. We have recently

recognized that the need to maintain order in a prison is such that prisoners retain no legitimate expectations of privacy in their cells, but it goes almost without saying that “[t]he prisoner and the schoolchild stand in wholly different circumstances, separated by the harsh facts of criminal conviction and incarceration.” *Ingraham v. Wright, supra*, 430 U.S., at 669, 97 S.Ct., at 1411. We are not \*339 yet ready to hold that the schools and the prisons need be equated for purposes of the Fourth Amendment.

Nor does the State's suggestion that children have no legitimate need to bring personal property into the schools seem well anchored in reality. Students at a minimum must bring to school not only the supplies needed for their studies, but also keys, money, and the necessities of personal hygiene and grooming. In addition, students may carry on their persons or in purses or wallets such nondisruptive yet highly personal items as photographs, letters, and diaries. Finally, students may have perfectly legitimate reasons to carry with them articles of property needed in connection with extracurricular or recreational activities. 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. See generally I NIE, U.S. Dept. of Health, Education and Welfare, *Violent Schools—Safe Schools: The Safe School Study Report to the Congress* (1978). Even in schools that have been spared the most severe disciplinary problems, the preservation of order and a proper educational environment requires close supervision of schoolchildren, as well as the enforcement of rules against conduct that would be perfectly permissible if undertaken by an adult. “Events calling for discipline are frequent occurrences and \*\*742 sometimes require immediate, effective action.” *Goss v. Lopez*, 419 U.S., at 580, 95 S.Ct., at 739. Accordingly, we have recognized \*340 that maintaining security and order in the schools requires a



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certain degree of flexibility in school disciplinary procedures, and we have respected the value of preserving the informality of the student-teacher relationship. See *id.*, at 582–583, 95 S.Ct., at 740; *Ingraham v. Wright*, 430 U.S., at 680–682, 97 S.Ct., at 1417–1418.

How, then, should we strike the balance between the schoolchild's legitimate expectations of privacy and the school's equally legitimate need to maintain an environment in which learning can take place? It is evident that the school setting requires some easing of the restrictions to which searches by public authorities are ordinarily subject. The warrant requirement, in particular, is unsuited to the school environment: 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 the maintenance of the swift and informal disciplinary procedures needed in the schools. Just as we have in other cases dispensed with the warrant requirement when “the burden of obtaining a warrant is likely to frustrate the governmental purpose behind the search,” *Camara v. Municipal Court*, 387 U.S., at 532–533, 87 S.Ct., at 1733, we hold today that school officials need not obtain a warrant before searching a student who is under their authority.

The school setting also requires some modification of the level of suspicion of illicit activity needed to justify a search. Ordinarily, a search—even one that may permissibly be carried out without a warrant—must be based upon “probable cause” to believe that a violation of the law has occurred. See, e.g., *Almeida-Sanchez v. United States*, 413 U.S. 266, 273, 93 S.Ct. 2535, 2540, 37 L.Ed.2d 596 (1973); *Sibron v. New York*, 392 U.S. 40, 62–66, 88 S.Ct. 1889, 1902–1904, 20 L.Ed.2d 917 (1968). However, “probable cause” is not an irreducible requirement of a valid search. The fundamental command of the Fourth Amendment is that searches and seizures be reasonable, and although “both the concept of probable cause and the requirement of a warrant bear on the reasonableness of a search, ... in certain limited circumstances neither is required.” *Almeida-Sanchez v. United States*, *supra*, 413 U.S., at 277, 93 S.Ct., at 2541 (POWELL, \*341 J., concurring). Thus, we have in a number of cases recognized the legality of searches and seizures based on suspicions that, although “reasonable,” do not rise

to the level of probable cause. See, e.g., *Terry v. Ohio*, 392 U.S. 1, 88 S.Ct. 1868, 20 L.Ed.2d 889 (1968); *United States v. Brignoni-Ponce*, 422 U.S. 873, 881, 95 S.Ct. 2574, 2580, 45 L.Ed.2d 607 (1975); *Delaware v. Prouse*, 440 U.S. 648, 654–655, 99 S.Ct. 1391, 1396, 59 L.Ed.2d 660 (1979); *United States v. Martinez-Fuerte*, 428 U.S. 543, 96 S.Ct. 3074, 49 L.Ed.2d 1116 (1976); cf. *Camara v. Municipal Court*, *supra*, 387 U.S., at 534–539, 87 S.Ct., at 1733–1736. Where a careful balancing of governmental and private interests suggests that the public interest is best served by a Fourth Amendment standard of reasonableness that stops short of probable cause, we have not hesitated to adopt such a standard.

[5] [6] [7] [8] We join the majority of courts that have examined this issue<sup>6</sup> in concluding that the accommodation of the privacy interests of schoolchildren with the substantial need of teachers and administrators for freedom to maintain order in the schools does not require strict adherence to the requirement that searches be based on probable cause to believe that the subject of the search has violated or is violating the law. Rather, the legality of a search of a student should depend simply on the reasonableness, under all the circumstances, of the search. Determining the reasonableness of any search involves a twofold inquiry: first, one must consider “whether \*\*743 the ... action was justified at its inception,” *Terry v. Ohio*, 392 U.S., at 20, 88 S.Ct., at 1879; second, one must determine whether the search as actually conducted “was reasonably related in scope to the circumstances which justified the interference in the first place,” *ibid.* Under ordinary circumstances, a search of a student by a teacher or other school official<sup>7</sup> will be \*342 “justified at its inception” when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.<sup>8</sup> Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.<sup>9</sup>

This standard will, we trust, neither unduly burden the efforts of school authorities to maintain order in their schools \*343

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nor authorize unrestrained intrusions upon the privacy of schoolchildren. By focusing attention on the question of reasonableness, the standard will spare teachers and school administrators the necessity of schooling themselves in the niceties of probable cause and permit them to regulate their conduct according to the dictates of reason and common sense. At the same time, the reasonableness standard should ensure that the interests of students will be invaded no more than is necessary to achieve the legitimate end of preserving order in the schools.


## IV

[9] There remains the question of the legality of the search in this case. We \*\*744 recognize that the “reasonable grounds” standard applied by the New Jersey Supreme Court in its consideration of this question is not substantially different from the standard that we have adopted today. Nonetheless, we believe that the New Jersey court’s application of that standard to strike down the search of T.L.O.’s purse reflects a somewhat crabbed notion of reasonableness. Our review of the facts surrounding the search leads us to conclude that the search was in no sense unreasonable for Fourth Amendment purposes.<sup>10</sup>

The incident that gave rise to this case actually involved two separate searches, with the first—the search for cigarettes—providing the suspicion that gave rise to the second \*344 the search for marihuana. Although it is the fruits of the second search that are at issue here, the validity of the search for marihuana must depend on the reasonableness of the initial search for cigarettes, as there would have been no reason to suspect that T.L.O. possessed marihuana had the first search not taken place. Accordingly, it is to the search for cigarettes that we first turn our attention.

The New Jersey Supreme Court pointed to two grounds for its holding that the search for cigarettes was unreasonable. First, the court observed that possession of cigarettes was not in itself illegal or a violation of school rules. Because the contents of T.L.O.’s purse would therefore have “no direct bearing on the infraction” of which she was accused (smoking in a lavatory where smoking was prohibited), there was no reason to search her purse.<sup>11</sup> Second, even assuming that a search of T.L.O.’s purse might under some circumstances

be reasonable in light of the accusation made against T.L.O., the New Jersey court concluded that Mr. Choplick in this particular case had no reasonable grounds to suspect that \*345 T.L.O. had cigarettes in her purse. At best, according to the court, Mr. Choplick had “a good hunch.” 94 N.J., at 347, 463 A.2d, at 942.

[10] Both these conclusions are implausible. T.L.O. had been accused of smoking, and had denied the accusation in the strongest possible terms when she stated that she did not smoke at all. Surely it cannot be said that under these circumstances, T.L.O.’s possession of cigarettes would be irrelevant to the charges against her or to her response to those charges. T.L.O.’s possession of cigarettes, once it was discovered, would both corroborate the report that she had been smoking and undermine the credibility of her defense to the charge of smoking. To be sure, the discovery of the cigarettes would not prove that T.L.O. had been smoking in the lavatory; nor would it, strictly speaking, necessarily be inconsistent with her claim that she did not smoke at all. But it is universally recognized that evidence, to be relevant to an inquiry, need not conclusively prove the ultimate fact in issue, but only have “any tendency to make the existence of any fact that is of consequence to the determination of the action more probable \*\*745 or less probable than it would be without the evidence.” Fed.Rule Evid. 401. The relevance of T.L.O.’s possession of cigarettes to the question whether she had been smoking and to the credibility of her denial that she smoked supplied the necessary “nexus” between the item searched for and the infraction under investigation. See  *Warden v. Hayden*, 387 U.S. 294, 306–307, 87 S.Ct. 1642, 1649–1650, 18 L.Ed.2d 782 (1967). Thus, if Mr. Choplick in fact had a reasonable suspicion that T.L.O. had cigarettes in her purse, the search was justified despite the fact that the cigarettes, if found, would constitute “mere evidence” of a violation. *Ibid.*

[11] Of course, the New Jersey Supreme Court also held that Mr. Choplick had no reasonable suspicion that the purse would contain cigarettes. This conclusion is puzzling. A teacher had reported that T.L.O. was smoking in the lavatory. Certainly this report gave Mr. Choplick reason to suspect that T.L.O. was carrying cigarettes with her; and \*346 if she did have cigarettes, her purse was the obvious place in which to find them. Mr. Choplick’s suspicion that there were cigarettes in the purse was not an “inchoate and unparticularized

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suspicion or 'hunch,' ” Terry v. Ohio, 392 U.S., at 27, 88 S.Ct., at 1883; rather, it was the sort of “common-sense conclusio[n] about human behavior” upon which “practical people”—including government officials—are entitled to rely. United States v. Cortez, 449 U.S. 411, 418, 101 S.Ct. 690, 695, 66 L.Ed.2d 621 (1981). Of course, even if the teacher's report were true, T.L.O. might not have had a pack of cigarettes with her; she might have borrowed a cigarette from someone else or have been sharing a cigarette with another student. But the requirement of reasonable suspicion is not a requirement of absolute certainty: “sufficient probability, not certainty, is the touchstone of reasonableness under the Fourth Amendment ....” Hill v. California, 401 U.S. 797, 804, 91 S.Ct. 1106, 1111, 28 L.Ed.2d 484 (1971). Because the hypothesis that T.L.O. was carrying cigarettes in her purse was itself not unreasonable, it is irrelevant that other hypotheses were also consistent with the teacher's accusation. Accordingly, it cannot be said that Mr. Choplick acted unreasonably when he examined T.L.O.'s purse to see if it contained cigarettes.<sup>12</sup>

[12] \*347 Our conclusion that Mr. Choplick's decision to open T.L.O.'s purse was reasonable brings us to the question of the further search for marihuana once the pack of cigarettes was located. The suspicion upon which the search for marihuana was founded was provided when Mr. Choplick observed a package of rolling papers in the purse as he removed the pack of cigarettes. Although T.L.O. does not dispute the reasonableness of Mr. Choplick's belief that the rolling papers indicated the presence of marihuana, she does contend that the scope of the search Mr. Choplick conducted exceeded permissible bounds when he seized and read certain letters that implicated T.L.O. in drug dealing. This argument, too, is unpersuasive. The discovery of the rolling papers concededly gave rise to a reasonable suspicion that T.L.O. was carrying \*\*746 marihuana as well as cigarettes in her purse. This suspicion justified further exploration of T.L.O.'s purse, which turned up more evidence of drug-related activities: a pipe, a number of plastic bags of the type commonly used to store marihuana, a small quantity of marihuana, and a fairly substantial amount of money. Under these circumstances, it was not unreasonable to extend the search to a separate zippered compartment of the purse; and when a search of that compartment revealed an index card containing a list of “people who owe me money” as well

as two letters, the inference that T.L.O. was involved in marihuana trafficking was substantial enough to justify Mr. Choplick in examining the letters to determine whether they contained any further evidence. In short, we cannot conclude that the search for marihuana was unreasonable in any respect.

Because the search resulting in the discovery of the evidence of marihuana dealing by T.L.O. was reasonable, the New Jersey Supreme Court's decision to exclude that evidence \*348 from T.L.O.'s juvenile delinquency proceedings on Fourth Amendment grounds was erroneous. Accordingly, the judgment of the Supreme Court of New Jersey is

Reversed.

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