

Students' 4th Amendment Rights

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Subject / Lesson: Street Law

Grade Level: 8th through 12th Grade

Overview/Description: Students will be able to understand their 4th Amendment Rights during a school day

Duration: 2 Days

Objectives: SWBAT break down and discuss their 4th Amendment Rights breaking down major Supreme Court cases

Materials and Resources:

- Case Scenario
- Court Cases
- Discussion/Debate

CASE SENERIO

Student A drives to ABC school. The morning of May 2, while trying to start their car it doesn't work. They live with their grandparents and student A's grandma tells student A to take her car to school. After parking at the school student A goes into the building to class. Student B walks by their car and notices a small bag with a green leafy substance in it. Student B goes and tells the principal. The principal goes out and looks and determines it is marijuana and suspends the student A. Over the days of suspension the student denies it was theirs and starts falling behind in class and in turn fails their classes

STUDENT OPINION...What do you think should happen?

NEW JERSEY V TLO

<https://drive.google.com/open?id=1iDO4Gc6NXKB5dbaSz9M6dzW6gUokfDbk>

Issue	What was the incident that brought this case to court?	
	Who are the two sides? Which side did the court rule in favor of?	
	Why did the people involved act the way they did?	
	What is the issue before the court?	
Rule	What rule/policy is being challenged?	
	What is this case's constitutional question?	
	Which amendment is associated with this case? Which right(s)?	
	Which words are being defined in the amendment?	
	How does each side define the words or the application of those words to the situation differently?	

Analysis	What arguments does the appellant make? What other court cases are mentioned in the case? How do they help?	
	What argument does the respondent make? What other court cases are mentioned in this case? How do they help?	
	What arguments do the majority opinion agree with? What other court cases are mentioned in this case? How do they help?	
	Assuming other cases are not exactly the same, do the differences dictate a different result?	
Conclusion	What does the decision mean for the parties involved?	
	How have our rights changed as a result of this decision?	
	Is the decision practical? Are there any other alternative ways to deal with this issue?	

THE CASE OF STUDENT DRUG TESTING

<https://drive.google.com/open?id=1iDO4Gc6NXKB5dbaSz9M6dzW6gUokfDbk>

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Rule	What rule/policy is being challenged?	
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Analysis	What arguments does the appellant make? What other court cases are mentioned in the case? How do they help?	
	What argument does the respondent make? What other court cases are mentioned in this case? How do they help?	
	What arguments do the majority opinion agree with? What other court cases are mentioned in this case? How do they help?	
	Assuming other cases are not exactly the same, do the differences dictate a different result?	
Conclusion	What does the decision mean for the parties involved?	
	How have our rights changed as a result of this decision?	
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STAFFORD UNITED SCHOOL DISTRICT V REDDING

<https://www.oyez.org/cases/2008/08-479>

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	Who are the two sides? Which side did the court rule in favor of?	
	Why did the people involved act the way they did?	
	What is the issue before the court?	
Rule	What rule/policy is being challenged?	
	What is this case's constitutional question?	
	Which amendment is associated with this case? Which right(s)?	
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Analysis	What arguments does the appellant make? What other court cases are mentioned in the case? How do they help?	
	What argument does the respondent make? What other court cases are mentioned in this case? How do they help?	
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GROUP DISCUSSION

- 1) Looking at the scenario, write a court brief using the 3 court cases backing up your argument for your group (1 page)

Example:

An Example of a Brief Sample Court Case

As an example of the format used in briefing cases, we present here a briefed version of the sample court case that was presented in Exhibit 1A–3 on page 32.

BERGER v. CITY OF SEATTLE

United States Court of Appeals,

Ninth Circuit, 2008.

512 F.3d 582.

FACTS The Seattle Center is an entertainment “zone” in downtown Seattle, Washington, that attracts nearly ten million tourists each year. The center encompasses theaters, arenas, museums, exhibition halls, conference rooms, outdoor stadiums, and restaurants, and features street performers. Under the authority of the city, the center’s director issued rules in 2002 to address safety concerns and other matters. Among other things, street performers were required to obtain permits and wear badges. After members of the public filed numerous complaints of threatening behavior by street performer and balloon artist Michael Berger, Seattle Center staff cited Berger for several rules violations. He filed a suit in a federal district court against the city and others, alleging, in part, that the rules violated his free speech rights under the First Amendment to the U.S. Constitution. The court issued a judgment in the plaintiff’s favor. The city appealed to the U.S. Court of Appeals for the Ninth Circuit.

ISSUE Did the rules issued by the Seattle Center under the city’s authority meet the requirements for valid restrictions on speech under the First Amendment?

DECISION Yes. The U.S. Court of Appeals for the Ninth Circuit reversed the decision of the lower court and remanded the case for further proceedings. “Such content neutral and narrowly tailored rules *** must be upheld.”

- 2) Choose a leader (speaker) to discuss your point and reasoning to the class