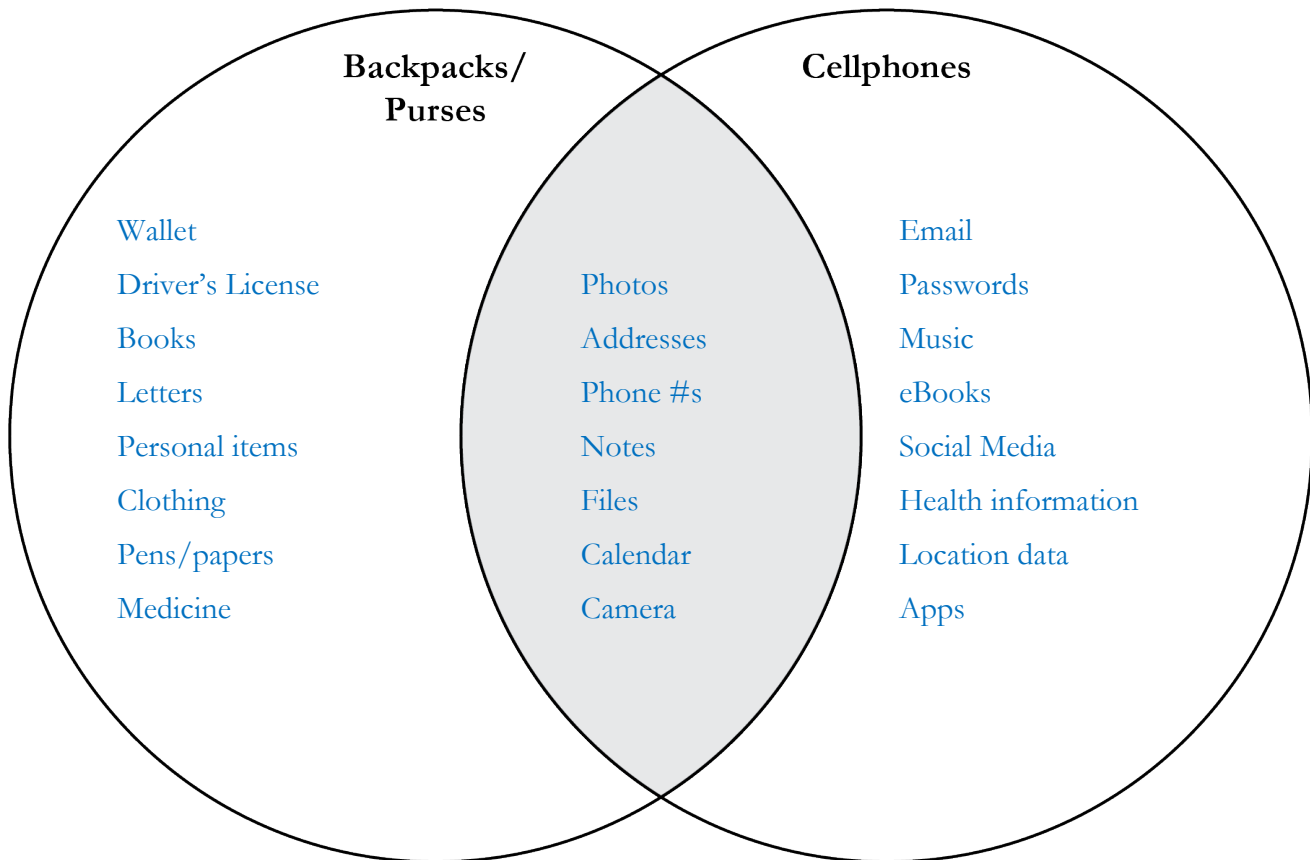


New Jersey v. T.L.O. / School Searches and Cellphones: Compare and Contrast—Answer Key

According to a poll conducted by Pew Research Center in 2019, 99% of young adults between the ages of 18 and 29 reported that they owned a cellphone. Only 4% of the young adults surveyed own a phone that was not a smart phone. As almost every student possesses a cellphone, determining the reasonableness of searching a cellphone at school becomes difficult.

Using the Venn Diagram below, compare and contrast the search of a backpack or purse, similar to the search in *New Jersey v. T.L.O.*, to the school search of a cellphone by school officials. In each circle, list characteristics regarding the type of search. You may list items that can be found in each, level of privacy, or anything else you can think of. The outer circles will contain characteristics that differ between cellphones and backpacks, while the area where the circles overlap will contain similarities between the two types of searches.



Questions to Consider

1. What has changed about students' possessions since *New Jersey v. T.L.O.* (1985)? What possessions might you and your classmates have that did not exist in schools in 1985?
Student answers will vary but may include: Students can carry much more information with them in their phones. Cellphones have location tracking data that can show everywhere that student has been with their phone. Cellphones hold medical and personal information that students would have been unlikely to carry with them in public in 1985.
2. What problems might result in applying the precedent from *New Jersey v. T.L.O.* to students today because of those changes?
Student answers will vary but may include that because students carry much more personal data with them in their cellphones, the Court will need to decide if they have a higher expectation of privacy than they did in a purse or backpack in 1985 when *New Jersey v. T.L.O.* was decided.