

TS Support for New Jersey upholds student privacy rights. **A** Indeed, the court does not support the claim of *in loco parentis* presented by New Jersey to the court. **A** This goes too far. **A** Schools are not acting in place of the parents; students do not give up their constitutionally protected privacy rights when they leave their homes and attend schools. **B** Rejecting New Jersey's claim of *in loco parentis*, though, does not mean that the search of TLO was illegal. **B** Those in the court who advocate for TLO base their case on the Fourth Amendment's clause stating, "... no warrants shall issue but upon probable cause." **B** This clause rightfully defines the need for probable cause in searches that require warrants. **C** Equally important, though, is the clause of the Fourth Amendment that protects the "right of the people...against unreasonable searches..." **C** The courts must determine whether the search of TLO was a reasonable search and whether the requirement of probable cause in a school setting is a reasonable expectation. **C** Just as the courts have recognized the rights of parents to evolve over time in respect to the privacy rights of their children in their homes, the courts must decide whether the search of TLO was reasonable in a school setting. **CS** The court supports a student's right to privacy, and support for New Jersey does uphold this fundamental student right.

TS Because a school setting is fundamentally different than other settings outside the home such as the mall or skating rink, the courts must strike a balance between the special needs of the school setting and a student's reasonable right to privacy.