

Can You Hear Me Now? Cell Phone Searches in the Schools

Richard Fossey
Paul Burdin Endowed Professor of Education
University of Louisiana at Lafayette

Riley v. California (2014)

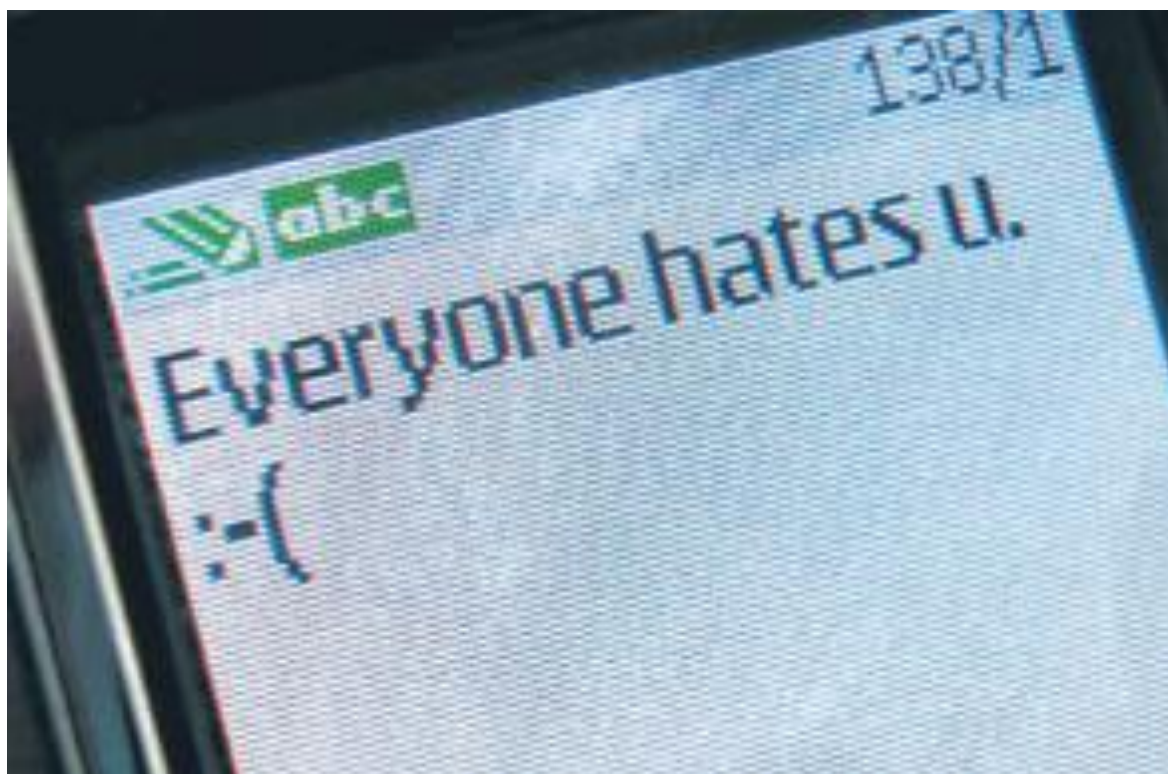
“[M]odern cell phones . . . are now such a pervasive and insistent part of daily life that the proverbial visitor from Mars might conclude they were an important feature of human anatomy.”

Chief Justice John Roberts

Cell phones at school can be a problem: Cheating



Bullying



Sexting



Distractions



Ubiquitous



Can schools legally ban cell phones at school?



Price v. New York City Board of Educ. (2008)

- Parents and Teachers Association challenge N.Y. City School District's cell phone ban.
- Ban contained exception for students needing their phones for medical reasons.
- Plaintiffs argued that a ban on use was sufficient and that phones were “lifeline” for many students & their parents.
- Gave examples of students commuting to school in the dark, through dangerous neighborhoods with few pay phones, need for parents to contact students in cases of emergencies, need for parents to coordinate transportation etc.

Price v. New York City Board of Educ. (2008)

- N.Y. Appellate Court ruled for school board.
- Found cell phone ban to be rational.
- Mere ban on use may be difficult to enforce. “While vast majority of public school children are respectful and well-behaved, it was not unreasonable for the Chancellor to recognize that if adults cannot be fully trusted to practice proper cell phone etiquette, then neither can children.”
- “Certainly the Department has a rational interest in having its teachers and staff devote their time to educating students and not waging ‘war’ against cell phones.”
- Ban does not interfere with parents’ constitutional right to care, custody and control of children.

Riley v. California (2014): A traffic stop leads to the Supreme Court



Riley v. California (2014)

15 years to Life



Riley v. California (2014)

“Our answer to the question of what police must do before searching a cell phone seized incident to arrest is accordingly simple—get a warrant.”

Chief Justice John Roberts



Gallimore v. Henrico County Sch. Bd (E.D. Va. 2014)

- Based on report that long-haired student was smoking marijuana on a school bus, Asst. principal (Turpin) & assoc. principal (Saunders) called student into assoc. principal's office.
- Turpin patted student down and search ackpack, shoes, and pockets.
- Saunders searched student's Vaseline jar (?), a sandwich wrapper, and cell phone.

Gallimore v. Henrico County Sch. Bd (E.D. Va. 2014)

- Court found search of student's backpack, shoes, pockets, sandwich wrapper, and Vaseline jar to be reasonable because drugs could have been found in those places.
- Cell phone search was unreasonable under T.L.O. because cell phone could not have contained drugs and thus was not reasonably related to the objective of the search.
- **No Qualified Immunity.** “No reasonable school administrator could believe that searching a student's cell phone would result in finding marijuana—the purpose for which the administrator initiated the search.”