We affirm resolved: In United States public K-12 schools, the probable cause standard ought to apply to searches of students.

**Our Sole Contention is the protection of students’ rights**

Jason P Nance from Emory Law explains in his study that,

In the last three decades, **students’ Fourth Amendment rights have steadily declined** as **[in] the U.S.** Supreme Court has provided school officials with more constitutional leeway to maintain order and discipline.  **School officials are not required to obtain a warrant, [or] show probable cause**, or even have an individualized suspicion  that a student participated in wrongdoing before conducting a search. **The absence of any meaningful protections** from random, suspicionless searches **has created an environment in which school officials can now freely employ a variety of strict security measures**, even when those measures have the cumulative effect of creating an intense environment that is detrimental to learning.In addition, federal and state laws have motivated schools to purchase strict security measures and intensify their surveillance methods.  These conditions set the stage for another racial inequality to develop in our public schools.

Reasonable Suspicion has also created an authoritarian environment

3

Sarah Forman of Scholar writes that

Forman, Sarah Jane. "Countering Criminalization: Toward a Youth Development Approach to School Searches." *Scholar* 14 (2011): 301. http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1652971&download=yes

What kind of message is conveyed when students are subjected to pats, frisks, sniffs, and searches on a regular basis? **Children**, particularly ado- lescents, who are **subjected to** these **searches under** the very low bar of **reasonable suspicion,** may **feel** that **the law is unfair** and question its legit- imacy **because they have been treated with distrust** and disrespect **by** adults in positions of **authority.**20 **Even if they do not understand** the vagaries of **[how] reasonable suspicion** and how it **differs from probable cause,** young people can **[students] appreciate basic concepts of fairness**, dignity and respect.21 **Repeated experiences with legal actors who** seem to **abuse** their **authority contributes to** a sense of **humiliation**, rejection, **and alienation** that eventually leads students to seek acceptance and recognition in other, less “mainstream” venues.22 The constant suspicion with which students are regarded under the current paradigm pushes them [students] into a defensive posture that hinders their ability to become active and engaged citizens of their community and nation.23 Disengaged from the “fundamental values necessary to the maintenance of a democratic political system,” youth salvage their dignity by plugging into an oppositional culture born in despair and steeped in violence, decreasing the legitimacy of the rule of law, and, in some instances, feeding the school-to-prison pipeline.2 “

The impact to this authoritarian environment is two-fold

First, increase violence

CRF writes

Causes of School Violence, the Constitutional Rights Foundation <http://www.crf-usa.org/school-violence/causes-of-school-violence.html>

Most educators, andresearchersand practitioners wouldagree **that school violence arises from** a layering of causes and risk factors that include (but are not limited to) access to weapons, media violence, cyber abuse, the impact of school, community, and family environments, **personal alienation**, and more.

Which is uniquely harmful to children as

**Forman asserts,**, Sarah Jane. "Countering Criminalization: Toward a Youth Development Approach to School Searches." *Scholar* 14 (2011): 301. http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1652971&download=yes

This anti-social conditioning is particularly detrimental to high school age youth because adolescents are undergoing significant psychological, intellectual, and emotional development. Brain science and developmental psychology tell us thatadolescent youth[children] are in the process of developing their identities and understanding their place in society.25 During this time, youth are being “hardwired,” [being] shaped and programmed into patterns of thought and behavior that impact the way they interact with the world around them and determine what kind of the adults they will become**.**26 As a result, they [students] have very fragile identities that make them particularly vulnerable to outside pressures and influences.27 During the teenage years, children learn as much from their social interactions with peers and authority figures as they do from textbooks.28 Therefore, **the** draconian **disciplinary policies of America’s** urban **public schools, where** **children are viewed with suspicion** and treated like threats, **create a self-fulfilling prophecy**—**when students are treated as threats to society, they become threats to society**.

**Katie James** Department of Sociology, **University of Georgia [finds empirically that],** Athens, GA, USA Perceived Injustice and School Violence: An Application of General Strain Theory, 2015[**http://yvj.sagepub.com/search?author1=Katie+James&sortspec=date&submit=Submit**](http://yvj.sagepub.com/search?author1=Katie+James&sortspec=date&submit=Submit) **DOA July 1, 2016 (NP)**

We turn now to testing our hypotheses. We find support for Hypothesis 1, whichstates **that a student’s perceptions of teacher fairness will be** negatively **associated with [their]** his or her **odds of participating in school violence.** Indeed, **there is** a 42% reduction in the odds of bringing a weapon to school for every one-unit increase in the perceived teacher fairness scale **(**Table 2, Model 1, b 1⁄4 􏰂.52, p 1⁄4 .056, 95% CI [􏰂1.09, 0.01]). Additionally, **a** one-unit increase in the perceived teacher fairness scale is associated with a **47% reduction in a student’s odds of fighting at school** (Table 3, Model 1, b 1⁄4 􏰂.64, p 1⁄4 .001, 95% CI [􏰂1.04, 􏰂0.25]). We find partial support for Hypothesis 2, which states that perceptions of rule fairness will be negatively associated with the odds of partici- pating in school violence. A one-unit increase in the perceived rule fairness scale is associated with **and a 48% reduction in a student’s odds of bringing a weapon to school** (Table 2, Model 1, b 1⁄4 􏰂.66, p 1⁄4 .045, 95% CI [􏰂1.31, 􏰂.01]), but the effect of rule fairness on fighting at school is not statistically significant (Table 3, Model 1, b 1⁄4 .10, p 1⁄4 .672, 95% CI [􏰂0.35, 0.55]). We find support for Hypothesis 3, which states that perceived social support from adults may buffer the negative relationship between perceptions of teacher fairness and school violence. Model 2 in Table 2 reveals a significant interaction between perceived teacher fairness and per- ceived adult support (b 1⁄4 .71, p 1⁄4 .006, 95% CI [0.21, 1.21]). To understand this interaction, we graph changes in the probability of bringing a weapon to school across levels of perceptions of both teacher fairness and adult support. As Figure 1 shows, students who perceive low levels of teacher fairness (i.e., they think teachers do not respect them and mistreat students) have greater odds of bringing a weapon to school than students who perceive teachers treat students fairly.

Second, school to prison pipeline

The authoritarian environment of treating students like criminals leads to a self fulfilling prophecy as Sarah Forman of Scholar explains

Forman, Sarah Jane. "Countering Criminalization: Toward a Youth Development Approach to School Searches." *Scholar* 14 (2011): 301. <http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1652971&download=yes>

**This anti-social conditioning is** particularly **detrimental to** high school age **youth because adolescents are undergoing significant** psychological, intellectual, and emotional **development.** Brain science and developmental psychology tell us that adolescent youth are in the process of developing their identities and understanding their place in society. During this time, youth are being “hardwired,” shaped and programmed into patterns of thought and behavior that impact the way they interact with the world around them and determine what kind of adults they will become. As a result, they have very fragile identities that make them particularly vulnerable to outside pressuresand influences.During the teenage years, children learn as much from their social interactions with peers and authority figures as they do from textbooks. **[Resulting in]**Therefore, the draconian disciplinary policies of America’s urban public schools, where children are viewed with suspicion and treated like threats, create **a self-fulfilling prophecy—when students are treated as threats to society, they become threats to society.**

Feld of the University of Minnesota concludes that

Part II analyzes how courts, legislatures, and school districts have responded to T.L.O.’s undecided questions. Part II A. examines juveniles’ right to an exclusionary remedy in delinquency prosecutions and in internal school disciplinary proceedings. It identifies for later analyses the problematic issue of remedies when school officials violate students’ constitutional rights. Part II B. examines how the increased presence of police officers in schools—police liaison officers or school resource officers—greatly complicates the question of ―assessing the legality of searches conducted by school officials in conjunction with or at the behest of law enforcement. It suggests that **a weakened search standard** and a heightened police presence **fuels the school-to-prison pipeline and contributes to disproportionate minority over-representation in the juvenile justice system.**

Ross of the Washington Post finds in 2015 that

African-American students without disabilities are more than three times as likely as their white peers without disabilities to be expelled or suspended. Although **African-American students represent 15% of students** ... **they make up** 35% of students suspended once, **44% of those suspended** more than once, and **36% of students expelled**. Further, over 50% of students who were involved in school-related arrests or referred to law enforcement are Hispanic or African-American.

This sets youth on a path for failure; Jason Nance from the Washington University Law Review states

Nance, Jason P. "Students, Police, and the School-to-Prison Pipeline."*Washington University Law Review, Forthcoming* (2015): 15-20.

Empirical studies demonstrate that **arresting a student substantially** reduces the odds that the student will graduate from high school, especially if that student appears in court. It also lowers the student’s performance on standardized tests, decreases future employment opportunities, and **increases the likelihood of future involvement in the criminal justice system.** 13 Furthermore, the Pipeline does not impact all racial groups equally. Abundant empirical evidence demonstrates that students of color are affected disproportionately throughout every stage of the Pipeline. For example, minority students are disciplined more often and more severely than white students for committing similar offenses, 14 and have higher arrest and conviction rates when they are referred to the justice system. 15

Linda Teplin of the US department of Justice states

Teplin, Linda "." *Ojjdp.gov*. 4 Sept. 2015. Web. 28 Jun. 2016. <http://www.ojjdp.gov/pubs/248408.pdf>

**The standardized mortality rate for delinquent youth is more than four times the rate for youth in the general population.**

Voting Aff ends the era of school criminalization for two reason

First, Probable cause assumes innocence - Forman states that

Forman, Sarah Jane. "Countering Criminalization: Toward a Youth Development Approach to School Searches." *Scholar* 14 (2011): 301. http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1652971&download=yes

Furthermore, **a shift to** a **probable cause** standard **would** also **address the problem of the expanding nexus between school officials and law enforcement.** This was the elephant in the room in New Jersey v. T.L.O. Since that case was decided, police have become a prevalent fixture in public schools and it is more likely that disciplinary infractions will lead to school-based arrests and even criminal prosecutions.335 Under a probable cause standard, students who are searched and criminally prosecuted based on the fruits of the search, will have weightier grounds to support suppression motions. **Probable cause would alter the current methodology** of school discipline **wherein every student is viewed as a potential safety threat and treated like a criminal suspect** when accused of violating school rules.336 Moreover, probable cause would**[by] plac[ing]**e **limits on the discretion of school officials** and SRO’s“bent upon searching particular students suspected of wrongdoing at school,” and who, under the current framework, have very “few constraints.”337

Second, switching to a probable cause standard would reduce searches for two reasons

A. greater protection granted by the probable cause standard provides more rights to students and forces police accountability.

Tonja Jacobi of ND law review finds that

Jacobi, Tonja "." *Ndlawreview.org*. 17 Sept. 2013. Web. 29 Jun. 2016. <http://ndlawreview.org/wp-content/uploads/2013/05/Jacobi.pdf>

See Perrin et al., supra note 18, at 676. For a discussion the nature of the costs of such motions, see William J. Stuntz, The Political Constitution of Criminal Justice, 119 HARV. L. REV. 781, 784 (2006), and William J. Stuntz, The Uneasy Relationship Between Criminal Procedure and Criminal Justice, 107 YALE L.J. 1, 27–28 (1997) [hereinafter Stuntz, Uneasy Relationship]. 40 For example, one economist proposes that **if police officers adhere to stronger Fourth Amendment procedures, the higher costs of performing such searches will prompt police to conduct fewer searches**, resulting in lower probabilities of crime resolution. See RAYMOND ALLEN ATKINS, ECONOMIC ANALYSIS OF CRIMINAL PROCEDURE (1998). 41 Alternatively, if breaking the rules is easier than following the rules, there could instead be under-deterrence. See Evan Osborne, Is the Exclusionary Rule Worthwhile?, 17 CONTEMP. ECON. POL’Y 381, 382 (1999) (characterizing the difficulty with enforcing Fourth Amendment rights as a principal-agent problem, whereby following the rules requires more effort for the police than does breaking the rules, and so police will have an incentive to “shirk” the full breadth of the rules).

B. Probable cause has fewer gray areas. Jacobi furthers that

"REASONABLE SUSPICION: The Warrantless Standard of Probable Cause." *Russia Robinson*. 5 Jun. 2014. Web. 28 Jun. 2016. <https://russiarobinson.wordpress.com/2014/06/05/reasonable-suspicion-the-warrantless-standard-of-probable-cause/>

Harris wrote a highly cited article in 1994 called *Factors for Reasonable Suspicion: When Black and Poor Means Stopped and Frisked*. In it, Harris states that, “being stopped for nothing – or almost nothing- has become an all too common experience for some Americans since 1968 when the United States Supreme Court decided Terry v Ohio.” The Terry v Ohio case granted police officers the right to search a person and their possessions without warrant or probable cause. Those in law call this the, *Terry Standard* or a *Terry Stop*. Over the case of reasonable suspicion, Harris provided two factors: “to presume the correctness of the trail courts findings of fact subject to clear error or a showing that the factual findings are not credible or are not supported by substantial evidence”. Therefore **reasonable suspicion has a large gray area.** It is up to law enforcement and the courts to practice reasonable suspicion. Yet, reasonable suspicion is **[because it is] based on little evidence and general feelings.** This leaves the meaning, application, and concept of reasonable suspicion to the courts. **It also allows room for bias conduct and stereotypes**. Harris goes on to explain that, “these cases gradually require less and less evidence for a stop and frisk”.

A decrease searches is critical, for searches fuel delinquency.

Johnson of American University finds that

The high number of adolescents searched every year is problematic. New research concludes that increased interaction between police and adolescents makes them more likely to engage in delinquent behaviors. In particular, the study published in Crime and Delinquency concludes that “stop and frisk” searches are particularly problematic. “Stop and frisk” searches produce the same increase in type and frequency of delinquent behaviors as do arrests. **An adolescent involved in a “stop and frisk” is also four times more likely to engage in delinquent behavior, than an adolescent who is not subjected to a “stop and frisk.”** Ultimately, **[she furthers that] school searches will** also **produce the same increase in delinquency because school searches are similar in suspicion standard,** execution, and reasonableness test **to “stop and frisk” searches.** Because both types of searches are increasing, it is likely that the rates of adolescent delinquency will increase at an even faster rate.

In addition, drug usage increases by 2 times after a stop and frisk search.

Thus, we affirm