Ben and I affirm, Resolved: In United States K-12 public schools, the probable cause standard ought to apply to searches of students.

**Our Sole Contention is Racism:**

There are three reasons why the current standard of reasonable suspicion causes minority students to be searched more than their counterparts.

**First, is through the use of racial bias.** Jason Nance of the University of Colorado finds implicit bias materializes when searching minority students. He quantifies that minorities are FOUR TIMES more likely to be searched than whites. This is important because the Ohio Children’s Defense Fund shows that black students are nearly four times as likely as whites to be suspended.

**Second, are high crime areas.** Andrew Ferguson of American University reports that the Supreme Court allows for the character of a neighborhood to constitute as reasonable suspicion for a stop. However, they fail to define what a high-crime area is and its implication. He furthers that the high-crime area designation always shifts the balance toward a finding of reasonable suspicion. Moreover, Aaron Kupchik of the University of Delaware states that high-crime areas tend to be located where there are CONCENTRATIONS OF MINORITIES. This is problematic because schools are located in high minority areas.

**Third, is search immunity.** Randall Beger of the Criminal Justice Review reports that virtually ANY search and seizure will be upheld as reasonable and therefore constitutional. This occurs because searches based on reasonable suspicion do not have an evidence standard, in turn, allowing for the abuse of searches. This is problematic as Foreman finds that under the status quo of frequent, unjustified searches, children may feel that the law is unfair and question its legitimacy because of the distrust and disrespect they have been constantly treated with. This alienates minorities by making them unsure of how the law protects them.

Reasonable suspicion creates three negative impacts for minorities that probable cause solves.

**First, is the prison pipeline.** The US Department of Education finds that minorities face harsher discipline in public school systems. Jamie Dougherty of the Rochester Institute for Technology explains that even those with minor criminal histories struggle for the rest of their lives to overcome the stigma against their character and employability, often leading to extreme poverty and recidivism. Anna Aizer of Brown University quantifies the impact as the incarceration of a child leads to a sixty seven percent increase in the chance of incarceration as an adult. Sending minorities to prison prevents them from achieving in the future, leading to generational disparity.

Changing the standard solves this as Sarah Forman of Detroit University reports that probable cause would place limits on the discretion of school officials because the standard requires a definitive burden of proof. Foreman furthers that this will make searches more accurate and precise. In turn, teachers and police would be rendered unable to instinctively blame minority students based on bias.

**Second, are rights violations.** Betsy Levin of Yale writes that strict security measures hinder students’ ability to become engaged citizens within their community, socializing them away from understanding and advocating for their rights. Minorities who are conditioned to not exercise their rights from an early age, are unable to use them in the future, allowing them to become second-class citizens with the mindset of having second-class rights.

A probable cause standard would solve this because Erin Davenport of the Tennessee Law Journal explains that under reasonable suspicion, teachers act with impunity because either they do not know the law, or they know that the confusion in the law will protect them. He furthers that a clearly defined standard [such as probable cause] would prevent teachers from abusing the grey areas that currently exist within the law, as they no longer have qualified immunity when infringing upon a now upheld constitutional right.

**Third, is delinquency.** Forman unfortunately finds that when students are treated as threats to society, they become threats to society. To further Rachel Johnson of American University quantifies this, as students who are searched unreasonably are four times more likely to commit acts of delinquency. Moreover, Katie James of the University of Georgia who empirically concludes that a one-unit increase in the perceived teacher fairness scale is associated with a forty seven percent reduction in a student’s odds of fighting at school, as well as a forty two percent reduction in the odds of bringing a handheld firearm to school.

Because our schools probably need probable cause, we urge you to end years of systematic racism and affirm. Thank you.

**Warrant 3: Search Immunity**

Randall Beger, Criminal Justice Review,  2003 "Worst of Both Worlds": School Security and the Disappearing Fourth Amendment Rights of Students” Accessed on July 9, 2016. Available at <https://www.ncjrs.gov/App/Publications/abstract.aspx?ID=203227>

The U.S. Supreme Court has ruled that students in public schools are entitled to protection under the Fourth Amendment; however, the cases reported in this article show that support for students' fourth amendment rights among the Nation's courts has eroded under the influence of public anxiety over drugs and violence in the educational setting. As a result, few Fourth Amendment protections remain to shield students from police searches and suspicionless drug testing in schools. Instead of holding police to the probable cause standard, courts have lowered the search threshold for police and school resource officers and expanded the authority of school officials to test students for drugs. In response to concerns about violence and disorder in public schools, State appellate courts have adopted a new "get tough" version of in loco parentis that empowers police to search students without probable cause under the "special needs" rationale. **Increasingly, the school setting**, like a prison**, is becoming a constitutional "free zone" where the language of the fourth amendment still technically applies, but any search and seizure will be upheld as reasonable and therefore constitutional.** **Also, many forms of student misconduct that teachers and school administrators once handled informally now result in automatic suspension or expulsion from school or in arrest and court referral**. The result for students is the "worst of both worlds," in that harsh penalties are dispensed for even minor misbehavior without adequate fourth amendment protection.