

LEGAL MAILBAG – DECEMBER 11, 2025



By Attorney Thomas B. Mooney, Neag School of Education, University of Connecticut

The “Legal Mailbag Question of the Week” is a regular feature of the CAS Weekly NewsBlast. We invite readers to submit short, law-related questions of practical concern to school administrators. Each week, we will select a question and publish an answer. While these answers cannot be considered formal legal advice, they may be of help to you and your colleagues. We may edit your questions, and we will not identify the authors. Please submit your questions to: legalmailbag@casciac.org.

Dear Legal Mailbag,

I am the principal of an elementary school and a loyal reader of your weekly column. I always appreciate the questions you tackle, though I have noticed that our youngest learners rarely make it into the Mailbag. I understand that kindergarteners are not typically the ones carrying vapes or box cutters, but I promise they generate their own legally intriguing dilemmas, which brings me to my question, a sort of *elementary extension* of [last week's column](#) answering the question from “*Searching for Guidance*.”

In our K–1 classrooms, teachers are expected to look in students’ backpacks each day. This is not a search for contraband. It is simply a routine operational necessity. Parents send in bus notes, permission slips, changes of clothing, returned books, and all manner of essential items. If a teacher misses a note, parents are understandably frustrated, so the daily backpack check has become a standard practice.

My question is two-fold. First, is it permissible under Connecticut law for teachers to look in backpacks as part of this routine, given that it is not prompted by reasonable suspicion but rather by the need to manage communication with families?

Second, in the unlikely event that a teacher were to find contraband during such a routine check, would that discovery be treated as lawful, or could it be challenged since the initial look was not based on suspicion?

Signed,
Wishing Elementary Got More Mailbag Love

Dear Wishing:

Legal Mailbag notes the need to identify the challenges faced by administrators at all levels and will endeavor to send more love to elementary administrators.

The answer to your first question turns on a definitional issue. The Fourth Amendment provides in relevant part:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated . . .

Accordingly, the protections of the Fourth Amendment apply in the school setting when there is a “search” or a “seizure.” A search is an intrusion into a privacy interest, such as pockets or backpacks, which students can generally consider private.

In Fourth Amendment jurisprudence, the protections of that privacy interest do not apply when objects are “in plain view.” Accordingly, authorities can act on things they simply see, such as a holstered weapon or an object visible through the windows of a car. In such cases, authorities can act without complying with the rules that apply to searches.

Similarly, the Fourth Amendment protections do not apply when authorities are not conducting a “search,” *i.e.*, looking for a particular item, but rather are exercising an administrative function. Such functions include cleaning out lockers at the end of the school year or, as here, looking into backpacks for communications from parents or for objects needed to care for the student.

Given elementary educators are not conducting a search when they look into student backpacks for these benign purposes, Legal Mailbag concludes that these actions are not subject to the *T.L.O.* standard and that there is no need to demonstrate that educators had reasonable suspicion that a search would yield evidence of a violation of school rules or the law. Indeed, when educators look in the backpack, they are simply doing their job to support the students without any suspicion that the student is in possession of prohibited items.

Even if the practice of looking in the backpacks were considered a “search,” Legal Mailbag still concludes that the practice in the lower grades as you describe is appropriate. Consent to a search obviates the need for Fourth Amendment protections. As Legal Mailbag has noted in the past, students cannot effectively consent to searches because educators are authority figures. However, their parents can certainly consent to a search. Here, parents understand that educators will be looking in backpacks for notes and other items, and parents understand that educators may place notes back to parents in the backpacks. Therefore, even if one were to characterize the practice as a “search,” it is a search undertaken with the knowledge and implied consent of the parents.

Legal Mailbag is also happy to answer your second question: whether objects found in a backpack through the described procedure can be used in disciplinary proceedings. The answer is yes for a number of reasons. First, objects found in that manner are “in plain view” and would not be subject to Fourth Amendment protections. Second, even if the action of educators would be considered a “search,” it is well-established that any prohibited item found in a legal search, (*i.e.*, either a consensual search or a search that is (1) based on reasonable suspicion at its inception, and (2) that is reasonable in scope in light of the object of the search excessively intrusive) may be the basis for subsequent discipline. That is true even if the object found is not related to the cause for the search (*e.g.*, an administrator finds drugs while looking for a weapon). Finally, while an illegal search could invite a claim that a student’s Fourth Amendment rights were violated, the exclusionary rule (*i.e.*, evidence illegally seized cannot be used against a person) is a criminal law concept that does not apply in disciplinary proceedings in the school setting.

Legal Mailbag thanks you for the excellent question and welcomes all questions, especially those from elementary administrators. Keep those cards and letters coming.