The University of Akron
School of Law

WARREN R. CARR

Writing Sample:
FOURTH AMENDMENT
APPELLATE BRIEF

No. 1:19-CV-420

In the United States Court of Appeals for the Sixth Circuit

CYNTHIA WILSON,

Plaintiff-Appellant

v.

ATHENS TOWNSHIP LOCAL SCHOOL DISTRICT, ET AL.,

Defendants-Appellees

On Appeal from the United States District Court
for the Southern District of Ohio
Honorable Judge Marshall, Judge Presiding
District Court No. 1:19-CV-420

BRIEF OF DEFENDANTS - APPELLEES

Warren Carr
Counsel for Appellee
Carr & Associates
150 University Ave.
Akron, OH 44325
(330) 972-7330
wcarr@uakron.edu
State Bar No. 1234567890

TABLE OF CONTENTS

TABLE OF AUTHORITIES

Cases

Statutes

JURISDICTIONAL STATEMENT

On October 24, 2023, The district court had jurisdiction over this action pursuant to 28 U.S.C. § 1331, because the claims arise under the Fourth Amendment to the United States Constitution, and pursuant to 28 U.S.C. § 1343, because relief is sought under 42 U.S.C. § 1983. On February 22, 2025, Plaintiff-Appellant Cynthia Wilson filed a timely notice of appeal of the district court's February 21, 2025, Opinion and Order granting summary judgment in favor of Defendant-Appellee Athens Township Local School District. This Court has jurisdiction pursuant to 28 U.S.C. § 1291, because the district court's order was a final decision that disposed of all parties' claims.

STATEMENT OF THE ISSUE

I.! Under the Fourth Amendment, does a dog sniffing the air around a student in a public classroom constitute a search when there was no physical contact made or any exposure of personal information?

II.! Under the special needs doctrine, does a suspicionless, non-contact canine sniff in a public-school classroom constitute a reasonable action when it is minimally intrusive, broadly applied, and implemented to address a documented student drug problem?

STATEMENT OF THE CASE

Athens Township Local School District responded to a growing drug problem among students by expanding its canine detection policy to address known loopholes in the system. (R. at 43–45, 47–48.) During a routine classroom safety sweep, a trained narcotics-detection dog

alerted near a student. (R. at 48–49.) The student and her father consented to a search, but no drugs were found. (R. at 31–33, 49.) Previously the school implemented a no-contact, noninvasive, drug-detection policy utilizing certified narcotics-detection dogs. (R. at 46–47.) Pursuant to this policy, a trained canine was led through common areas of the school, including a classroom, to sniff the air for contraband. (R. at 46–47.) The dog did not make physical contact with any student and remained in a shared, school-supervised, space throughout the procedure. (R. at 40–41,49.) The dogs are trained to detect the scent of illegal narcotics without alerting to legal substances, and they operate under the direction of professional handlers using passive alert methods. (R. at 36–37, 41.) Wilson now challenges the policy, alleging the sniff violated her Fourth Amendment rights.

Athens Township Local School District (ATLSD)

Superintendent Patterson Hood has faithfully served ATLSD since 2002 and holds advanced degrees in educational administration. (R. at 20.) Superintendent Hood designed and implemented the district's contraband-detection program in response to both national trends and local data indicating increased student exposure to illegal substances. (R. at 20–23.) His policy was carefully crafted to be minimally intrusive, educational in tone, and legally compliant. Under his leadership, ATLSD focused its efforts on prevention and student welfare, not punishment, and continually adjusted its procedures to ensure fairness, transparency, and respect for students' rights. (R. at 24–25.)

Ozzie is a golden retriever trained exclusively for narcotics detection. (R. at 36.) He is a certified passive-response drug-detection dog, meaning he signals by sitting and pointing at the source of a scent rather than scratching or making contact. (R. at 37–38.) Ozzie is used by the

Athens County Sheriff's Office in correctional facilities, public spaces, and schools. (R. at 36–37.) His demeanor is calm and non-aggressive, and he is specifically used in classroom settings due to his gentle nature. (R. at 37, 39.) On the date of the sweep, Ozzie followed protocol and made no physical contact with students. (R. at 40–41.)

Deputy Schneider is a specially trained K-9 handler with the Athens County Sheriff's Office. (R. at 36.) He has worked with his canine partner, Ozzie, for several years and is certified in narcotics detection. (R. at 36–38.) Deputy Schneider has extensive experience conducting school sweeps, jail screenings, and narcotics operations. (R. at 36–37.) On October 24, 2023, he led Ozzie through six classrooms at Athens Township High School, including Cynthia Wilson's class. (R. at 29, 39.) He used standard hand signals and voice commands during the sweep and reported Ozzie's passive alert to Principal Pierson. (R. at 30–31, 40–41.)

Principal Catherine Pierson is the principal of Athens Township High School. On October 24, 2023, she oversaw a random canine sweep that included a visit to the classroom of Plaintiff Cynthia Wilson. (R. at 28–32.) Acting professionally and in accordance with district policy, Principal Pierson promptly consulted the trained canine handler, removed the student from class discreetly, and obtained consent from both the student and her parent before conducting a brief search for any harmful substances. (R. at 31–32.) Throughout the process, Principal Pierson maintained a calm, respectful demeanor, ensured the student's privacy, and ultimately found no contraband. At no point was the student disciplined or accused of wrongdoing. (R. at 32–33.)

Cynthia Wilson's father was contacted by Principal Pierson via speakerphone during the post-alert investigation. (R. at 16–17, 31.) He gave voluntary consent for school officials to search his daughter's belongings and clothing. (R. at 17, 31–32.) He later confirmed that he

received a follow-up call indicating that nothing was found and that his daughter would not be disciplined. (R. at 33.)

Cynthia Wilson was a 14-year-old freshman at Athens Township High School at the time of the canine sweep. (R. at 11.) She was one of approximately 25 students present in a randomly selected classroom during the October safety operation. (R. at 14, 29.) Although the drug-detection dog briefly paused near her desk and sat, signaling a possible alert, no contraband was found during a consensual search conducted with approval from both Cynthia and her father. (R. at 13–14, 30.) Despite being informed that the dog's alert was not a definitive accusation, Wilson became visibly emotional and later described feeling as though she had been "busted" (R. at 16–17.) She was not disciplined, was promptly cleared, and returned to class without further incident. (R. at 17, 32.) Nevertheless, she later claimed emotional distress, referencing comments from peers and her own embarrassment, despite admitting her academic performance, extracurricular eligibility, and reputation with staff were unaffected. (R. at 17, 32.)

ATLSD responds to a growing drug problem among students

In recent years, ATLSD witnessed a sharp escalation in student drug activity that transformed isolated incidents into a serious and systemic threat to school safety. (R. at 32,43.) Between 2015 and 2018, Athens Township Local School District ("ATLSD") had no more than two student drug-related suspensions. (R. at 46.) However, in the 2019–2020 school year, that changed: a marijuana-selling ring operated by six high school students was uncovered, and twelve students were disciplined for drug-related infractions, including one student who was caught using methamphetamine in the school restroom. (R. at 43–44.) Teachers reported

observing more students under the influence, and community concern prompted the school board to act. (R. at 43–44.)

ATLSD expands the policy to address exploited gaps

After a 2023 incident in which a student evaded detection by hiding marijuana in her pocket, despite a canine sweep earlier that day, Superintendent Patterson Hood revised ATLSD's policy to allow dogs to enter classrooms with students present. (R. at 47–48.) The intent was not law enforcement, but deterrence and student welfare. (R. at 48.) This closed a critical loophole: while earlier sweeps occurred in empty classrooms, the new protocol permitted dogs to briefly sniff the air around students while they remained seated. (R. at 45.) The district emphasized safety and transparency. (R. at 45.) Parents and students were notified via assemblies; the dog used for in-classroom sweeps, Ozzie, was a certified golden retriever trained for non-aggressive, non-contact sniffing. (R. at 42–43, 48.)

Routine safety check in classroom

On October 24, 2023, ATLSD conducted a routine canine sweep. The school entered a safety procedure, and three dogs were deployed: two German shepherds for lockers and grounds, and Ozzie, a golden retriever, for six randomly selected classrooms. (R. at 48.) In the classroom, students were instructed to stay seated and place their belongings on the floor. (R. at 48–49.)

Ozzie sniffed backpacks and the air near students. Upon approaching Wilson, he paused, sniffed for approximately ten seconds near her right leg and hip without making contact, and then sat—signaling an alert. (R. at 48–49.) Overall the students remained quiet and respectful

during the process. *(*R. at 48.) A few students laughed, and one made a teasing remark. *(*R. at 48.) Ozzie's handler later explained that the alert indicated the probable presence of a trained scent, not necessarily the presence of drugs. (R. at 49.)

Consent to the search; No findings of drugs on one student

Following standard protocol, Principal Catherine Pierson quietly escorted Wilson to her office. (R. at 48–49.) She contacted Wilson's father and, with consent from both Cynthia and her father, searched Wilson's backpack and clothing. The search revealed no contraband. (R. at 49.) Wilson returned to class and was not disciplined or formally accused of any wrongdoing. (R. at 45.) Although she faced no loss of educational opportunities or punishment, Wilson later filed suit, claiming she suffered emotional distress and reputational harm from the incident. (R. at 35.)

The district court ruled in favor of Defendants, holding that although the canine sniff constituted a "search" it was reasonable under the special needs doctrine due to ATLSD's compelling interest in deterring drug use and maintaining school safety.

Procedural History

On, November 6, 2023, Plaintiff Wilson filed a civil rights action under 42 U.S.C. § 1983 in the United States District Court for the Southern District of Ohio, challenging the constitutionality of a routine, passive canine sniff conducted as part of a school safety initiative by Athens Township Local School District (ATLSD). (R. at 2, 46–47.) The sweep was part of a well-documented, community-supported response to a rise in student drug activity and was carried out without physical contact, targeted suspicion, or disciplinary consequence. (R. at 46–47.) After a full briefing on cross-motions for summary judgment, the district court correctly

granted summary judgment in favor of the Defendants on February 19, 2024. (R. at 46, 55.) The court held that while the sniff technically constituted a search, it was constitutionally reasonable under the Fourth Amendment's special needs doctrine due to ATLSD's compelling interest in student safety and the search's minimally intrusive nature. (R. at 49–54.) In its detailed analysis, the court emphasized the professionalism of school officials, the non-punitive purpose of the policy, and the reasoned approach the district took to address a real and growing concern. (R. at 49, 52–53.) Plaintiff filed a timely notice of appeal on February 20, 2024. (R. at 1.)

SUMMARY OF THE ARGUMENT

The Fourth Amendment does not bar schools from adopting non-invasive strategies to protect children from the rising threat of drugs. A brief, passive canine sniff in a public classroom is not a search under constitutional standards—and even if it were, here the actions performed were reasonable in measure. This case presents a question of constitutional boundaries in the unique environment of public schools. The Fourth Amendment does not prohibit school officials from using a certified narcotics-detection dog to briefly sniff the air around students in a shared classroom, so long as the method is non-intrusive, does not involve physical contact, and is aimed at protecting student safety. Even assuming the sniff was a search, it was reasonable under the Fourth Amendment's special needs doctrine. ATLSD acted in response to a documented surge in student drug activity, including methamphetamine use and organized distribution. The district crafted a policy that was carefully limited, notice was provided to parents and students, and no students were singled out or punished. The program was preventative, not punitive, and aligned with the school's custodial role.

The dog sniff conducted in Cynthia Wilson's classroom did not constitute a "search" under the Fourth Amendment. The trained canine briefly sniffed the air and the belongings near students without making physical contact, disclosing only the potential presence of contraband. Under *United States v. Place*, 462 U.S. 696 (1983), and *Illinois v. Caballes*, 543 U.S. 405 (2005), such limited and targeted sniffs, especially in public or reduced-privacy settings, do not implicate legitimate privacy interests and are not considered searches.[1] Because there was no infringement on a constitutionally protected expectation of privacy, this Court should affirm the district court's conclusion that ATLSD's policy did not trigger Fourth Amendment scrutiny. Therefore, the lower court's analysis of the search issue was incorrect and should not be adopted by this Court. Instead, this Court should affirm the lower court's judgment because the drug dog sniffs are not searches.

Even if the dog sniff was deemed a search, it was reasonable under the special needs doctrine applicable to public schools. Reasonableness is determined through the *T.L.O* test[¨] and ATLSD's conduct satisfies both prongs of the test: it was justified by a compelling need to deter drug use; and was executed in a manner that was minimally intrusive and proportionate to the goal of maintaining a safe learning environment. *New Jersey v. T.L.O.*, 469 U.S. 325, 341–42 (1985) . The school district's policy was developed in response to a growing drug problem and was carefully tailored to deter drug use and protect the student body the school was tasked with

[1] *! "#"$$%&*, 543 U.S. at 409 (explaining that dog sniffs revealing only contraband "compromise no legitimate privacy interest"); *'$"(%*, 462 U.S. at 707 (concluding that a canine sniff of luggage in a public airport "does not constitute a 'search' within the meaning of the Fourth Amendment"); *) *+,%-./,",%&.01./2"34*, 689 F.3d 617, 620 (6th Cir. 2012) (reaffirming that a dog sniff conducted in a public parking lot, without physical intrusion or manipulation, is not a search under the Fourth Amendment).

[¨] The *5167*. test provides that a school search is reasonable under the Fourth Amendment when: (1) it is justified at its inception—that is, there are reasonable grounds to believe the search will uncover evidence of a violation of law or school rules; and (2) the search is reasonably related in scope to the circumstances that justified the interference in the first place, meaning it is not excessively intrusive in light of the student's age, sex, and the nature of the suspected infraction. *5167*., 469 U.S. at 341–42.

supervising. Suspicionless measures are permissible in schools where the government's interest in student safety outweighs the limited privacy interests of students, this is known as the special needs doctrine. *T.L.O.*, 469 U.S. at 341-42. Faced with a clear uptick in drug use, including a methamphetamine incident, a student-led drug ring, and multiple expulsions, ATLSD crafted a program that was minimally intrusive and closely tailored to the governmental interest at stake. Students were not singled out, the procedure was passive and predictable, and the drug-detections took place under school supervision with advance notice to families. This Court should affirm the judgment of the district court because even if the actions of the school constituted a search, it was reasonable under the special needs doctrine.

Because the canine sniff was passive, non-invasive, and conducted for preventive and not for punitive purposes, it falls within constitutional bounds. The Constitution does not freeze public school officials into inaction. The Fourth Amendment protects against unreasonable searches, not prudent, passive safety measures carried out with integrity and restraint. Because the sniff at issue was neither a search nor unreasonable, this Court should affirm the district court's judgment that the search was constitutionally reasonable.

ARGUMENT

The Fourth Amendment permits public school officials to use minimally invasive tools, like trained narcotics-detection dogs, to protect students and deter illegal drug use. A brief, non-contact dog sniff of the air in a supervised classroom, aimed solely at detecting contraband, does not trigger constitutional protection. And even if it did, such a search would be reasonable under the special needs doctrine, which gives schools greater latitude to maintain a safe learning environment.

The sniff conducted around Cynthia Wilson was not a Fourth Amendment "search." The dog made no physical contact, exposed no lawful private information, and operated in a shared classroom space where students have diminished privacy expectations. Even if a search occurred, ATLSD's canine-sniff policy was constitutionally reasonable. The policy was adopted in response to a rising drug crisis, applied in a minimally intrusive manner, and served the school's compelling custodial interest in maintaining a drug-free environment.

Because the sniff did not amount to a search—and because it was reasonable even if it did—this Court should affirm the district court's judgment.

I.! The dog sniff of air around students was not a Fourth Amendment search because there was no physical contact or intrusion on privacy.

The dog sniff conducted in Cynthia Wilson's classroom was not a Fourth Amendment search because it involved no physical contact. The Supreme Court has consistently held that canine sniffs that detect only the presence of contraband, without physically intruding on persons or property, fall outside the Fourth Amendment's reach. *Place*, 462 U.S. at 707; *Caballes*, 543 U.S. at 409. Because the sniff here was passive, brief, and occurred in a communal classroom setting where school officials have broad authority to ensure safety, it did not constitute a Fourth Amendment search.

a.! A dog sniff of air in a public space was not a "search" because there was no physical contact or intrusion.

The dog sniff conducted in Wilson's classroom was not a search under the Fourth Amendment because it involved no physical intrusion and did not violate any reasonable expectation of privacy. A "search" occurs when the government physically intrudes into

constitutionally protected areas. *Katz v. United States*, 389 U.S. 347, 351 (1967); *Florida v. Jardines*, 569 U.S. 1, 5 (2013); *United States v. Jones*, 565 U.S. 400, 406 (2012). However, not all investigatory techniques constitute searches. The Supreme Court held that a dog sniff of the exterior of a person's luggage in a public place is not a search when it does not involve physical intrusion unless it "formally alert[s] to the presence of narcotics [contraband]." *Place*, 462 U.S. at 707 (1983). This Court's precedent compels the same conclusion. *See United States v. Sharp*, 689 F.3d 617, 620 (6th Cir. 2012); *see also* United *States v. Reed*, 141 F.3d 644, 650 (6th Cir. 1998)[#]. The mere investigative procedure of subjecting luggage and bags "to a 'sniff test' by a trained narcotics detection dog" does not constitute a search within the meaning of the Fourth Amendment because it did not involve the physical interaction of opening or physical manipulation of the luggage, and revealed only the presence or absence of contraband, thereby not compromising any legitimate privacy interest. *Place*, 462 U.S. at 699. So long as the search dog remains in public space and does not physically trespass onto a person or their belongings, no "search" occurs under the Fourth Amendment. *Id.* at 707; *Jardines*, 569 U.S. at 7–9.

In *Place*, the Supreme Court held that a sniff of "respondent's luggage [by a] narcotics detection dog did not constitute a 'search' within the meaning of the Fourth Amendment" where law enforcement used a drug-sniffing dog to examine luggage in a public airport terminal without opening or touching the bags. *Place*, 462 U.S. at 700. *Place* involved the warrantless seizure of a traveler's checked luggage by law enforcement agents who suspected he was transporting narcotics. *Id.* at 719. The case arose when law enforcement agents, suspecting that the defendant was transporting narcotics, seized his checked luggage at an airport without a

[#] "It is well-established that a canine sniff is not a search within the meaning of the Fourth Amendment." *8%%-*, 141 F.3d 644, 650. Reinforcing that when a trained drug-detection dog briefly sniffs the air in a public or quasi-public setting, without making physical contact or exposing lawful private information, it does not trigger Fourth Amendment scrutiny. The Sixth Circuit's reasoning in *8%%-* aligns with Supreme Court precedent in *'$"(%*.

warrant and subjected it to a drug-detection dog sniff approximately ninety minutes later. *Id.* at 698–700. The Court held that dog sniff of the luggage itself did not violate the Fourth Amendment and did not constitute a "search." *Id.* at 709–10.

In *United States v. Jacobsen*, 466 U.S. 109, 120–21 (1984) , the Court held that no Fourth Amendment search occurred where government agents conducted a purely visual inspection and field test on a package that had already been opened. The Court emphasized that because the agents did not physically intrude beyond the prior private search, their conduct did not amount to a government trespass into a protected space. *Id*. at 120. The Court reviewed whether the government's handling of the package and testing of its contents constituted a search under the Fourth Amendment. *Id*. at 115. The Court held that the agents' actions did not constitute a search. *Id*. at 120–21. The Court reasoned that because the contents had already been exposed by private actors, the government's conduct added no further intrusion. *Id*. at 120. It further emphasized that the agents did not exceed the scope of what was already visible or physically intrude further into the package. *Id*. at 120–21. Because the government obtained no additional physical access to protected areas or property, the Fourth Amendment does not apply. *Id*.

By contrast, in *Jardines*, the Supreme Court found that a dog sniff constituted a Fourth Amendment search where it involved a physical intrusion onto private land. *See Jardines*, 569 U.S. at 5–6 (emphasizing that the constitutional violation arose from the unlicensed entry onto private property). In *Jardines*, police officers brought a drug-sniffing dog directly onto the front porch of a private residence, a space the Court identified as part of the home's curtilage, "which we have held enjoys protection as part of the home itself". *Id.* 569 U.S. at 6. The dog alerted to the presence of drugs, and officers used that alert to obtain a search warrant. *Id.* at 3. The Court held that bringing a drug-detection dog to the front porch of a home to conduct a sniff constituted

a "search" under the Fourth Amendment because it involved a physical intrusion into curtilage of the home. *Id.* at 5–6. The Court emphasized that law enforcement "gather[ing] information" with a detection dog, without a warrant, was a "search" because it "was accomplished through an unlicensed physical intrusion". *Id.* at 7. The key constitutional violation, then, was not the sniff itself, but that officers "entered the porch . . . to conduct a search" which constituted a physical trespass upon the homeowner's own private land. *Id.* at 9–10. The search in *Jardines* involved a physical entry into "the curtilage of the home," which the Fourth Amendment "has drawn a firm line" due to the unique constitutional status of citizens' private homes. *Id.* at 8. Thus, *Jardines* underscores that it is the physical trespass into protected areas, not the use of a dog per se, that triggers Fourth Amendment scrutiny.

In *Sharp*, 689 F.3d 617, this Court held that a dog's entry into a vehicle during a sniff did not constitute a search because it was not facilitated by officers and involved no initial intrusion.[$]

Here, Wilson's case does not involve a "search" under the Fourth Amendment because the dog sniff occurred in a public space without any physical contact or intrusion. Because there was no physical contact by a trained dog sniffing the air in a public space, a search of the student did not occur. (R. at 41.); *Place*, 462 U.S. at 703–04. Likewise, the drug dog did not make physical contact with Wilson; it only sniffed the air around her person in a passive and non-intrusive manner, in accordance with proper procedure and to ensure the safety of the student body at large. (R. at 41.) As in *Doe v. Renfrow,* 475 F. Supp. 1012 (N.D. Ind. 1979), a search did not take place because while students where present with their belongings and the dogs sniffed the air and surfaces around them, there was no physical contact. Unlike in *Jardines*, where the

[$] The court emphasized that because the dog was lawfully present outside the vehicle, and the alert behavior, jumping into the car, was not orchestrated or encouraged by officers, the sniff did not amount to a Fourth Amendment search. Sharp, 689 F.3d at 619–20. This principle supports the broader rule that a dog sniff does not constitute a "search" unless it involves physical intrusion or police manipulation.

search dogs, officers, and a canine handler entered the physical property of the suspect, there was no physical contact of the student at ATLSD.[%] *Jardines*, 569 U.S. at 5–6, 11. In this school setting, the dog's sniff did not involve any physical contact with students or their belongings, nor did it require manipulation of property or exposure of lawful private affects. (R. at 48.) The absence of physical intrusion or exposure of lawful private items places this conduct squarely outside the scope of a constitutional "search." *Place*, 462 U.S. at 706.

Additionally, because the sniff was non-intrusive, revealed no private information, and occurred in a communal area where privacy expectations are reduced, it falls outside the Fourth Amendment's protections. (R. at 40–41, 52.); *Sharp,* 689 F.3d at 620–21 (emphasizing that a dog sniff around the exterior of a vehicle, in a public parking lot, is not a search where the sniff does not involve entry or physical intrusion and makes no contact with students or their belongings).

Unlike the facts in *Jardines* where there was a physical intrusion unto the land, in this case the drug dog only sniffed the air around the student. (R. at 41.); *see Jardines,* 569 U.S. at 11 (finding that a dog sniff was a search because the officers physically intruded on the property to gather evidence). While *Jardines* treats a physical trespass onto private property as a Fourth Amendment search, that reasoning does not automatically apply to government conduct directed at people in public settings. The Court emphasized that the front porch of a home falls within the "curtilage" which "enjoys protection as part of the home itself," and thus any unlicensed entry into that space is a search. *Id.*, 569 U.S. at 6. But the home is accorded special constitutional protection not shared by communal environments like public schools. *Katz*, 389 U.S. at 351;

[%] The Supreme Court has repeatedly emphasized that the Fourth Amendment draws a "firm line at the entrance to the house." *' "9,:*.0l.;%<.=:3>*, 445 U.S. 573, 590 (1980); *?"3-+*%&*, 569 U.S. at 6. Those unique constitutional concerns are not implicated here. This case does not involve the sanctity of the home, curtilage, or any private dwelling. Rather, the canine sniff occurred in a shared, supervised public-school classroom, an environment where students already have diminished expectations of privacy. *;%<.?%3&%9.0l.5l6l7.*, 469 U.S. 325, 339 (1985).

T.L.O., 469 U.S. at 337; *Vernonia Sch. Dist. 47J v. Acton,* 515 U.S. 646, 656 (1995). Equating a physical trespass onto property with close-proximity sniffing of a person in a public setting would extend *Jardines* beyond its holding. The Court in *Jardines* expressly grounded its reasoning in common-law property principles, not bodily privacy. *Jardines,* 569 U.S. at 5–6.

The facts here closely align with *Jacobsen* and *Sharp.* The sniff was brief and did not involve any physical contact. (R. at 30–31.) Ozzie the dog sniffed for "about ten seconds" near Wilson. (R. at 30–31.) Unlike the targeted physical invasion and trespass in *Jardines*, the dog here remained in a shared space and did not enter or physically touch any student or their property. *Jardines,* 569 U.S. at 6; (R. at 41.) Therefore, the lower court's analysis of the search issue was incorrect and should not be adopted by this Court. Instead, this Court should affirm the lower court's judgment because the drug dog sniffs are not searches.

b.! The dog sniff was not a search because it did not violate any expectation of privacy in the air around students.

When an individual enters a public space, they necessarily accept a reduced expectation of privacy compared to the sanctity of the home. *See Jacobsen*, 466 U.S. at 113; see also *Katz*, 389 U.S. at 351–52 (noting that Fourth Amendment protections apply "only where a person has a reasonable expectation of privacy," and that sensory exposure in public, such as sight or smell, does not implicate those protections). In the same way that one may be visually observed by others in public, it follows that they may also be subjected to sensory inspections beyond mere sight, such as those involving smell or sound. *Id.* at 114. A "search" occurs when the government infringes on an expectation of privacy that society is prepared to recognize as reasonable. *Id.* What a person "knowingly exposes to the public… is not a subject of Fourth Amendment protection." *Katz*, 389 U.S. at 361. This constitutional protection applies when the government

intrudes into an area where a person has a legitimate expectation of privacy and reveals information deemed private. *Jacobsen, 466 U.S. at 114.; Katz*, 389 U.S. at 361.

However, not all government conduct constitutes a "search." The Supreme Court has consistently held that official conduct which reveals only the possession of contraband, something no individual has a right to possess, does not infringe upon a legitimate privacy interest. *See Caballes*, 543 U.S. at 408–10 (emphasizing that official conduct that does not compromise any legitimate interest in privacy is not a search); *Jacobsen,* 466 U.S. at 122–24. Conduct constitutes "official" or "government" action for Fourth Amendment purposes when it is carried out by a government actor or someone acting under the color of law. *T.L.O.*, 469 U.S. at 336–37. Even actions taken by public officials may fall outside the Fourth Amendment when they are non-coercive, non-investigatory, or primarily aimed at safety or administrative efficiency. *See Skinner v. Ry. Lab. Execs' Ass'n*, 489 U.S. 602 (1989) (explaining that the Fourth Amendment applies only to searches "initiated by the government for the purpose of obtaining evidence").

The Court has reasoned that because individuals have no legitimate interest in possessing contraband, there cannot be an expectation of privacy with respect to such substances. *Jacobsen,* 466 U.S. at 408. Therefore, a dog sniff that does not detect personal or private information and only detects contraband, cannot constitute a search. *Id.* at 408–09; *see Place*, 462 U.S. at 707 (describing a canine sniff as "sui generis", being the only example of its kind, and uniquely limited in scope); *see also Caballes*, 543 U.S. at 409 (upholding a dog sniff during traffic stop because it did not "reveal any information other than the location of a substance that no individual has any right to possess").

In *Burnham v. West*, 681 F. Supp. 1160, 1164 (E.D. Va. 1987) the court held that a dog sniff was not a search where school officials sampled the air around a student's person without physical intrusion or exposure of private, personal information. *Burnham v. West* involved a series of suspicionless searches conducted by middle school officials at the direction of the school principal. *Burnham*, 681 F. Supp. at 1162–63. Students were required to empty their bookbags, purses, and pockets during investigations for items such as magic markers, media players, and drugs. *Id*. at 1163. In one instance, a student was required to expose personal hygiene items; in another, a teacher sniffed a student's hands to detect marijuana. *Id.* at 1162–64. The court held that the sniff performed on a student was not a search under the Fourth Amendment because "school children do not have a reasonable expectation of privacy in the air surrounding their persons," and thus "school officials may sample this air" just as they would visually inspect the surroundings. *Id.* at 1165. Sampling the air around a student was comparable to "a purely visual inspection." *Id.* at 1164.

In *United States v. Jacobsen*, 466 U.S. 109 (1984) the Court held that no Fourth Amendment search occurs when the government confirms information already lawfully exposed by private actors, where federal agents reopened a package previously examined by FedEx employees and merely tested its contents for cocaine. *Jacobson* involved FedEx employees who opened a damaged package, discovered a suspicious white powder, and notified federal agents. *Jacobsen*, 466 U.S. at 111–12. Agents reopened the package, tested the powder, and confirmed it was cocaine—a step the Court held did not constitute a Fourth Amendment search. *Id.* at 115, 122. The Court reasoned that the agents' actions did not exceed the scope of the initial private search, which had already eliminated any reasonable expectation of privacy in the contents. *Id.* at 117. Because the government did not obtain any new information beyond what had already been

discovered, and the testing merely confirmed the presence of contraband, the subsequent examination did not constitute an independent Fourth Amendment search. *Id.* at 120–21. The Court emphasized that it is not a "search" for the government to confirm what has already been lawfully exposed by private parties when the government can observe without physical intrusion. *Id.*

Just as a teacher may visually inspect or watch a student to assess behavior, so too may they smell the air without invading the privacy rights of the student. *Burnham*, 681 F. Supp. at 1165. Just as school children do not have a right to exclude others from observing them in the hallways, they also do not have a reasonable expectation of privacy in the air surrounding them. *Id.* at 1164. This principle logically extends to olfactory inspection, which, like visual observation, does not involve a physical trespass or exposure of private content. *See T.L.O.*, 469 U.S. at 339 (recognizing diminished expectations of privacy in the school context).

Here, because the students were in a public school, they have a reduced expectation of privacy. Wilson was in a public-school classroom, a shared, supervised space, so she had no reasonable expectation of privacy in the air around her. (R. at 48–49.) As in *Jacobsen*, the brief sniff of Wilson occurred in a public educational space where students have a reduced expectation of privacy, particularly regarding illegal substances. (R. at 48–49.); *Jacobsen,* 466 U.S. at 122–23; *see Sharp,* 689 F.3d at 620–21 (holding that a field test which could disclose only whether a particular substance was illegal could not be a search because it did not compromise any legitimate interest in privacy). Under *Caballes*, the Court held that a dog sniff does not implicate a legitimate expectation of privacy if it only reveals the presence or absence of contraband. *Caballes*, 543 U.S. at 408–10. In the context of a public-school classroom, a student's expectation of privacy is already limited, and the surrounding air is not private, particularly

during the implementation of a safety-driven policy designed to deter drug use. *Id.* Students in public schools have diminished privacy rights, particularly in shared, supervised environments. *T.L.O.*, 469 U.S. at 339; *Earls*, 536 U.S. at 830. Because the dog sniff was brief, non-intrusive, and revealed nothing about lawful conduct, it did not violate any reasonable expectation of privacy and does not qualify as a Fourth Amendment search.

Courts have held that a canine sniff of luggage in public transportation settings does not constitute a Fourth Amendment search because it does not expose legitimate private information or involve physical intrusion. *Place*, 462 U.S. at 707. This principle extends to the school context, where students, though distinct from inanimate objects, have similarly reduced expectations of privacy in public, communal spaces. *See Burnham*, 681 F. Supp. at 1164. Just as a dog sniff of luggage does not violate privacy interests due to its non-intrusive, binary detection of contraband, so too does a dog sniff of the air around students remain constitutionally sound. *Caballes*, 543 U.S. at 410; *see United States v. Reed*, 141 F.3d 644 (6th Cir. 1998) (holding that a canine sniff of luggage in a public place does not constitute a search because it reveals only the presence of contraband and involves no physical intrusion). The law does not equate students with luggage; rather, it applies the same reasoning to both because neither sniff reveals lawful private information, nor does it involve physical contact or manipulation. In both contexts, the sniff is narrowly tailored to reveal only illegal substances and thus falls outside the Fourth Amendment's protections.

Therefore, this Court should reject the district court's analysis on the search issue and affirm the grant of summary judgment in ATLSD's favor because these dog sniffs were not searches under the Fourth Amendment.

II.! The contraband-detection policy is not a violation of the Fourth Amendment because the use of a certified drug-detection dog to briefly sniff the air near students is a reasonable in deterring children from drug use.

The use of a certified drug-detection dog to briefly sniff the air near students in a public-school classroom does not violate the Fourth Amendment because it was a minimally intrusive, suspicionless measure adopted in response to a rising drug problem, and justified under both the special needs doctrine and the *in loco parentis* authority of school officials. In the school setting, public officials are not held to the same Fourth Amendment standards as law enforcement officers acting in public contexts. Under the doctrine of *in loco parentis*, school administrators are entrusted with greater supervisory authority to protect and discipline students, including conducting certain searches that would be impermissible elsewhere. *T.L.O*., 469 U.S. at 336. Within this framework, a search by school officials is constitutional if it is justified at its inception and reasonably related in scope to the circumstances prompting the interference. *Id*. at 341–42. In the school setting, these combined principles permit suspicionless or minimally intrusive searches when they are reasonable and aligned with the government's interest in maintaining order and discipline. *Id*. These principles are reinforced by the Supreme Court's special needs doctrine, which permits warrantless, suspicionless searches when the government's objectives extend beyond traditional law enforcement and are aimed at maintaining safety, discipline, and a proper educational environment. *Earls*, 536 U.S. at 829–30; *Vernonia*, 515 U.S. at 653.

a.! ATLSD's use of a certified drug-detection dog to sniff the air near students is permissible because of the special need to maintain order and discipline in the school.

ATLSD's use of a passive canine sniff, carried out without physical contact or individualized targeting, was a constitutionally reasonable response to a documented safety concern and fully consistent with the special needs doctrine. Ordinarily, searches require a warrant and probable cause. However, in contexts involving "special needs" beyond law enforcement, such as public schools, the Supreme Court has relaxed the usual requirements. *Earls*, 536 U.S. at 829–30; *T.L.O.*, 469 U.S. at 340. The special needs doctrine permits searches without a warrant or individualized suspicion when the government has interests beyond ordinary law enforcement that justify a departure from the Fourth Amendment's usual requirements. *Griffin v. Wisconsin*, 483 U.S. 868, 873–74 (1987); *Earls*, 536 U.S. at 829; *T.L.O.*, 469 U.S. at 343. In the public-school context, the Supreme Court has recognized that maintaining order and deterring drug use constitute special needs that justify such departures. *Earls*, 536 U.S. at 829–30; *T.L.O.*, 469 U.S. at 339–40,43.

Under this framework, a court evaluates the reasonableness of the search by balancing the nature of the intrusion against the importance of the governmental interest. *Earls*, 536 U.S. at 829. The concept of "minimally intrusive" is directly tied to the Fourth Amendment's reasonableness inquiry in school searches. The less significant, the more likely it will be deemed reasonable, even absent probable cause or a warrant. *Earls*, 536 U.S. at 834; *T.L.O.*, 469 U.S. at 342. Because students are entrusted with custodial and disciplinary responsibilities, even suspicionless searches may be permissible. *Earls*, 536 U.S. at 830–31; *T.L.O.*, 469 U.S. at 340–41. Thus, when school officials act to address a special need, such as preventing drug use, their

conduct is judged by a reasonableness standard, not by probable cause or individualized suspicion. *Earls*, 536 U.S. at 829–30.

In *Earls*, the Court held that a suspicionless search policy was justified at inception and reasonable in scope where the school acted under a special need to prevent student drug use in a custodial setting. *Id.* at 825–27. The school's district policy requires all students participating in competitive extracurricular activities to consent to random drug testing. *Id.* at 825. The Court upheld a school district's policy requiring all students participating in extracurricular activities to submit to random drug testing, concluding that the program "reasonably serve[d] the School District's important interest in detecting and preventing drug use among its students." *Id.* at 838. The plaintiffs challenged the policy under the Fourth Amendment, and the Supreme Court reviewed whether the suspicionless testing was a reasonable search considering the school's special need in protecting the schoolchildren and preventing student drug use. *Id.* at 828.

The *Earls* Court emphasized the unique nature of the school setting, where maintaining discipline and protecting student health justifies a relaxed standard under the Fourth Amendment. *Id.* at 829. It reasoned that there is a special need in a public-school environment where the State is "responsible for maintaining discipline, health, and safety" and "schools have a custodial and tutelary responsibility for children". *Id.* at 828. This special need justifies a "more flexible" standard for reasonableness. *Id.* at 829–30. The Court specifically noted that the policy was constitutional despite the absence of individualized suspicion, because the school's custodial responsibilities create "a special need" beyond traditional law enforcement goals. *Id.* at 829–30. The Court insisted that traditional warrant and probable cause requirements are unsuited to the public-school context, where officials must act quickly to maintain discipline. *Id.* at 829–30.[&]

[&] Because the drug testing occurred in a context where "the need to maintain order in the schools is sufficiently important to justify [a] departure from the usual warrant and probable-cause requirements" the Court reasoned that

The Court concluded that a limited, non-invasive search—like urinalysis testing—could be justified by the special need to maintain a drug-free environment. *Id.* at 830–31. The policy was deemed reasonable because it was minimally intrusive, applied to a group already subject to extracurricular regulation, and directly advanced the school's interest in protecting student health and safety. *Id.* at 838–39. In that context, the government's special need outweighed the individual student's privacy interest. Ultimately because the measure was non-criminal and implemented in a regulated, custodial setting, it satisfied Fourth Amendment standards under the special needs doctrine. *Id.* at 829–30, 838.

Here, the use of a certified drug-detection dog to sniff the air near students does not violate the Fourth Amendment because it constitutes a minimally intrusive measure in pursuit of the school's compelling interest in maintaining a safe, drug-free environment. The most important fact in favor of this conclusion is that the canine sniff was conducted in a public-school setting as part of a broader program to deter drug use among minors, without any physical intrusion or individual targeting. (R. at 48–49.) As in *Earls*, the school acted based on a documented concern about student drug use and implemented a suspicionless detection method that was minimally invasive and broadly applicable. *Earls*, 536 U.S. at 830. Additionally, as a public school district, ATLSD stands *in loco parentis* (in the place of parents) while students are under its supervision. This custodial role grants schools broader authority to maintain discipline and ensure student safety. *See T.L.O.*, 469 U.S. at 336 ("In carrying out . . . disciplinary functions . . . school officials act as representatives of the State, but they do so in furtherance of the government's responsibility for the schoolchildren under its control.") Courts have long

---

the school's interest in protecting students may be "perhaps greater than the public's interest in law enforcement." @"3$&, 536 U.S. at 830. This logic supports permitting minimally intrusive, suspicionless searches like ATLSD's canine sniff program under the Fourth Amendment.

recognized that this special relationship justifies actions that would not be permissible in the general public, including reasonable suspicionless searches. Because ATLSD's actions were motivated by concern for student welfare and implemented in a minimally intrusive way, they fall well within the constitutional authority granted to schools acting *in loco parentis*.

Unlike in *Doe v. Little Rock School District*, 380 F.3d 349 (8th Cir. 2004), ATLSD did not engage in random, individualized searches of students' bags without reasonable suspicion. Instead, the sniff was passive, external, and preceded by generalized training and policy development. This limited intrusion is further justified under *T.L.O.*, where the Court held that the warrant and probable cause requirements are relaxed in schools to accommodate the need for swift, flexible disciplinary responses. *T.L.O.*, 469 U.S. at 330. Accordingly, the school's use of a canine sniff was reasonable considering its responsibility to safeguard student welfare and maintain order.

Moreover, the application of the special needs doctrine does not require individualized suspicion. The sniff occurred under school supervision, during school hours, on school grounds, and without physical contact or individualized targeting. (R. at 48.) Moreover, the procedure was minimally invasive, limited to air-sniffing in common areas. (R. at 42–43.) The dogs were trained solely to detect illegal substances, not lawful private items. (R. at 42–43.) While the court in *Plumas* found that sniffs of student inside a classroom could feel accusatory and invasive, ATLSD's use of a dog in a common space without bodily targeting or physical interference is materially less intrusive and better aligned with constitutional limits. (R. at 28.); *cf. Plumas*, 192 F.3d at 1265; *see Vernonia*, 515 U.S. at 664–65 (upholding suspicionless drug testing of student-athletes where the intrusion was minimal and justified by the school's custodial responsibility to deter drug use).

The minimally intrusive nature of ATLSD's canine sniff and the school's compelling interest in deterring drug use among students outweigh the speculative concerns raised by other cases. *Cf. Little Rock,* 380 F.3d at 359 (invalidating suspicionless search where school officials opened and searched students' unattended belongings without individualized suspicion); *see Brannum v. Overton Cnty. Sch. Bd.*, 516 F.3d 489, 493 (6th Cir. 2008) (holding that surveillance of students in locker rooms was an unreasonable search due to the intimate nature of the intrusion); *see Safford Unified Sch. Dist. v. Redding*, 557 U.S. 364, 368 (2009) (finding a strip search of a student for ibuprofen unconstitutional due to its extreme intrusiveness and lack of justification). The sniff was conducted without physical intrusion, targeted no specific individual, and was limited to detecting illegal contraband in public spaces during school hours. These factors mirror the constitutional safeguards recognized in *Earls* and *T.L.O.*, where the Court upheld suspicionless searches that were reasonably tailored to protect the educational environment. *Earls*, 536 U.S. at 830; *T.L.O.*, 469 U.S. at 330. Unlike in *Little Rock*, ATLSD's conduct did not involve intrusive personal or property searches without cause. *Cf. Little Rock,* 380 F.3d at 354. Moreover, the use of a certified detection dog, trained not to react to lawful items, ensures that student privacy is respected to the greatest extent possible while still allowing the school to address a serious disciplinary threat. Ozzie, the dog used during the sweep, is a certified narcotics detection dog trained to identify only illegal substances. (R. at 3–4.) He and his handler maintain state and national certifications, including from the North American Police Work Dog Association, and complete weekly training to sustain performance. (R. at 3–4.) The team maintains a 97% success rate in certification testing. (R. at 4.) Considering these facts, ATLSD's canine sniff policy falls well within the boundaries of reasonableness under the Fourth

Amendment's special needs doctrine, and the Court should therefore affirm the district court's judgment.

b.! The use of a certified drug-detection dog was justified and reasonable under the Fourth Amendment because it served a compelling school interest and imposed a minimal intrusion.

The use of a certified drug-detection dog to sniff the air near students satisfies both prongs of the *T.L.O.* standard because it was prompted by a legitimate concern about drug use and carried out in a manner that was minimally intrusive and reasonably tailored to the school's disciplinary objectives. *T.L.O.*, 469 U.S. at 332. The government's interest in deterring drug use among children is "important, indeed, perhaps compelling," and students have a "limited expectation of privacy" in the school setting. *Earls*, 536 U.S. at 834. Because of this diminished privacy and the school's custodial responsibility, a search need not be predicated on suspicion of wrongdoing so long as it is reasonably related to the goal of preventing drug use and not excessively intrusive. *Id*. at 830–32; *T.L.O.,* 469 U.S. at 339; *see also Tinker v. Des Moines Indep. Cmty. Sch. Dist.*, 393 U.S. 503 (1969). In the public-school setting, the Fourth Amendment permits a more flexible standard of reasonableness in recognition of the unique need for school officials to maintain order, discipline, and safety. *T.L.O.*, 469 U.S. at 340. While traditional Fourth Amendment doctrine typically requires a warrant and probable cause, the Court in *T.L.O*. adopted a two-part test specifically tailored for school searches. Searches conducted by school officials must be (1) justified at their inception and (2) reasonably related in scope to the circumstances that justified the interference in the first place. *Id.* at 341–42. A search is justified at inception when there are reasonable grounds for suspecting that the search will uncover evidence that the student has violated or is violating the law or school rules. *Id.* at

342. A search is reasonably related in scope when it is not excessively intrusive in light of the student's age, sex, and the nature of the suspected infraction. *Id.* at 342. Courts evaluate whether the method and intensity of the search were proportionate to the school's objectives and appropriate for the student's circumstances. *Id*. Even absent individualized suspicion, the Supreme Court has upheld suspicionless searches in schools when they serve the government's substantial interest in preventing drug use by students. *Earls,* 536 U.S. at 829–30.

In *T.L.O*., the Supreme Court held that a search is constitutional when it is justified at its inception and reasonable in scope where a public high school assistant vice principal searched a student's purse after suspecting her of smoking in a school bathroom, which led to the discovery of marijuana and drug paraphernalia. *T.L.O*., 469 U.S. at 341–42. The Court explained that under ordinary circumstances, "a search of a student by a teacher . . . will be justified at its inception" when there are "reasonable grounds for suspecting that the search will turn up evidence" that the student is is violating either the law or school rules. *Id.* at 342. The Court rejected the argument that only serious infractions justify searches, holding that school officials may search for violations of any rule essential to the maintenance of school discipline. *Id.* at 345. It also noted that the Fourth Amendment does not require "strict adherence to the requirement that searches be based on probable cause" because the fundamental command of the Amendment is reasonableness. *Id.* at 340. Because the search was based on a specific, articulable suspicion and was limited in nature, the Court found that it was constitutionally valid. *Id.* at 343.

In *Earls*, the Supreme Court held that a public school's suspicionless drug-testing policy for students in extracurricular activities was constitutional where the policy was minimally intrusive, targeted a documented drug problem, and was implemented in a custodial school setting. *Earls,* 536 U.S. at 824–26, 38. The use of a certified drug-detection dog to sniff the air

near students is reasonably related to preventing drug use by children and was justified at inception where the government had a special need to deter student drug use and adopted a minimally intrusive policy in a custodial setting. *Id.* at 826. The Supreme Court reviewed whether this suspicionless drug testing policy violated the Fourth Amendment and held that the policy was constitutional because it was reasonable under the circumstances and justified at its inception. *Id.* at 838. The Court reasoned that the policy was deemed reasonable at inception because the school was acting under a "special need" to prevent and deter drug use among students, which justified the absence of individualized suspicion. *Id.* at 829–30. Because the policy targeted a concrete and immediate concern, it was justified at its inception even without individualized suspicion. The Court further explained that the school environment requires a "more lenient standard" of reasonableness, and that the policy served an "immediate governmental concern" of ensuring the safety and well-being of children. *Id.* at 830. The Court also found the scope of the search reasonable because the testing method was minimally invasive, confidential, and limited in purpose. *Id.* at 834. Ultimately, because the policy was preventive, noncriminal, and administered in a controlled school environment, it satisfied the Fourth Amendment under the special needs doctrine. *Id.* at 838.

Here, ATLSD's use of a certified drug-detection dog to sniff the air near students did not violate the Fourth Amendment because the dog sniff was a reasonably related in preventing drug use by students and was justified at inception due to the drug use prevalent within the school. School officials were concerned about a growing drug problem on campus and implemented the dog-sniff policy as a proactive response. (R. at 20). As in *Earls,* the school acted on a legitimate concern about student drug use and used a suspicionless, but limited, detection method designed to deter drug possession. *Id*. at 829–30. ATLSD's sniff occurred in public class space, involved

no physical touching, and was implemented as part of a broader policy to protect student welfare.[7] *Cf. Plumas,* 192 F.3d at 1265. The school's compelling interest in deterring drug use, an interest the Supreme Court has repeatedly recognized, combined with the minimal nature of the sniff, makes the action both reasonable and constitutionally justified at its inception. *See Earls*, 536 U.S. at 829–30 (recognizing a compelling interest in detecting and preventing drug use among students); *see also Vernonia*, 515 U.S. at 661–62 (noting that deterring drug use by schoolchildren is an important interest to the school).

The facts in the record thus overwhelmingly support the conclusion that ATLSD's use of a certified drug-detection dog was both justified at inception and reasonably related to the government's compelling interest in preventing drug use by children. Any concerns about the absence of individualized suspicion are mitigated by the minimal nature of the intrusion, the setting in which the sniff occurred, and the fact that the procedure was initiated by school officials, not for criminal enforcement, but for maintaining a safe and drug-free educational environment. *See Earls*, 536 U.S. at 829 (holding that a public school's random drug testing policy for extracurricular participants was justified under the special needs doctrine due to the school's custodial role and interest in deterring drug use); *see Vernonia*, 515 U.S. at 661–62 (upholding suspicionless drug testing of student-athletes where the school's interest in preventing drug use outweighed the minimal intrusion on privacy); *see T.L.O.*, 469 U.S. at 340–41 (recognizing that public schools may conduct reasonable searches without probable cause in light of their responsibility to maintain discipline and safety). Unlike in criminal contexts, the goal in this case was not prosecution, but prevention of harm to children. As the Supreme Court has made clear, public schools are permitted—and in fact obligated—to respond to the unique

[7] Unlike in cases such as *'$AB"&*, where the dog sniffed students directly in the classroom and the court found the search too intrusive. *'$AB"&*, 192 F.3d at 1265.

disciplinary and safety challenges they face with flexible, proactive tools. *See Earls*, 536 U.S. at 829; *T.L.O.*, 469 U.S. at 339–40.

Therefore, this Court should affirm the district court's judgment and hold that ATLSD's use of a certified drug-detection dog was a reasonable, constitutional response to a documented and compelling need to deter student drug use.

CONCLUSION

For the foregoing reasons, this Court should affirm the judgment of the United States District Court for the Northern District of Ohio.

WC

Warren Carr
Counsel for Appellee
Carr & Associates
150 University Ave.
Akron, OH 44325
(330) 972-7330
wcarr@uakron.edu
State Bar No. 1234567890