

Sample 1

- Starts with Issue
- Never cites case
- Correct that students who participate have lowered privacy
- Poor thesis; repeats facts
- States he has reduced privacy b/c of the danger
- But analysis is clever
- Wrong conclusion, kind of
- Perfect grammar and prose

Sample 2

- Starts with issue
- Gives facts
- Case is not really on point, but close
- Thesis restates issue
- Then gives good rules
- Could potentially distinguish his situation
- Answers more than asked
- Great conclusion
- Perfect grammar and prose

Sample 3

- Answers correctly but without analysis
- Really just lists cases, but misses Supreme Court
- Only gives Seventh Circuit
- Hits more issues than asked
- One paragraph
- Perfect grammar and prose
- Lump of cases

Sample 4

- Issue then conclusion. Long conclusion.
- Provides citations to rules
- Typo Randomness
- More nuanced analysis of law
- Best conclusion and application

Prompt:

Write an e-memo detailing whether an Illinois school district will win summary judgment against a student's claim that the district's suspicionless drug testing policy violates the Fourth and Fourteenth Amendment rights of students who park on campus. Specifically, answer whether students who live within one mile of the school and park on campus have diminished privacy expectations as a matter of law.

However, unlike previous cases that allowed drug testing, this drug testing policy applies to students who do **not** have access to the school's buses, because the school does not provide bus transportation to students living within one mile of the school. Further, the path for those students living within a mile of the school is dangerous: police have reported numerous cars speeding on the road and incidents of hit and runs. There is no sidewalk. Additionally, police have reported that students walking that path to school have been physically assaulted and had property stolen by criminals. The plaintiff, therefore, claims he needs to drive, and thus park on campus, for his safety and so that he may drive his younger siblings to and from their elementary school, which is located directly next to the high school. The plaintiff claims he has not reduced his privacy interest by attempting to park on campus, because he has no reasonable alternative.

Do not analyze the school's interests. Only analyze whether students who live within one mile have diminished their privacy rights as a matter of law.

Write your e-memo using Seventh Circuit law. Keep your e-memo under 750 words.

Sample 1:

I am writing to provide an analysis regarding the likelihood of the Illinois school district winning summary judgment against the student's claim challenging the constitutionality of the district's suspicionless drug testing policy under the Fourth and Fourteenth Amendments of the United States Constitution. Specifically, the key issue is whether students who live within one mile of the school and park on campus have diminished privacy expectations as a matter of law.

Under Seventh Circuit law, the Fourth Amendment protects individuals from unreasonable searches and seizures, and the Fourteenth Amendment extends these protections to actions by state governments, including public schools. However, the extent to which students who live within one mile of the school and park on campus have diminished privacy expectations requires careful consideration.

The Supreme Court has recognized that individuals may have diminished privacy expectations in certain contexts, such as in schools, where there is a legitimate interest in maintaining order and discipline. Additionally, the Seventh Circuit has held that students who voluntarily participate in school activities or events may have diminished privacy expectations regarding certain searches and intrusions.

In the present case, the plaintiff claims that he needs to drive and park on campus for his safety and to transport his younger siblings to and from their elementary school, which is located directly next to the high school. The plaintiff argues that he has not diminished his privacy interest by attempting to park on campus because he has no reasonable alternative, given the dangerous conditions of the path to school for students living within a mile of the school.

The fact that the school district does not provide bus transportation to students living within one mile of the school further supports the argument that these students have limited transportation options and may therefore have diminished privacy expectations when parking on campus. Additionally, the dangerous conditions of the path to school, including incidents of speeding cars, hit-and-runs, physical assaults, and thefts, highlight the necessity for these students to have access to alternative means of transportation, such as driving and parking on campus.

Furthermore, the plaintiff's claim that he needs to drive and park on campus for his safety and the safety of his younger siblings suggests that he has a compelling reason for doing so, which may further diminish his privacy expectations as a matter of law. In other words, the plaintiff's decision to drive and park on campus may be considered a reasonable response to the unsafe conditions surrounding his route to school.

In conclusion, students who live within one mile of the school and park on campus may have diminished privacy expectations as a matter of law, particularly given the dangerous conditions of the path to school and the lack of reasonable alternatives for transportation. Therefore, it is possible that the Illinois school district will prevail in its motion for summary judgment against

the student's constitutional challenge to the drug testing policy, based on the plaintiff's reduced privacy expectations in this specific context.

Please feel free to reach out if you have any further questions or require additional analysis.

Sincerely,
Associate

Sample 2:

Introduction:

This memorandum addresses whether students who live within one mile of the school and park on campus have diminished privacy expectations as a matter of law under the Fourth and Fourteenth Amendments. The analysis is based on Seventh Circuit law and focuses solely on the students' privacy rights, without considering the school's interests.

Statement of Facts:

The plaintiff is a student who lives within one mile of the school and parks on campus due to safety concerns. The school has a drug testing policy that applies to students who park on campus, as the school does not provide bus transportation to students living within one mile of the school. The plaintiff claims that he has not reduced his privacy interest by attempting to park on campus because he has no reasonable alternative.

Legal Standards/Rules:

The Fourth Amendment protects individuals from unreasonable searches and seizures. However, it is well established that public school students enjoy a reduced expectation of privacy compared to the public at large. *Students & Parents for Privacy v. United States Dep't of Educ.*, 2016 U.S. Dist. LEXIS 150011. The U.S. District Court for the Northern District of Indiana has held that a search of a student's vehicle parked on school grounds satisfies the Fourth Amendment, provided the search meets T.L.O.'s criteria. *Kissinger v. Fort Wayne Cmty. Sch.*, 293 F. Supp. 3d 796.

Analysis:

The plaintiff's claim hinges on whether his privacy expectations are diminished due to his decision to park on campus. The Seventh Circuit has recognized that public school students have a reduced expectation of privacy. *Students & Parents for Privacy v. United States Dep't of Educ.*, 2016 U.S. Dist. LEXIS 150011. This reduced expectation applies even when students voluntarily participate in activities that subject them to additional regulation, such as athletics or other extracurricular activities. *Willis by Willis v. Anderson Cmty. Sch. Corp.*, 158 F.3d 415.

In this case, the plaintiff voluntarily chooses to park on campus, which could be seen as a similar voluntary action that subjects him to additional regulation. However, the plaintiff argues that he has no reasonable alternative due to safety concerns. This argument could potentially distinguish his situation from those of students who voluntarily participate in extracurricular activities.

The school's drug testing policy must also meet the T.L.O.'s criteria to satisfy the Fourth Amendment. The court would likely consider factors such as the nature of the privacy interest, the character of the intrusion, and the efficacy of the drug testing in addressing the problem. *Krieg v. Seybold*, 427 F. Supp. 2d 842.

Conclusion:

Based on Seventh Circuit law, students who park on campus may have a diminished expectation of privacy, which could potentially make the school's drug testing policy constitutional under the Fourth Amendment. However, the unique circumstances of the plaintiff's case, including his claim of having no reasonable alternative to parking on campus, could potentially affect this analysis. The court would likely consider these factors, along with the T.L.O.'s criteria, in determining whether the drug testing policy violates the plaintiff's Fourth and Fourteenth Amendment rights.

Sample 3:

Answer

There is no direct answer to the query in the Seventh Circuit, but the cases suggest that students in public schools generally have diminished privacy expectations, which may justify suspicionless drug testing policies. However, the impact of parking on campus or living within one mile of the school on privacy expectations has not been specifically addressed.

Analysis

Several cases from the Seventh Circuit address the constitutionality of suspicionless drug testing policies in public schools. In *Schail by Kross v. Tippecanoe Cty. Sch. Corp.*, the court found that it was not unreasonable to couple the benefits of participating in interscholastic athletics with an obligation to undergo drug testing. The court also emphasized the importance of consent forms in diminishing the intrusiveness of the testing. In *Joy v. Penn-Harris-Madison School Corp.*, the court similarly found that students have a lesser expectation of privacy than the general public, and that the school's drug testing policy was reasonable in light of the school's custodial role. The court also noted that the presence of a monitor in the bathroom was not overly intrusive. *Todd v. Rush County Schools* also discusses the scope of suspicionless drug testing in public schools, and the court emphasized that student athletes have a lesser degree of privacy as part of their participation in athletics. While these cases do not specifically address the impact of parking on campus or living within one mile of the school on privacy expectations, they do suggest that students in public schools generally have diminished privacy expectations, which may justify suspicionless drug testing policies. The cases that discuss the reasonableness of searches of students' vehicles or lockers, such as *Kissinger v. Fort Wayne Cmty. Sch.* and *Cornfield by Lewis v. School Dist. No. 230*, may be useful as analogies, but they do not directly address the issue of diminished privacy expectations in the context of a suspicionless drug testing policy. Finally, *Doe v. Renfrow*, although not from the Seventh Circuit, provides some guidance on the general principles that apply to student privacy in the school setting, suggesting that any expectation of privacy diminishes in light of constant supervision.

Sample 4:

You asked me to research whether an Illinois school district will win summary judgment against a student's claim that the district's suspicionless drug testing policy violates the Fourth and Fourteenth Amendment rights of students who park on campus. Specifically, whether students who live within one mile of the school and park on campus have diminished privacy expectations as a matter of law.

Students have not diminished their privacy rights as a matter of law when opting to park on school grounds when safety concerns create no reasonable alternative because they are not voluntarily engaging in an activity that lowers their expectations of privacy.

Analysis:

Random drug tests have been held to be a search and seizure under the Fourth Amendment. [Joy, 212 F.3d at 1058](#). However, courts will allow a random drug testing policy to stand when there is a "special need" that makes the search reasonable. *Id.* When deciding if a "special need exists," courts weigh the government's interest against the individual's privacy interests to assess the reasonableness of the intrusion. *Id.*

Privacy interests in the context of suspicionless drug tests, specifically for students who voluntarily engage in athletics and extracurricular activities, have been found to be greatly diminished. See [Vernonia Sch. Dist. 47J v. Acton, 515 U.S. 646, 652 \(1995\)](#) (explaining that because student athletes voluntarily subject themselves to medical examinations and expose themselves to "communal undress" in locker rooms, students have "reason to expect intrusions upon [their] . . . privacy").

However, this reasoning has not been consistently applied in the context of involuntary engagements. See [Willis by Willis v. Anderson Cmty. Sch. Corp., 158 F.3d 415, 421 \(7th Cir. 1998\)](#) (finding that a policy requiring a drug test after being suspended for fighting intruded on students' privacy interests because there was no sense of "communal undress" and students did not "voluntarily engage in the activity"). See also [Joy v. Penn-Harris-Madison Sch. Corp., 212 F.3d 1052, 1063 \(7th Cir. 2000\)](#) (finding that students who drive to school "do not subject themselves to the . . . routine loss of bodily privacy" that is required for athletics and holding that those who park at school have an expectation of privacy that while "less than the general public, is still greater than the expectation of privacy for athletes").

It is important to note that in *Joy*, the Seventh Circuit upheld the random drug testing for students who drive to school on the grounds of stare decisis in re to [Todd v. Rush County Sch., 133 F.3d 984 \(7th Cir. 1998\)](#). While the facts in *Todd* also include randomness drug testing for students who engage in extracurricular activities and park on school grounds, the Seventh Circuit explicitly stated that it "expresses no opinion as to whether" the drug testing program as applied to student drivers was constitutional or not. [Id. at 987 n.1](#).

Conclusion:

Although Seventh Circuit precedent has determined that student drivers voluntarily diminish their privacy rights by driving to school, the student in this case has not voluntarily diminished their expectation of privacy because they are forced to drive to school and there are no other viable options of transportation; thus, they are being forced to be included in the suspicionless drug testing.