



## Student Sues Principal for Violating Her 4th and 5th Amendment Rights During Detention and Interview



By Brian S. Batterton  
Public Agency Training Council  
Legal & Liability Risk Management Institute

Written for and distributed by the Public Agency Training Council, School Resources & Training Institute.  
For duplication & distribution, contact [newsletter@school-training.com](mailto:newsletter@school-training.com)

---

View Article Online: [school-training.com/newsletter/articles/student\\_sues\\_for\\_detention.shtml](http://school-training.com/newsletter/articles/student_sues_for_detention.shtml)

---

The Sixth Circuit Court of Appeals recently decided a case that involved a school principal's detention and interview of a student regarding her distribution of prescription drugs to another student. The facts quoted from the case are as follows:

A.E., the subject Plaintiff in this lawsuit, was a seventh-grade student at Grant County Middle School in May of 2006. A.E. is bi-polar and suffers from Attention Deficit Hyperactivity Disorder (ADHD). To manage these conditions, she takes Adderall. During the 2004-2005 school year, A.E. received the medication daily at lunchtime. Pursuant to school policies and procedures, A.E.'s medication was maintained in the school nurse's office, where she went each day to receive it.

On May 26, 2005, the last day of school, A.E. went to the nurse's office for her lunchtime administration of Adderall, as she had done for the entire school year. At that time, there were four Adderall tablets left. The school nurse, defendant Edmondson, returned the remaining four tablets to A.E. in the original container. A.E. requested to return at the end of the school day to pick up the remaining tablets rather than take them to class with her. The nurse told A.E. to take the remaining medicine with her, even though it was the middle of the school day, and advised A.E. not to give any of the tablets to anyone else.

A.E. had nowhere to keep the medication because she no longer had access to her locker and had neither a purse nor a backpack. Therefore, she gave the medication to her teacher, Mrs. Moore, for safekeeping. The students left the classroom at that time to engage in outside activities. When they returned to the classroom, the teacher returned the medicine to A.E. The students then went to their last class of the day, where there was a different teacher, Ms. Babel. Ms. Babel showed a movie and served refreshments. Ms. Babel was in and out of the classroom during the movie.

---

©2009 Public Agency Training Council, School Resources & Training Institute  
<http://www.patc.com> | <http://www.school-training.com> | 800.365.0119

View Article Online: [http://www.school-training.com/newsletter/articles/student\\_sues\\_for\\_detention.shtml](http://www.school-training.com/newsletter/articles/student_sues_for_detention.shtml)

It was during this class that another student, S.W., noticed A.E.'s medication container and asked what was in it. S.W. asked for one of the pills. At first, A.E. refused. After continued pressure, however, A.E. relented and gave S. W. one of her Adderall pills.

Approximately two days later, the Assistant Principal, Defendant James Lacey, called T.E. (A.E.'s mother) and asked if she was aware of the events. She responded that A.E. had told her about them when she came home from school that day. Assistant Principal Lacey then informed T.E. that a deputy sheriff would be coming to interview A.E. about this incident over the summer break. However, T.E. was never contacted by law enforcement over the summer.

School resumed on August 11, 2005, and A.E. returned to Grant County Middle School to begin her eighth-grade year. On the first day of school, Assistant Principal Lacey (a Defendant here in his individual capacity) called A. E. to his office and asked her about what happened on the last day of school, May 26, 2005. He was aware at this time that a sheriff's deputy had not contacted A.E. over the summer break.

Assistant Principal Lacey asked A.E. if she remembered the events of the last day of school and required her to write a statement, which she was then required to date and sign. Thereafter, A.E. was sent back to class. Plaintiff claims that she was not informed that she was free to leave the office or that her written statement would be turned over to the police for purposes of charging her with criminal activity. A copy of the statement was not placed in A.E.'s school file.

Approximately one week after Assistant Principal Lacey met with A.E., he called both A.E. and S.W. to his office. He asked them what had happened on May 26, 2005. A.E. remained silent during this meeting. Assistant Principal Lacey then issued each girl a one-day suspension and told them they would be subject to a six-month probation through the juvenile justice system. This second meeting was held after A.E. had submitted the written statement that was later given to Officer Osborne.

A.E. and her mother were contacted by a court-designated worker (CDW) and notified of a meeting at juvenile court to be held on October 3, 2005. At that time, A.E. was given the option to enter into a diversion agreement or face formal court proceedings. A.E. chose the diversion program. The record does not detail who was present at the meeting or who presented the options to A.E.<sup>i</sup>

Ultimately, S.E. sued on behalf of A.E., and alleged numerous state and federal law violations as well as violations of the Fourth and Fifth Amendments of the U.S. Constitution. The constitutional allegations are the subject of this article.

First, the plaintiff alleges that when the principal summoned her to this office to investigate, he was acting at the behest of, or as an agent for, law enforcement in obtaining the statement. The plaintiff bases this argument on fact that Kentucky

has a state statute that requires school personnel to notify law enforcement of such incidents.<sup>ii</sup> Additionally, school district policy also required reporting such incident to law enforcement. Finally, the plaintiff points to the fact that that A.E.'s written statement was not placed in her school records. Thus, the plaintiff argued that the principal conducted the detention and interview to circumvent the more stringent rules applied to law enforcement personnel.

The defendants point to the lead school search and seizure case, *New Jersey v. T.L.O.*,<sup>iii</sup> in support of the detention and interview of plaintiff in this case. In *T.L.O.*, the United States Supreme Court held that school officials may detain and search students if there is reasonable suspicion of a school rule or law violation so long as the search was (1) justified at its inception (i.e. based on reasonable suspicion) and (2) reasonably related in scope to the nature violation in light of the age and sex of the student.

Based on testimony of the defendants, the court found that there was not sufficient evidence to conclude that the principal was acting at the behest of law enforcement in summoning A.E. to the principal's office for the purpose of having her write a statement about her side of the story from May 26. Therefore, the court held that the principal, in summoning A.E. to the office to obtain information regarding a tip from a parent about A.E. providing an Adderall pill to another student, did not violate the Fourth Amendment.<sup>iv</sup>

Next, the plaintiff alleges that the principal was required to provide A.E. with her *Miranda* rights prior to obtaining the statement because the principal was acting as an agent for law enforcement. After examining the evidence, the court concluded that the principal did not violate A.E. Fifth Amendment rights by not providing *Miranda* warnings because (1) the principal was not acting at the behest of law enforcement, (2) law enforcement officers were not present during the interview, and (3) the actions of the principal were reasonable under the circumstances.<sup>v</sup> Therefore, the principal was not required to provide *Miranda* warnings to A.E.

Thus, the principal was entitled to qualified immunity and summary judgment was also granted to the defendants on all other claims.

---

CITATIONS:

<sup>i</sup> *S.E. v. Grant County Bd. of Education, et al.*, No. 07-6330, 2008 U.S. App. LEXIS 21198 (Decided October 10, 2008)

<sup>ii</sup> [Ky. Rev. Stats. §§ 158.154 and 158.155](#)

<sup>iii</sup> 469 U.S. 325 (1985)

<sup>iv</sup> *S.E.* at 20

<sup>v</sup> *S.E.* at 20-21