

**Billings School District 2**

**STUDENTS**

Student Rights, Responsibilities, and Code of Conduct

Searches and Seizure

Searches of Students and Their Property

Searches may be carried out to recover stolen property, to detect illegal or prohibited substances, items, or weapons; or to uncover any matter reasonably believed to be a threat to the health, safety, or maintenance of an orderly educational environment.

Searches Upon Individualized Suspicion

- A. Searches of a student and/or the student's personal effects in the student's possession must be based on reasonable suspicion that the student(s) has violated school rules or the law.
- B. School officials responsible for conducting the search must be able to clearly articulate which school rule or law has allegedly been violated and establish that the search is reasonable in its inception.
- C. The information which forms the basis of the search and connects the student to the violation must be both recent and credible.
- D. Searches of a student and/or the student's personal effects in the student's possession must be conducted in a manner which is reasonably related to its objectives and reasonable in scope in light of the age and sex of the student along with the nature of the infraction. Highly intrusive searches require a high degree of individualized suspicion based upon specific and reliable evidence and should never be taken unless serious infractions, such as possession of drugs or weapons, are suspected. If a highly intrusive search is necessary, an attempt will be made to contact the responsible adult prior to the search. An intrusive search shall to be conducted in consultation with/by law enforcement and/or an Executive Director or the Superintendent.
- E. By parking in the school parking lots, the student consents to having the student's vehicle searched if the school authorities have any other reasonable suspicion to believe that a violation of school rules or policy has occurred.

Searches of School Property

- A. School officials may inspect and search school property and equipment owned or controlled by the school (such as lockers, desks, and parking lots), as well as personal effects left there by the student(s), without notice or consent of the student(s).

- B. The principal may request the assistance of law enforcement officials in a search of school property or may conduct such searches through the use of specially trained dogs in accordance with procedures set forth below.

### Administrative Searches

School officials may undertake a search of a number of students and their possessions without an individualized suspicion of wrongdoing by a particular student provided the following conditions have been met:

1. There is a recognized problem, such as drug use or possession of weapons in the school, and other methods of addressing the problem have not been effective.
2. The problem has been acknowledged and recognized by the building principal and the responsible adult of students attending there. The principal or other administrator may involve the responsible adult using whatever means of communication is customary in that school.
3. The responsible adult and students have been given written notice that administrative searches will take place, the reason for the searches, and the procedure to be followed.

Administrative searches may take place even if these conditions have not been met if school officials have knowledge of a specific act or violation (such as a theft or the existence of weapons in the school which pose an immediate risk to student safety and school discipline), but do not know which particular student is involved.

In either situation, an administrative search must be minimally intrusive and minimally disruptive. No student should be singled out when there is no evidence to support an individualized suspicion to search.

### Administrative Search Procedures

#### A. Clothing and Personal

School officials shall request the student to remove all items from pockets or other personal effects. Backpacks, purses and the like shall be opened for the school official to search. If confiscated for inappropriate use or for violation of school rules, cell phones, and other electronic devices may be searched for messages, graphics, photos, and other electronically-stored data.

#### B. Dog Searches

1. The principal shall notify the appropriate Executive Director of the time frame in which a dog search will be conducted.

2. The principal shall determine the time and date of the search and coordinate with the School Resource Officer, local law enforcement, or a private security firm. Scheduling arrangements shall be kept confidential, and dog searches will be unannounced.
3. If a particular locker is identified by the dog, the locker will be searched by the building administrator. If contraband is found, it will be turned over to law enforcement.
4. If a particular vehicle is identified by the dog during a parking lot search, the driver or owner of the car will be located and asked to open the car so it can be searched. If the student does not consent, law enforcement will be notified to assist.
5. The building principal will notify the respective Executive Director of the search results.

**C. Alcohol Consumption Sensor**

1. Procedure for Administering an Alcohol Consumption Test:
  - a. A student who is believed to be under the influence of alcohol while attending school or attending a school-sponsored event should be escorted by the appropriate school official to a secure location in the building.
  - b. The appropriate school official should confront the student about the suspected consumption and notify the student that the alcohol detection test will be administered.
  - c. The alcohol detection test should then be administered.
  - d. If the presence of alcohol is detected, the student's responsible adult should be notified to transport the student home.
  - e. Disciplinary action should be taken in accordance with School District policy. Law enforcement may be notified.
  - f. Refusal by the student to comply with the above procedures will be treated as defiance. The consequences for the defiance will be the same as being under the influence of alcohol.
  - g. If the responsible adult disputes the results, the responsible adult can have a test done at the responsible adult's own expense by an outside agency within four hours, at an agreed upon site. The student will not be allowed to return to school until the test results are provided to the school.

**Seizure of Property/Responsible Adult Notification**

If a search produces evidence that the student has violated or is violating either the law or the District's policies, procedures, rules, and handbooks such evidence may be seized and

impounded by school authorities, and disciplinary action may be taken. Such evidence may be transferred to law enforcement authorities

The student(s) will be taken to a designated area, and the responsible adult of the student(s) will be contacted.

Cross References:

Number	Title
3200	Student Rights, Responsibilities, and Code of Conduct
3201	Student Freedom of Expression
3202	Student Publications
3203	Student Dress
3203-P1	Student Dress – Gang Activity or Association and Extracurricular Activities
3204	Searches and Seizures
3204-P1	Searches of Students and Their Property
3204-P2	Video Surveillance
3204-P3	Video Surveillance – School Buses, Vehicles, School Buildings and Grounds
3205	District-Provided Access to Electronic Information, Services, and Networks for Students
3205-P1	District-Provided Access to Electronic Information, Services, and Networks for Students
3210	Harassment, Intimidation, and Bullying
3210-F1	Form: Billings School District – Harassment/Intimidation/Bullying Incident Reporting Form
3220	Equal Educational Opportunity (use reporting Form 3210-F1)
3230	Non-Discrimination and Anti-Harassment (use reporting Form 3210-F1)
3235	Student Drug and Chemical Use and Abuse
3240	Tobacco Free Schools
3250	Gun-Free Schools
3255	Bomb Threats and Threats of Hazardous Substances
6430	Development of Administrative Procedures
1700	Uniform Complaint Procedure

Legal References:

- § 20-5-101, MCA Admittance of child to school
- § 20-5-102, MCA Compulsory enrollment and excuses
- § 20-5-103, MCA Compulsory attendance and excuses
- § 20-5-201, MCA Duties and sanctions
- § 20-5-202, MCA Suspension and expulsion
- § 20-4-302, MCA Discipline and punishment of pupils – definition of corporal punishment

*Tinker v. Des Moines Ind. Sch. Dist.*, 89 S.Ct. 733 (1969)

Procedure History:

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