Billings School District 2

STUDENTS

Student Rights, Responsibilities, and Code of Conduct

Searches and Seizure

The goal of search and seizure with respect to students is meeting the educational needs of children and ensuring their security. The objective of any search and/or seizure is not the eradication of crime in the community. Searches may be carried out to recover stolen property, to detect illegal substances or weapons, or to uncover any matter reasonably believed to be a threat to the maintenance of an orderly educational environment. The Board authorizes school authorities to conduct reasonable searches of school property and equipment, as well as of students and their personal effects, to maintain order and security in the schools. School authorities are authorized to utilize devices or tools identified in school district policy or the student handbook or deemed necessary by the Superintendent or designee.

School Property and Equipment and Personal Effects of Students

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

The Superintendent may request the assistance of law enforcement officials, including their use of specially trained dogs, to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons, or other illegal or dangerous substances or material.

Students

School authorities may search a student or a student's personal effects in a student's possession or on school property when reasonable grounds suggest a search will produce evidence that the particular student has violated or is violating a law or District student conduct rules. The search itself must be conducted in a manner that is reasonably related to its objectives and not excessively intrusive in light of age and sex of a student and the nature of the suspected infraction.

Also, by parking in the school parking lots, the student consents to having the student's vehicle searched if the school authorities have reasonable suspicion to believe that a violation of school policies, procedures, rules, and handbooks has occurred.

Seizure of Property

When a search produces evidence that a student has violated or is violating either a law or District policies, procedure, rules, and handbooks such evidence may be seized and impounded by school authorities and disciplinary action may be taken. As appropriate, such evidence may be transferred to law enforcement authorities.

Cross References:

Number	Title
3200	Student Rights, Responsibilities, and Code of Conduct
3201	Student Freedom of Expression
3202	Student Publications
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
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:

§ 20-5-201, 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)

Policy History:

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