Policy 3231: Searches and Seizure **Status:** DRAFT

Original Adopted Date: 09/09/2022 | **Last Revised Date:** Pending | **Last Reviewed Date:** 09/09/2022

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.

The search of a student, by authorized school authorities, is reasonable if it is both: (1) justified at its inception, and (2) reasonably related in scope to the circumstances which justified the interference in the first place.

School authorities are authorized to utilize any reasonable means of conducting searches, including but not limited to the following:

1. ~~A "pat down" of the exterior of the student's clothing;~~

2. A search of the student's clothing~~, including pockets~~ by requesting that the student remove any coat, jacket, or other outer wear which can then be searched and by requesting that the student empty their pockets;

3. A search of any container or object used by, belonging to, or otherwise in the possession or control of a student; and/or

4. Devices or tools identified in school district policy or the student handbook or deemed necessary by the Superintendent or designee.

~~The "pat down" or "search' of a student, if conducted,~~ Any search of a student will be conducted by a school official or employee of the same gender as the student being searched.

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).

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 officials may search any individual student, his/her property, or District property under his/her control, when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the District or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that

may be searched by school officials include but are not limited to lockers, desks, purses, backpacks, student vehicles parked on District property, cellular phones, or other electronic communication devices.

Students may not use, transport, carry, or possess illegal drugs or any weapons in their vehicles on school property. While on school property, vehicles may be inspected at any time by staff, or by contractors employed by the District utilizing trained dogs, for the presence of illegal drugs, drug paraphernalia, or weapons. In the event the school has reason to believe that drugs, drug paraphernalia, or weapons are present, including by alert-trained dogs, the student's vehicle will be searched, and the student expressly consents to such a search.

Also, by parking in the school parking lots, the student consents to having his/her vehicle searched if the school authorities have any other reasonable suspicion to believe that a violation of school rules or policy has occurred.

Seizure of Property

When a search produces evidence that a student has violated or is violating either a law or District policies or rules, 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.

United States Constitution	**Description**
Fourth Amendment	Unreasonable Search and Seizure

United States Supreme Court	**Description**
469 U.S. 325 (1985)	New Jersey v. T.L.O.
557 U.S. 364 (2009)	Safford Unified School Dist. No. 1 v. Redding

Cross References

Code	**Description**
3200	Student Rights and Responsibilities
3330	Use of Alcohol Sensor Device

Policy 5322: Military Leave **Status:** DRAFT

Original Adopted Date: 09/09/2022 | **Last Revised Date:** Pending

Pursuant to the Uniformed Services Employment and Reemployment Rights Act (USERRA) and the Montana Military Service Employment Rights, the Superintendent shall grant military leave to employees for voluntary or involuntary service in the uniformed services of the United States, upon receipt of the required notice.

Military Leave

A District employee who is a member of the national guard of Montana or any other state or who is a member of the organized or unorganized reserve corps or military forces of the United States and who has been an employee for a period of at least 6 months must be given leave of absence with pay at a rate of 120 hours in a calendar year or academic year if applicable, for performing military service. The full 120 hours of leave must be credited in full to an employee after 6 months of employment and in each successive calendar year, or academic year if applicable.

Military leave may not be charged against the employee's annual vacation time. Unused military leave must be carried over to the next calendar year, or academic year if applicable, but may not exceed a total of 240 hours in any calendar or academic year.

Right to Return to Work

After a leave of absence for state military duty, an employee is entitled to return to employment with the same seniority, status, pay, health insurance, pension, and other benefits as the employee would have accrued had the employee not been absent for state military duty. If an employee was in probationary status when ordered to state military duty, the District may require the employee to resume the probationary period upon returning to employment with the District.

Benefits shall be maintained for these employees as required by law and/or collective bargaining agreements. A service member who returns to the District for work following a period of active duty must be reinstated to the same or similar position and at the same rate of pay unless otherwise provided by law.

Time spent in active military service shall be counted in the same manner as regular employment for purposes of seniority or District service unless otherwise provided in a collective bargaining agreement.

Nondiscrimination

The District will not discriminate in hiring, reemployment, promotion, or benefits based upon membership or service in the uniformed services.

Requests for Leave

All requests for military leave will be submitted to the Superintendent, in writing, accompanied by copies of the proper documentation showing the necessity for the military leave request.

When possible, all requests for military leave will be submitted at least one (1) full month in

advance of the date military service is to begin.

Persons returning from military leave are asked to give the Superintendent notice of intent to return, in writing, as least one (1) full month in advance of the return date.

The District shall post notice of the rights, benefits, and obligations of the District and employees in the customary place for notices.

Montana Code Annotated	**Description**
10-1-1001, et seq	Montana Military Service Employment Rights

Policy 5323: Personal and Emergency Leave

Original Adopted Date: 8/10/2026

Personal and Emergency Leave

Upon recommendation of the Superintendent, and in accordance with District policy and any applicable collective bargaining agreement, employees may be granted personal or emergency leave at the discretion of the ~~Board of Trustees~~ Superintendent pursuant to the following conditions:

1. Leave will be without pay unless otherwise stated. If leave is to include expenses payable by the District, leave approval will so state.

2. Leave will be granted only in units of half (½) or full days.

3. Notice of at least one (1) week is required for any personal leave of less than one (1) week; notice of one (1) month is required for any personal leave exceeding one (1) week.

~~4.~~ The Board hereby delegates to the Superintendent the authority, in unusual or exceptional circumstances, to grant immediate personal or emergency leave to employees who have exhausted or are not covered by sick leave or vacation~~. pending Board approval of personal or emergency leave.~~

Policy 5324: Civic Duty Leave **Status:** DRAFT

Original Adopted Date: Pending

Jury Duty

When an employee is summoned for jury duty, the Superintendent may request that the Court excuse the employee from jury duty if the employee's presence at work is necessary for the proper operation of the District. If the employee is not excused or no request is made to excuse the employee, a leave of absence for jury duty will be granted. The employee may elect to receive regular salary or to take annual leave during jury time. An employee who elects not to take annual leave, however, must remit to the District all juror and witness fees and allowances (except for expenses and mileage).

Witness Subpoena

When an employee is subpoenaed to serve as a witness, the employee may elect to receive regular salary while serving as a witness, or take annual leave. An employee who elects not to take annual leave, however, must remit to the District all witness fees and allowances (except for expenses and mileage).

Public Office

If an employee is elected or appointed to a city, county, or state public office, the District ~~shall~~ may grant to the employee a leave of absence while the employee is performing public service, not to exceed 180 days per year. An employee granted a leave of absence shall make arrangements to return to work within 10 days following completion of the service for which the leave was granted. If the District employs 10 or more persons, the employee will be restored to their position with the same seniority, status, compensation, hours, locality, and benefits as existed immediately prior to the leave of absence.

During the leave of absence, the employee cannot be required to perform work or to use leave or benefits without the consent of the employee. If the District provides health care benefits to the employee, the District shall may continue offering the employee health care benefits with the same covered benefits and covered persons during the leave of absence.