

**Berkeley USD
Board Policy**

Student Interviews by District Counsel

BP XXXX

No student shall be questioned for any purpose by the District's legal counsel without the site administrator first making multiple reasonable attempts to notify the student's parent/guardian, informing the parent/guardian regarding the general subject matter of the proposed questioning, and offering the parent/guardian the opportunity to be present during questioning.

The questioning shall not take place until multiple reasonable means to reach the parent/guardian have been attempted and documented. If a time period that is reasonable under the circumstances has passed and documented efforts to reach the parent/guardian are unsuccessful, the questioning may proceed. In that instance, efforts to reach the parent/guardian shall resume immediately following the questioning in order to notify the parent/guardian that the questioning has taken place.

If the parent/guardian requests to be present, the questioning shall not take place until the parent/guardian is able to be present.

If the parent/guardian does not wish to be present, the questioning may proceed without the parent/guardian present. However, in that case, the site administrator or designee shall be present during the questioning unless his or her presence creates a conflict of interest, in which case another administrator shall be present.

Notwithstanding the above provisions, if the Superintendent believes that notification to a student's parent/guardian would irreparably impede or damage an ongoing investigation of critical importance or endanger student, the Superintendent may request written permission from the Board President for authorization for District counsel to interview the student prior to parental notification. In that case, the parent/guardian shall be notified of the interview as soon as practicable following the interview, if appropriate under the circumstances and the law.

"District legal counsel" includes only those individuals retained as counsel for the District.

Policy BERKELEY UNIFIED SCHOOL DISTRICT
adopted: xxx Berkeley, California