

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

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, the site administrator or designee shall continue to make efforts to reach the parent/guardian.

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, or if the parent/guardian cannot be reached, 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 and immediate importance or endanger the student or other students, the Superintendent may authorize District legal counsel to interview the student prior to notifying the student's parent or guardian. 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; in that case, the Superintendent shall also notify the Board.

The Superintendent or designee shall report to the Board annually the number of interviews of students by District legal counsel, as well as any suggestions for revisions of this policy.

Ty Alper 1/15/18 10:10 PM

Comment [1]:

Should we say student can have any adult of their choice present? (Maybe just for secondary level? Or "where feasible"?)

Should we say the superintendent will set parameters for questioning and that counsel needs to check with superintendent or designee before interviewing student?

Suggestion of adding training for administrators about questioning by lawyers or should we pass as is and see how it gets implemented and find out if we need to allocate resources for specific training.

FOR DISCUSSION AT 1/26/18 POLICY COMMITTEE MEETING

Policy BERKELEY UNIFIED SCHOOL DISTRICT
adopted: xxx Berkeley, California