

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 a) making multiple reasonable attempts to notify the student's parent/guardian, b) informing the parent/guardian regarding the general subject matter of the proposed questioning, c) offering the parent/guardian the opportunity to be present during questioning, and d) obtaining the written consent of the parent/guardian for the questioning.

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 consents to the interview and 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 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.

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

"Written consent" may be in the form of a text message, an email, or a written note or letter.

Policy BERKELEY UNIFIED SCHOOL DISTRICT
adopted: xxx Berkeley, California

FOR FIRST READING AT 3/14/18 BOARD MEETING – Note that this version contains tracked changes to show revisions made to the draft policy since the last time the Board discussed the policy.

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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 consents to the interview and 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.

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"Written consent" may be in the form of a text message, an email, or a written note or letter. 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

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~~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/guardi~~

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