35.2 UPDATE - POLICIES - FOR BOARD CONSIDERATION/APPROVAL

po8325

Vol. 35, No. 2 - July 2026 Revised RECEIPT OF LEGAL DOCUMENTS BY DISTRICT EMPLOYEES

ADOPTED Aug 19, 2010 · REVISED Sep 15, 2014

8325 - **RECEIPT OF LEGAL DOCUMENTS BY DISTRICT EMPLOYEES**

~~School employees often gain substantial personal knowledge regarding many aspects of the lives and behavior of students. As a result they may be called upon to provide testimony in the course of legal proceedings such as divorce actions involving custody disputes, criminal prosecutions or other types of legal proceedings. School employees may also be the subject of civil suits relating to the performance of their employment responsibilities, resulting in the service of legal documents requiring them to respond to allegations, produce records or provide sworn testimony.~~

Service of Legal Process

Service of legal process is defined as a formal delivery of a notice of claim, summons, complaint, writ, or other legal notice to a defendant or interested party. This action officially notifies the defendant or interested party of a lawsuit or legal proceeding, establishing a court's jurisdiction over them.

Accepting Legal Service

Legal service requires compliance with procedural rules. The Board authorizes the District Administrator to receive service of legal process for District matters, pursuant to 118.26, Wis. Stats. The District Administrator is authorized to refer legal process to the Board's legal counsel.

Staff members may not accept service of legal documents on behalf of the District unless authorized by the District Administrator to do so. If authorized by the District Administrator to accept service of legal documents on behalf of the District, staff members may only accept service through personal service and should not agree to accept service via email, fax, or any other means other than personal service unless directed to do so by the District Administrator.

The District Administrator shall be immediately informed of the receipt of any legal documents by a District staff member naming a District staff member in their official

capacity as a party to a legal action or otherwise implicating the District staff member's official duties as a subject of a lawsuit or legal proceedin g.

Providing Testimony or Documentation

At times employees may be called upon to provide legal testimony or provide documentation on student or District matters. The staff member shall immediately notify **(X)** their principal **(X)** the District Administrator ~~**( )** - _____ - **[END OF OPTIONS]** who shall notify the - **( )** - District Administrator who shall consult with the Board's legal counsel - **(X)** Board's legal counsel **( )** - _____ who shall consult with the Board's legal counsel - **[END OF OPTIONS]**~~ .

No staff member may produce confidential student records or testify concerning the content of student records without first notifying students or **( )** their principal **(X)** the District Administrator ~~**( )** - _____ - **[END OF OPTIONS]**~~ .

~~**Service of Legal Documents**~~

~~Legal service requires compliance with procedural rules. Staff members may not accept service of legal documents on behalf of the District unless authorized to do so, and should not agree to accept service via e-mail, fax, or other means other than personal service unless directed to do so.~~

~~**[ ]** The District Administrator has authorization to contact legal counsel.~~

~~**Student Records and Other Confidential Information**~~

~~If a District staff member is served with any legal document(s) such as a subpoena or summons and complaint, requiring this staff member to answer factual allegations or appear at a particular place and time to provide testimony and/or records pertaining to any matter related to the staff member's employment, the staff member must immediately notify the building principal or District Administrator.~~

Legal documents regarding matters related to school business may implicate confidential personnel records or protected student records (see Policy 8330 - Student Records and Policy 8310 - Public Records). Observation and opinions regarding student behavior, academic performance or similar topics likewise constitute confidential records. The administration shall determine what action must be taken regarding the disclosure of and testimony related to school documents. ~~No staff member may produce confidential student records or testify concerning the content of student records without first notifying the administration.~~

~~District administration shall be immediately informed of the receipt of any legal documents by a District staff member naming a District staff member in their official~~

~~capacity as a party to a legal action or otherwise implicating the District staff member's official duties as a subject of a lawsuit or legal proceeding.~~

Compliance with Legal Documents

Depending on the circumstances of the particular matter involved, District administration may determine what action must be taken in the event a staff member is issued a subpoena requiring attendance at any hearing, deposition or requiring the production of documents, however nothing in this policy shall require any staff member to disregard, to otherwise fail, to properly comply with any legally served documents, or any court order pertaining to the staff member's testimony or production of documents.

Litigation Hold

If a Litigation Hold is initiated, the process specified in Policy 8315 - Preservation of Records and Litigation Holds shall be followed.

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