

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 Documents

If a District staff member is served with any legal document(s) such as a subpoena or summons and complaint, requiring the 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 Superintendent.

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 than personal service unless directed to do so.

[X] Superintendent has authorization to contact legal counsel.

Legal documents regarding matters related to school business may implicate confidential personnel records or protected student records (see Policy 8330 and Policy 8310). 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.

To Policy 5/26/2015

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