



**LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN**

TITLE: Procedures for Accepting Service of Summons, Complaints and Subpoenas

NUMBER: BUL-2471.0

ISSUER: Kevin S. Reed, General Counsel
Office of the General Counsel

DATE: Effective Immediately

PURPOSE: The purpose of this Bulletin is to provide information and guidance for the appropriate handling of summons, complaints and subpoenas

MAJOR CHANGES: New Bulletin

GUIDELINES: The following guidelines apply:

<p>ROUTING Local District Superintendents Local District School Support Directors School Site Administrators</p>

I. PROCEDURES FOR ACCEPTING SERVICE OF SUMMONS, COMPLAINTS AND CLAIMS FOR DAMAGES

A. Agent for Service of Process

The Executive Officer of the Board (Board Secretariat), or his or her designees, are official agents for service of process for the Los Angeles Unified School District (or LAUSD) and the Board Secretariat or designees are the only agents of the District authorized to accept service of summons, complaints and claims for damages on behalf of LAUSD, the Board of Education, the Superintendent, and the Senior Administrative staff, including but not limited to those identified in **ATTACHMENT A**. No unauthorized agent or employee may accept service for LAUSD. Therefore, when the summons, complaint or subpoena lists parties that include those listed above, the process server should be directed to the Executive Officer of the Board.

Anyone seeking to effectuate service on LAUSD must be directed to the authorized agent for service of process, the Executive Officer of the Board, as follows:

**The Executive Officer of the Board
333 S. Beaudry Avenue, 24th Floor
Los Angeles, CA 90017
8:00 a.m. through 5:00 p.m.
Monday through Friday
(Excluding Holidays)**



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B. Responsibilities of the Executive Officer of the Board:

- The Executive Officer of the Board maintains a log of all court process received, including date, caption, jurisdiction, docket number and disposition.
- Upon receipt and logging of all court process, the Executive Officer of the Board shall promptly forward all original documents to the Office of the General Counsel for response. Documents should be sent to the attention of the Litigation Intake Clerk, or to the current person designated by the Office of the General Counsel.
- Should the summons or complaint name other parties connected to the Los Angeles Unified School District, e.g., a department or school, the Executive Officer of the Board *should not accept service*. The Office of the General Counsel should be contacted for further guidance. If the document is left anyway, the document should be quickly forwarded to the Office of the General Counsel for further handling.

C. Acceptance of Summons and Complaints

All LAUSD employees must exercise care when presented with any documents concerning legal actions which involved the District or its employees. There is presently no valid service of process made on the District by mail, e-mail, or any other electronic means. If you have a question about service, contact the Office of the General Counsel at (213) 241-7600 or after hours at (213) 215-2882.

1. When LAUSD is a party named in a Summons and Complaint

When anyone attempts to serve a Summons and Complaint on LAUSD by delivering it to an employee, the process server *must be referred to the Executive Officer of the Board*. Only the Executive Officer of the Board, or his or her designee, may accept service on behalf of LAUSD, the School Board, the Superintendent, or designated Senior Administrative staff set forth in **ATTACHMENT A**.

2. When both LAUSD and an employee are named as parties in a Summons and Complaint

An employee may accept service of the Summons and Complaint *only if the employee is personally named*. An individual employee of LAUSD cannot refuse service of legal process if he or she is specifically named. However, if the Summons and Complaint name both an employee and LAUSD, the employee can accept only on behalf of the individual, not on behalf of the District. Additionally, the employee must immediately



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notify the Office of the General Counsel (213-241-7600) that he or she has been served with a summons and complaint.

Upon receipt of individual service, an employee who believes that he or she is entitled to be defended and indemnified in accordance with the policy of the Board of Education (see Board Rule 1207) shall telephone the Office of the General Counsel immediately at (213) 241-7600, then promptly deliver all legal papers to the Office of the General Counsel and the Executive Officer of the Board.

When a Summons and Complaint also names the Los Angeles Unified School District as a defendant, the individual cannot accept service on behalf of the Los Angeles Unified School District. The process server must be referred to the Executive Officer of the Board for service of the Summons and Complaint on the LAUSD, any member of the School Board, the Superintendent or the designated senior staff members outlined in **ATTACHMENT A.**

3. When a school, branch, division or unit is named in a Summons and Complaint

Occasionally, a school, branch, division or unit will be specifically named as a party in a complaint. In this circumstance, the site administrator or designee must either accept service on behalf of the school, branch, division or unit, or direct the process server to the Executive Officer of the Board as provided above in Section II. A. If service of the Summons and Complaint is accepted at the site location, the site administrator or designee must immediately notify and forward the original Summons and Complaint to the Executive Officer of the Board and a copy to the Office of the General Counsel.

4. When an employee alone is a party named in a Summons and Complaint

(a) *Work-Related Complaint*

When a Complaint naming *only* the employee is based on the employee's conduct within the course and scope of his or her employment with the LAUSD, the employee *must* accept the complaint. If the employee is uncertain as to whether acceptance of service would be proper, the employee should immediately contact the Office of the General Counsel at (213) 241-7600 or after hours at (213) 215-2882. The Office of the General Counsel should also be notified immediately once service has been accepted, and arrangements should be made for quick delivery of the document and the envelope in which it was received. The employee may retain a copy of the document for his or her records. When submitting the original documents, attach a note to the document(s) received indicating the



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date and time of the receipt and the name and telephone number of the person who received it. (See **ATTACHMENT B** for a sample memo.)

(b) A Non-Work-Related Complaint

When the Complaint naming the employee is based on conduct that was outside the course and scope of his or her employment with the LAUSD, the employee shall act on his or her own behalf without involving LAUSD.

(c) Do Not Accept Service on Behalf of Another Employee

Unless designated, District employees are not authorized to accept service on behalf of another employee. The process server must personally serve the employee specifically identified by name in the Summons and Complaint.¹ Additionally, no employee, including the site supervisor, should assist the process server in locating or obtaining contact information about the employee to be served.

II. ACCEPTANCE OF SUBPOENAS FOR RECORDS

Most subpoenas served on LAUSD request pupil/student records. (See IV.A.) (See IV.B.) The District also receives a number of subpoenas requesting LAUSD employee records.

You are likely to encounter subpoenas for 3 types of court cases, regardless of whether they are for student, employee, or for any other kind of records:

- **Criminal Case** (The People of the State of California *vs.* John Doe);
- **Civil Case** (A person, entity, etc. *vs.* a person, business, government agency, etc.);
- **Administrative agencies** such as the Workers' Compensation Appeals Board, Unemployment Insurance Appeals Board, the Personnel Commission, California Special Education Hearing Office, Office of Administrative Hearings, etc.

Subpoenas can be issued from all Courts: State (Superior), Federal (United States District Court) and various administrative agencies, e.g. the Workers' Compensation Appeals Board. Subpoenas are the equivalent of a Court or public agency order to produce specified records.

A. Subpoenas for Pupil/Student Records

1. Procedure for acceptance of subpoenas for pupil/student records

¹ For administrative staff as listed on Attachment A, a process server should be referred to the Executive Officer of the Board.



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The principal of each school and his or her designee are considered the school's "Custodian of Records" for purposes of receiving, responding to and maintaining records of subpoenas received at the school site. The principal or designee should accept service of subpoenas for pupil records and comply with the legal requirements of each subpoena. Upon accepting the subpoena, the document should be stamped with the time and date of receipt, and the name of the person who received it. The original subpoena should be maintained in the school office files.

Prior to producing the records requested in a subpoena, the principal or designee should review the subpoena to determine whether;

- The subpoena has been sent to the correct school
- A "Notice to Consumer" accompanies the subpoena (in civil cases)
- The subpoena provides a reasonable period for response (see below)
- The request for information is clear and specific
- The request for records is limited by qualifiers such as dates, grade levels, locations, specific events

If one or more of the above criteria has not been met, the principal or designee should immediately contact the Office of the General Counsel (213) 241-7600 for assistance.

Additionally, some records, such as those maintained by school psychologists and other mental health professionals and some Special Education records may be privileged and may not be disclosed without parent authorization or a special court order. Subpoenas for these records should be reviewed with the appropriate mental health and/or Special Education professional, the parent and when necessary, by legal counsel prior to responding to the subpoena. For additional information regarding and assistance with privileged pupil records, contact the Office of the General Counsel, Field Services Team at (213) 241-7600.

Produce only copies of those records requested in the subpoena. Student records that may be requested by a subpoena include, but are not limited to:

- Cumulative Records (Elementary and Secondary)
- Student Report Cards
- Health Records
- Attendance Records

² Parent refers to any biological parent, legal guardian and parents via legal adoption.



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- Office Referrals or disciplinary records
- Psychological Records
- Special Education and Related Services Records

Under both federal and state law, strict privacy laws apply to pupil records, which include student health records. Only school district employees, individuals with written parent² authorization or other individuals as defined by the California Education Code may access these records. Unauthorized personnel – such as student and parent volunteers or non-employee interns – should not have access to records. For a more detailed discussion of access to pupil records, see *Bulletin No. N-13 (Rev.), Pupil Records: Access, Confidentiality and Notice of Educational Rights (September 2005)*

Questions regarding the subpoena, the type of records requested or what the legal requirements are for a subpoena should be directed to the Office of the General Counsel at (213) 241-7600, after hours at (213) 215-2882 or the Office of the General Counsel Field Services Team at (213) 241-7600.

2. Procedure for responding to subpoenas for student records:

The procedure for responding to the subpoena will be based, at least partially, on what type of case the subpoena is for: Civil, Criminal, or Administrative Agency.

Civil Cases

- a) “NOTICE TO CONSUMER” – Any subpoena issued in a lawsuit against a student or former student requesting student records must include a completed “NOTICE TO CONSUMER” form indicating that notice has been given to the “consumer”, which by law includes students. (See **ATTACHMENT D** for a sample of this form.) If this notice is not included, the attorney who issued the subpoena should be informed that the school cannot release any requested records. Please note, though, that the Notice to Consumer is not required if the subpoena is related to a case in Federal District Court.
- b) SUBPOENA REVIEW – Pupil/student records should be produced within 15 days from the date the subpoena was issued. Generally, the requesting party should serve the subpoena at least 10 days before the date the records are required. If there is insufficient time to comply, call the attorney to inform them and arrange for a reasonable time to respond.



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- c) **COPY RECORDS** – Make copies of the records requested. Attorneys requesting documents may hire a photocopy service to make copies of the requested records at the school. No outside attorney, representative or photocopy service should be allowed to copy original records unless a District employee is present during the reproduction. Never send or release *original* student records.
- d) **DELIVER RECORDS** – Follow the instructions on the subpoena for mailing or delivering the copies. If the school has elected to copy the records themselves, the requesting attorney may send a representative or attorney service to pick up the copies prepared by the school. Never send or release *original* student records.
- e) **DELIVERING RECORDS TO COURT** – Normally, records can be delivered to the Court by mail or courier service. When a subpoena requires records to be sent directly to the court, records should be placed in an inner sealed envelope with the name of the case, the case number, the department or division number of the court, and the date of the hearing written outside of the envelope. The sealed envelope must be placed in another envelope addressed to the court. The entire package must be delivered to the court. Never send *original* student records.
- f) **CERTIFICATION OF RECORDS** – The Custodian of Records for each school must include a signed affidavit certifying that the documents are exact copies of all original records that the school has. If such an affidavit was not provided with the subpoena, use **ATTACHMENT C** and send a signed copy.

Criminal Cases

- a) **“NOTICE TO CONSUMER”** – This form is NOT required in a criminal case.
- b) **REVIEW SUBPOENA** – Review the subpoena carefully for the date on which the records are required. Generally, there is no specific timeline by which a criminal subpoena must be served. However, criminal subpoenas must provide a *reasonable* period of time to respond. If there is insufficient time to comply, call the attorney to inform them and arrange for an extension.
- c) **COPY RECORDS** – Make copies of the records requested. Attorneys requesting documents may hire a photocopy service to make copies of the requested records at the school. Photocopy companies should not be allowed to copy original records unless



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- d) a District employee is present during the reproduction. Never send original student records.
- e) DELIVER RECORDS – Follow the instructions on the subpoena for mailing or delivering the copies. If the school has elected to copy the records themselves, the requesting attorney may send a representative or attorney service to pick up the copies once prepared by the school. Never send or release original student records.
- f) DELIVERING RECORDS TO COURT – When a subpoena requires records to be sent directly to the court, records should be placed in an inner sealed envelope with the name of the case, the case number, the department or division number of the court, and the date of the hearing written outside of the envelope. The sealed envelope must be placed in another envelope addressed to the court. The entire package must be delivered to the court. Never send original student records.
- g) CERTIFICATION OF RECORDS – The Custodian of Records or person responsible for keeping and maintaining the records must include a Certification of Records with the copies of student records produced. The signed affidavit certifies that the documents you are sending are exact copies of all original records that exist at the school. If an affidavit was not provided with the subpoena, then use **ATTACHMENT C** and send a signed copy.

Requests by Administrative Agencies—Agencies such as the Workers' Compensation Appeals Board, Unemployment Insurance Appeals Board, the Personnel Commission, California Special Education Hearing Office, Office of Administrative Hearings, etc.

- a) SUBPOENA REVIEW – Review the request/subpoena carefully for the date on which the records are required.
- b) COPYING – Make copies of the records requested. A photocopy company may be hired to come to the school to make copies of the requested records. Photocopy companies should not be allowed to copy original records unless a District employee is present during the reproduction. Never send original student records.
- c) DELIVER RECORDS – Follow the instructions on the subpoena for mailing or delivering the copies. If the school has elected to



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copy the records themselves, the requesting attorney may send a representative or attorney service to pick up the copies once prepared by the school. Never send or release *original* student records.

- d) **DELIVERING RECORDS TO THE ADMINISTRATIVE AGENCY** – When a subpoena requires records to be sent directly to the administrative agency, records should be placed in an inner sealed envelope with the name of the case, the case number, the department or division number of the administrative agency, and the date of the hearing written outside of the envelope. The sealed envelope must be placed in another envelope addressed to the administrative agency. The entire package must be delivered to the administrative agency. Never send *original* student records.
- e) **CERTIFICATION OF RECORDS** – The Custodian of Records or person responsible for keeping and maintaining the records must include a Certification of Records with the copies of student records produced. The signed affidavit certifies that the documents you are sending are exact copies of all original records that exist at the school. If an affidavit was not provided with the subpoena, then use **ATTACHMENT C** and send a signed copy.

When No Pupil/Student Record Located

- a) When pupil/student records cannot be located, inform the attorney or the photocopy service as soon as possible.
- b) Fill out and sign the affidavit/declaration provided with the subpoena indicating that no student records can be located. If an affidavit wasn't provided with the subpoena, then use **ATTACHMENT C** and send a signed copy.

B. Subpoenas for Employment Records

All subpoenas for employment records should be forwarded directly to the Employee Relations Department for processing:

Employee Relations
333 S. Beaudry Avenue, 14th Floor
Los Angeles, CA 90017
(213) 241-6591

A subpoena seeking District records should not be accepted by any employee or agent **unless** that person is the custodian of the records (person responsible for keeping and maintaining the record). If service is



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sought on a person who cannot accept service because he or she is not the custodian of records, the process server should be directed to the proper person or department. (For example, if a process server attempts to obtain employee records from the Personnel Commission, the Personnel Commission should direct the process server to the Employee Relations Unit.)

III. ACCEPTANCE OF SUBPOENAS FOR TESTIMONY

Employees of the District may be subpoenaed for matters related to their District employment or not related to their District employment. It is often difficult to distinguish, but whenever there is any doubt about the capacity in which you are served, please call the Office of the General Counsel, (213) 241-7600, or after hours at (213) 215-2882.

A. Subpoenas NOT related to LAUSD Employment

Subpoenas for individuals, sued individually and not as employees or agents of the District, must be personally served on the named individual. For example: The employee witnessed an incident (e.g. car accident) unrelated to his employment and is being subpoenaed to testify as a witness. District employees are *not* authorized to accept service on behalf of other employees in this context.

B. Subpoenas related to LAUSD employment *and* employee is personally named

If an employee is served with a subpoena in his or her capacity as an employee or agent of the LAUSD, the employee must accept the subpoena if he or she is personally named. District employees are *not* authorized to accept service on behalf of other employees in this context. Immediately upon being served, the employee should send a copy of the subpoena to the Office of the General Counsel.

C. Subpoenas related to LAUSD employment *and* an employee is NOT named— “Person Most Knowledgeable”

If no individual employee is named on the subpoena, but it instead asks simply for the “Person Most Knowledgeable,” then it can be accepted if it is being served to the correct department for the knowledge they are seeking. If not, it is best to direct the process server to the Office of the General Counsel. In either situation, the Office of the General Counsel should be contacted and should be sent a copy of the subpoena.

IV. WORKERS’ COMPENSATION CLAIMS

The original Workers’ Compensation claim should be forwarded to the District’s Third Party Administrator (TPA) for Workers’ Compensation Claims addressed as follows:



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SEDGWICK CLAIMS MANAGEMENT SERVICE
3260 E. Foothill Blvd., Suite 350
Pasadena, CA 91107
(626) 397-9200

A copy of the Workers' Compensation claim should be forwarded via school mail to the Office of Risk Management and Insurance Services (ORMIS) addressed as follows:

ORMIS
333 S. Beaudry Avenue, 28th Floor
Los Angeles, CA 90017
Attn.: Workers' Compensation

For additional information on Workers' Compensation procedures, please contact the Office of Risk Management and Insurance Services at (213) 241-3138.

V. WHAT TO DO IF YOU HAVE QUESTIONS ABOUT HANDLING SUMMONS, COMPLAINTS AND SUBPOENAS:

- Refer to the Quick Reference Guide on the next page, or
- Check with your supervisor to find out what you need to do, or
- Contact your attorney on the Office of the General Counsel, Field Services Team at (213) 241-7600, or
- Contact the Office of the General Counsel, (213) 241-7600, or after hours (213) 215-2882. Remember, there is always a duty attorney available to serve you.

AUTHORITY: This is a policy of the Los Angeles Unified School District.

**RELATED
RESOURCES:** None.

ASSISTANCE: For assistance or further information regarding accepting summons, complaints and subpoenas, and other legal documents, please call the Office of the General Counsel at (213) 241-7600, or after hours at (213) 215-2882. The Office of the General Counsel has a duty attorney available 24/7.

Addendum to Section V
Quick Reference Guide for Acceptance of Service of Process

Service Location	Types of Documents Served	Who can Receive Service	Action to Take
<p>BEAUDRY (District Central Administrative Offices).</p>	<p>A. Summons/Complaint naming the <i>District, Local District, Superintendent, Branch, Division, or School</i>, as a defendant; and District <i>Employee(s)</i> as co-defendant(s) with the District. B. Subpoena for Personal Appearance of a named individual in their capacity as a District employee. C. Subpoena for Student Records. D. Subpoena for Business Records. E. Summons/Complaint, or Subpoena for Personal Appearance of a District Employee, <u>alone</u>, whether work or non-work related. F. Subpoena for Employment Records.</p>	<p>A, C, D and F: The Executive Officer of the Board (Board Secretariat), or his designees, at Beaudry, 24th Floor.</p> <p>B and E: The District Employee must be <i>personally</i> served.</p>	<p>→ A, C, D and F: i) Accept service; log in, contact and forward original to the Office of the General Counsel. ii) For multiple defendants, ensure that the Process Server serves one copy per defendant. iii) F: Forward to Employee Relations for processing, at Beaudry 14th Floor.</p> <p>→ B and E: i) For work-related Complaint or Subpoena, the employee must contact the Office of the General Counsel. ii) For non-work related Complaint or Subpoena, the employee must act without involving LAUSD.</p>
<p>LOCAL Districts or District's Satellite Offices</p>	<p>A. Summons/Complaint naming the <i>District, Local District, Superintendent, Branch, Division, or School</i>, as a defendant; and District <i>Employee(s)</i> as co-defendant(s) with the District. B. Subpoena for Personal Appearance of a named individual in their capacity as a District employee. C. Subpoena for Student Records. D. Subpoena for Business Records. E. Summons/Complaint, or Subpoena for Personal Appearance of a District Employee, <u>alone</u>, whether work or non-work related. F. Subpoena for Employment Records.</p>	<p>A, C, D and F: <u>DO NOT ACCEPT SERVICE.</u></p> <p>B and E: The District employee must be <i>personally</i> served.</p>	<p>→ A, D and F: Refer the Process server to the Executive Officer of the Board (Board Secretariat) at Beaudry, 24th Floor.</p> <p>C: Refer the Process Server to the School Site.</p> <p>→ B and E: i) For work-related Complaint or Subpoena, the employee must contact the Office of the General Counsel at Beaudry. ii) For non-work related Complaint or Subpoena, the employee must act without involving LAUSD.</p>
<p>SCHOOL SITES</p>	<p>A. Summons/Complaint naming the <i>District, Local District, Superintendent, Branch, Division, or School</i>, as a defendant; and District <i>Employee(s)</i> as co-defendant(s) with the District. B. Subpoena for Personal Appearance of a named individual in their capacity as a District employee. C. Subpoena for Student Records. D. Subpoena for Business Records. E. Summons/Complaint, or Subpoena for Personal Appearance of a District Employee, <u>alone</u>, whether work or non-work related. F. Subpoena for Employment Records.</p>	<p>A, D and F: <u>DO NOT ACCEPT SERVICE.</u></p> <p>B and E: The District Employee must be <i>personally</i> served.</p>	<p>→ A, D and F: Refer the Process server to the Executive Officer of the Board (Board Secretariat) at Beaudry, 24th Floor.</p> <p>C: <u>Accept service</u>; date stamp, log in, process per instructions in Section III(A). If unsure, contact the Office of the General Counsel for assistance.</p> <p>→ B and E: i) For work-related Complaint or Subpoena, the employee must contact the Office of the General Counsel at Beaudry. ii) For non-work related Complaint or Subpoena, the employee must act without involving LAUSD.</p>