

COUNCIL ROCK  
SCHOOL DISTRICT

ADMINISTRATIVE  
REGULATIONS

## Student Records Handling Subpoenas

A *subpoena* is a legal process to cause a witness to appear before a court and give testimony on a specific subject. Subpoenas can also compel a person to provide documentation or other materials.

Typically, the subpoenas we will review in Council Rock will be issued by a court, most specifically the Court of Common Pleas, County of Bucks. We may also see subpoenas from surrounding jurisdictions like Montgomery County, Federal District Court, or Philadelphia County. Rarely will we see a subpoena issued by an “agency”.

Subpoenas, when hand delivered, will be served by a *process server*. The process server is the person authorized by the court to formally deliver the subpoena.

A subpoena for the attendance of witnesses or for the production of documents will issue only in writing. Under *Pennsylvania Rules of Civil Procedure 234.2*, service of a subpoena can be made:

1. by personal service
2. by certified mail, return receipt requested
3. by ordinary mail provided that the mail contains two copies of the Notice and Acknowledgement (see attached) along with a self addressed stamped envelope.

Council Rock School District policy contemplates the service of subpoenas for student records in **Board Policy 216, *Student Records***. In that policy, disclosure of student records shall be made:

9. To comply with a judicial order or orders of administrative agencies where those agencies have power of subpoena. The parent or eligible student shall be notified of all such orders and the district’s compliance. The Superintendent or his/her designee shall review all responses to court orders. Copies of such orders and responses shall be filed in the student’s record under Category “C” data. See p 13 (9).

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**Handling the service or receipt of subpoenas in school or at administrative offices:**

1. Where a process server appears to hand deliver a subpoena, they must appear at the school office. An administrator should meet the process server and make the decisions outlined below:
  - If the subpoena is to be served to an employee of the school district in a matter that involves their capacity as an employee of Council Rock, the process server should be redirected to appear at Chancellor Center where a representative of the Superintendent's office will accept service. As that person is redirected, please contact the superintendent's office to let them know that the subpoena is being redirected to Chancellor Center.
  - If the service is to be made to an employee of Council Rock but in a matter that is not related to his/her employment, that process server can be denied access to the employee while on school grounds and should be instructed to deliver service at the employee's home. Service of process in a school setting for an unrelated matter is a disruption to the educational environment. When the process server leaves, please document the incident and send a report to the superintendent's office. You should also inform the employee, in writing, of the attempt to deliver the subpoena with a copy to the superintendent's office.
  - We will never allow service to a student while on school grounds. Proper service of a subpoena to a student must be made at home.

**In either of these situations, if there is a problem or a concern, please direct the person delivering the subpoena to contact the superintendent's office**

2. When a subpoena is received in a school office via US Mail or Certified Mail:
  - Note the date and time of receipt on the envelope and the manner by which it was received. Keep the envelope with the paper document.
  - When the subpoena is a records request (Category A data as defined in Board Policy 216) from Bucks County Court of Common Pleas, you can comply with the records request by submitting the documents requested and complying with the provisions of our school district policy, see above. A copy of your response should be sent to the Superintendent's Office and the original copy of the subpoena should be placed in the student file.

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- When the subpoena requires more than the submission of Category A data (Category B data), a Consent Form (Attached) must be sent and received from the parent prior to submission of this data.
  - When more than Category A and B data is required or a records custodian is ordered to appear in court or the subpoena demands the personal appearance of a CR employee in court or deposition, the subpoena should be forwarded immediately to the Superintendent's Office.
  - When in doubt, contact the Superintendent's Office.
3. Any other request for records, like a letter from an attorney, should not be honored. Records cannot be distributed to any party, other than a parent, absent the service discussed above. In rare instances, there may be an exception to distribute certain records to law enforcement or probation officers. However, those decisions will be made through the superintendent's office after consultation with school district counsel.

**Attachments:**

Sample Subpoena

Sample Records Subpoena with return letter and consent form

Sample Subpoena to compel witness testimony



Commonwealth of Pennsylvania
County of Philadelphia

Commonwealth of Pennsylvania

vs.

COURT OF COMMON PLEAS
MUNICIPAL COURT
CRIMINAL DIVISION

Term, Yr

(Defendant)

No.

Subpoena

(Not to be Used as a Subpoena Duces Tecum)

To: (Name of Witness)

(Address)

You are Ordered by the Court to come to

at Philadelphia, Pennsylvania on, at o'clock M., in the matter of Commonwealth vs., charged with

to testify and to remain until excused.

NOTICE

This subpoena is issued pursuant to Pa. R. Crim. P. No. 9016. If you fail to attend, you may be subject to sanctions including but not limited to imprisonment and attorneys fees.

INQUIRIES CONCERNING THIS SUBPOENA SHOULD BE ADDRESSED TO:

(Name of Attorney) (I.D. No.)

ADDRESS

E-MAIL ADDRESS

TELEPHONENO. FAXNO.

WITNESS the Honorable Frederica A. Massiah-Jackson, President Judge of the Court of Common Pleas, and/or Louis J. Presentza, President Judge of the Municipal Court of Philadelphia, the day of

By The Court:

VIVIAN T. MILLER

Clerk of Quarter Sessions

(Clerk)

The subpoena must be signed and sealed by the Clerk of Quarter Sessions before service.

# Return of Service

On the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_,  
I, \_\_\_\_\_, served with the foregoing subpoena by (describe  
method of service):

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I verify that the statements in this return of service are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. § 4904 relating to unsworn falsification to authorities.

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*Date*

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*Signature*

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*Name of Person Served*

**SUBPOENA**

Commonwealth of PA vs:

Newtown, PA 18940

To: David Ballinger, Director of Administrative Services, Council Rock School District,  
30 N. Chancellor Street, Newtown, PA 18940

1. You are ordered by the Court to submit all records in your possession pertaining to  
the above named juvenile immediately.

2. Bring with you and/or submit the following via US Mail:

All school, psychological, psychiatric, educational, disciplinary, family demographics, &  
immunization records in your possession regarding the above named juvenile.

This subpoena is issued upon application of Bucks County Juvenile Court

(Attorney)

Date: October 22, 2004

OCT 26 2004

By the Court,

*Mary K. Smithson*  
Clerk of Courts-Criminal

COMMENT: It is intended that this subpoena form shall be used not only for trial but also for any other stage of  
proceedings when a subpoena is issuable, including preliminary hearings, hearings in connection with pretrial and  
post-trial motions, offender supervision, etc.

**BUCKS COUNTY, ss:**

Personally appear before me, \_\_\_\_\_ Constable of  
\_\_\_\_\_ who does depose and say that he made personal service upon the several persons  
herein named by reading to them the Subpoena hereunto attached, and informing them of the contents  
thereof; that the distance they each reside from the county seat is as follows, to wit:

And he further saith; that they were material witnesses in the trial of the case of the Commonwealth vs:  
\_\_\_\_\_ and traveled \_\_\_\_\_ miles in the services of said subpoena.

Affirmed and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_ A.D. \_\_\_\_\_.

Clerk of Courts-Criminal

Notary Public

District Justice

MAIL TO THE ATTENTION OF:  
S. Leigh Neubuck  
Bucks County Juvenile Court  
55 East Court Street, 6<sup>th</sup> Floor  
Doylestown, PA 18901

# **COUNCIL ROCK HIGH SCHOOL NORTH**

**Counseling Center**

**62 Swamp Road**

**Newtown, PA 18940**

**Phone: 215-944-1300 Fax: 215-944-1389**

November 15, 2004

We have received a subpoena from Bucks County Juvenile Court directing us to produce psychological, educational, disciplinary and immunization records on your child. We are required to produce certain educational records under the Family Educational right to Privacy Act and Pennsylvania law when we receive a subpoena. However, we will not produce those records protected under 42 Pa. C.S.A. § 5944 and 5945 governing confidential communications to school personnel. For example, counseling records will not be provided.

If you would like us to provide these documents, please prepare and sign the enclosed written consent form and forward the form to me.

We would be happy to discuss this matter with you if you have any questions.

Sincerely,

Counseling  
Council Rock High School North

**CONSENT**

I hereby give consent and permission to the Council Rock School District to disclose any and all records of \_\_\_\_\_ that may be confidential or privileged under 42 Pa.C.S.A. Section 5944 or 594 to the Bucks County Juvenile Court.

I release the Council Rock School District and any and all of its agents, servants and/or employees from any and all liability resulting from the release of confidential or privileged records.

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Signature

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Date





COMMONWEALTH OF PENNSYLVANIA  
 COUNTY OF BUCKS

v.

File No. A06-98-60950-C

**SUBPOENA TO ATTEND AND TESTIFY**

TO: \_\_\_\_\_, Teacher  
 \_\_\_\_\_  
Churchville Elementary School, Council Rock School District

1. You are ordered by the court to come to Bucks County Court of Common Pleas  
Domestic Relations Division, 55 E. Court Street, Doylestown, PA 18901

(Specify courtroom or other place)

at Courtroom #5, Bucks County, Pennsylvania, on May 22, 2006

at \*10:00 (on call clock) A. M., to testify on behalf of \_\_\_\_\_ . . . As a courtesy, we  
 will contact you through Joanne Sommer, Esquire, one hour before tesifying.

in the above case, and to remain until excused.

2. And bring with you the following: \_\_\_\_\_

If you fail to attend or to produce the documents or things required by this subpoena, you may be subject to the sanctions  
 authorized by Rule 234.5 of the Pennsylvania Rules of Civil Procedure, including but not limited to costs, attorney fees and  
 imprisonment.

REQUESTED BY A PARTY/ATTORNEY IN COMPLIANCE WITH Pa.R.C.P. No. 234.2(a):

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

TELEPHONE: \_\_\_\_\_

SUPREME COURT ID # \_\_\_\_\_

BY THE COURT:

**Patricia L. Bachtle**  
 Prothonotary

Deputy

Date: \_\_\_\_\_  
 Seal of the Court

OFFICIAL NOTE: This form of subpoena shall be used whenever a subpoena is issuable, including hearings in connection with  
 sitions and before arbitrators, masters, commissioners, etc. in compliance with Pa.R.C.P. No. 234.1. If a subpoena for  
 production of documents, records or things is desired, complete paragraph 2.

RETURN OF SERVICE:

On the 1st day of

May, 2006

I, \_\_\_\_\_

served \_\_\_\_\_  
(name of person served)  
with the foregoing subpoena by:  
(Describe method of service)

First Class U.S. Mail

I verify that the statements in this  
return of service are true and correct.  
I understand that false statements  
herein are made subject to the penalties  
of 18 Pa. C.S.A. § 4904 relating to  
unsworn falsification to authorities.

DATE: 5/1/06

\_\_\_\_\_  
(signature)