

FL R-1 Subpoenas

BRAZOSPORT ISD

ADMINISTRATION REGULATION

Contact: [**Assistant Superintendent of Administrative Services**](#)

For the purposes of this administrative regulation, the Records Management Officer will serve as the custodian of student records and the Human Resource Specialist will serve as the custodian of employee records.

Parental Notification

Before student information requested as part of a subpoena can be released, reasonable effort must be made to notify the parent (a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian), or eligible student (a student who has reached 18 years of age or is attending an institution of postsecondary education) of the order or subpoena in advance of compliance, so that the parent or eligible student may seek protective action.

Exceptions to this requirement include:

1. The parent is party to a court proceeding involving child abuse or neglect, or dependency matters;
2. A federal grand jury subpoena and the court has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed;
3. Any other subpoena issued for a law enforcement purpose and the court or other issuing agency has ordered that the existence or the contents of the subpoena or the information furnished in response to the subpoena not be disclosed; or
4. An ex parte court order (temporary protective order) concerning investigations or prosecutions of an offense listed as an act of domestic or international terrorism.

[Notice of Intent to Comply with Subpoena/Court Order](#)

In order to maintain consistency across the district, when a subpoena request has been received by a campus or the district, the following steps shall be followed:

Subpoenas for Student Records

1. Any subpoena pertaining to student records shall immediately be forwarded to the custodian of student records.
2. The custodian of student records shall notify the Cabinet level supervisor of all subpoenas.

3. The custodian of student records shall review all subpoena requests and clarify exactly what is being requested, as only the specifics listed in the subpoena shall be sent.
4. The custodian of student records shall contact the appropriate district or campus personnel to gather the specific records that have been requested.
5. The appropriate district or campus personnel shall facilitate the collection of the requested records and verify the records are accurate and in good order.
6. The appropriate district or campus personnel shall send the collected records to the custodian of records, who will review the information collected.
7. The custodian of records shall make a reasonable effort to notify the parent via phone call in advance of submission, unless the subpoena court orders the district to refrain from disclosure.
8. The custodian of records shall maintain a copy of the subpoena and Business Records Affidavit for the required retention period.

Subpoenas for Employee Records

1. Any subpoena pertaining to employee records shall immediately be forwarded to the custodian of employee records.
2. The custodian of employee records shall notify the Cabinet level supervisor of all subpoenas.
3. The custodian of employee records shall review the subpoena, clarify exactly what is being requested, and notify appropriate personnel to gather the requested information.
4. The appropriate district or campus personnel shall send the collected records to the custodian of employee records, who will review the information collected.
5. The custodian of employee records shall deliver the collected records to the Cabinet level supervisor for final approval.
6. The custodian of employee records shall notify the requestor that records are available for pick-up.
7. The custodian of employee records shall maintain a copy of the subpoena and Business Records Affidavit for the required retention period.