



**LOS ANGELES UNIFIED SCHOOL DISTRICT
POLICY BULLETIN**

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

NUMBER: BUL-3489.0

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

DATE: January 31, 2007

PURPOSE: This Bulletin establishes District policy and procedures regarding the appropriate handling of summons, complaints and subpoenas.

MAJOR CHANGES: This Bulletin replaces BUL-2471.0 of May 31, 2006.

GUIDELINES: The following guidelines apply to every school, office, division and unit within the District (except for School Police):

ROUTING
All Employees
All Locations

I. INTRODUCTION

Process servers often come to District headquarters, school sites and satellite offices, to serve legal documents. These documents are usually one of two types: (1) Summons and Complaint, or (2) Subpoena. It is important for all LAUSD employees to exercise extreme caution regarding the handling of any document concerning legal actions involving the District or its employees. Employees should never under any circumstances give a process server any personal information (such as the home address or telephone number of a student or employee) about a student or District employee.

II. SUMMARY OF POLICIES & PROCEDURES

A. Summons and Complaints & Subpoenas – Civil Action

Note: All types of actions, other than criminal proceedings, are considered civil actions.

- 1) When the Board of Education, District, Superintendent or Executive Staff listed in ATTACHMENT A, are named as the Defendant:
 - a. District employees are not authorized to accept a Summons and Complaint on behalf of these entities or individuals.



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- b. Any attempt to serve on behalf of these entities or individuals must be referred to the Executive Officer of the Board ("Board Secretariat").
- c. Process servers must be informed that the Executive Officer of the Board or his designees are the only ones authorized to accept service of process on behalf of the Board of Education, District, Superintendent or Executive Staff.
- d. Inform the process server that service will only be accepted during regular business hours, at the following address:

LAUSD Headquarters
Office for Executive Officer of the Board
333 South Beaudry Avenue, 24th Floor
Los Angeles, CA 90017
(213) 241-7002

Office Hours:
Monday – Friday
8:00 a.m. – 5:00 p.m. (Excluding District Holidays)

- 2) When the Board of Education, District, Superintendent, or Executive Staff and an individual employee are named as the Defendants:
 - a. The individual employee should accept service on his or her own behalf but must make it clear that he or she is not accepting service on behalf of any additional entities or individuals.
 - b. Refer the process server to the Office for the Executive Officer of the Board ("Board Secretariat"), regarding effectuating service on the Board of Education, District, Superintendent or Executive Staff.
 - c. An employee who accepts individual service must immediately notify the Office of the General Counsel at (213) 241-7600, about acceptance of personal service. The Office of the General Counsel will instruct the employee on any further action to be taken.
- 3) When only an individual employee is named as a Defendant:
 - a. In a work related District matter, the employee must accept service.



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- b. In an unrelated non-District personal matter, the employee shall act on his or her own behalf without involving the District.
 - c. 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.
- B. Subpoenas in Civil Actions for Student or Employee Records
- 1) When pupil/student records are requested:
 - a. The Principal of each school or his or her designee are deemed the “Custodian of Records” and should accept service of process.
 - b. The Principal or his or her designee must review the subpoena to determine whether:
 - (1) The subpoena has been sent to the correct School or Department.
 - (2) The subpoena is accompanied by either a signed release by the parent/guardian or a “Notice to Consumer.” (See ATTACHMENT B)
 - (3) The subpoena provides for a period in which to respond which is not any earlier than 15 days after the service of the subpoena.
 - (4) The information requested in the subpoena is clear and specific.
 - (5) If one or more of the above criteria has not been met, or if you have any questions, immediately contact the Office of the General Counsel for assistance at (213) 241-7600.
 - c. The District must make a reasonable attempt to notify the parents/guardians of the student before the records are released.
 - d. Produce only copies of those records requested in the subpoena. Some types of records such as some Special Education, Medical and Mental Health Professional records may be privileged and subject to limitations or prohibitions on production. For assistance



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in responding to subpoenas for these types of records, contact the Office of the General Counsel at (213) 241-7600.

- 2) When employee records are requested:
 - a. District employees are not authorized to accept a subpoena for employee records.
 - b. Inform the process server that only the Employee Relations Department is authorized to accept service of process for subpoenas regarding employee records.
 - c. Direct the process server that service will only be accepted during regular business hours, at the following address:

LAUSD Headquarters
Office for Employee Relations
333 South Beaudry Avenue, 14th Floor
Los Angeles, CA 90017
(213) 241-6591

Office Hours:
Monday – Friday
8:00 a.m. – 5:00 p.m. (Excluding District Holidays)

- 3) If service of a Subpoena Duces Tecum (a court process compelling production of certain specific documents and/or other items, relevant to facts in issue in a pending judicial proceeding) is made:
 - a. Verify that at least five days prior to the date stated in the Subpoena as the date for production of records, the subpoenaing party has provided the District either: (1) Proof of service on the individual, or; (2) The individual's signed authorization for release of records.
 - b. In most cases, personal appearance may be avoided by mailing the records directly to the court or place where the deposition will occur (be sure to check with the requesting attorney/court).
 - c. The designated Custodian of Records must include a signed affidavit/declaration certifying documents being produced are exact copies of all original records requested. Often the Subpoena will include a blank affidavit/declaration that may be filled out. If no blank



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affidavit/declaration is attached, the designated Custodian of Records must draft an affidavit/declaration to include with the records.

(See ATTACHMENT C – this declaration can only be used in cases where the subpoena is only requesting production of student records. If the subpoena also requests deposition testimony, ATTACHMENT D must be used.)

- d. Follow the instructions on the subpoena for mailing or delivering copies of the responsive records. Be sure to pay close attention to all deadlines for delivery stated on the subpoena.
- e. Never release or send original student/employee records
- f. If no records can be located, inform the requestor and have the Custodian of Records complete an affidavit/declaration indicating that no records can be found (See ATTACHMENT D.)

C. Subpoenas for Deposition Testimony

- 1) Related to District employment:
 - a. Subpoenas for deposition testimony on a matter related to District employment, must be served personally on the named individual.
 - b. District employees are not authorized to accept service on behalf of other employees in this context.
 - c. When a subpoena names “Person Most Knowledgeable” (this is usually the person who has custody of the documents or is most knowledgeable about information being sought), the subpoena can be accepted if it is served to the correct department for the information or knowledge that is being sought. If the subpoena is being served on an incorrect department or if you are not sure, refer the process server to Office of the General Counsel.
- 2) Subpoena for testimony that is unrelated to District employment:
 - a. Subpoenas for deposition testimony on a matter unrelated to District employment (for example: individual witnessed a slip and fall in the supermarket), must be served personally on the named individual.
 - b. District employees are not authorized to accept service on behalf of other employees in this context.



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D. Subpoenas in Criminal Actions

- a. Only the named individual must accept service.
- b. When a subpoena names "Person Most Knowledgeable," the subpoena can be accepted if it is served to the correct department for the information or knowledge that is being sought. If the subpoena is being served on an incorrect department or if you are not sure, refer the process server to Office of the General Counsel.
- c. Notice to Consumer Form is not required for criminal subpoena, but the District must make a reasonable attempt to notify the parents/guardians of the student before records are released.
- d. In most cases a personal appearance by the named individual may be avoided by mailing the records directly to the court or place where the deposition will occur (be sure to check with the requesting attorney or court).
- e. The designated Custodian of Records must include a signed affidavit/declaration certifying documents being produced are exact copies of all original records requested.

(See ATTACHMENT C – this declaration can only be used in cases where the subpoena is only requesting production of student records. If the subpoena also requests deposition testimony, ATTACHMENT D must be used.)

- f. Follow the instructions on the subpoena for appearing and/or delivering copies of responsive records.
- g. Never release or send original student/employee records
- h. If no records can be located, inform the requestor and have the Custodian of Records complete affidavit/declaration indicating that no records were found. (See ATTACHMENT D) An individual may still be required to appear to personally testify that no records were found. Be sure to check with the requesting attorney or court.



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AUTHORITY: California Code of Civil Procedure § 416.50; 1985, 1987, 1991, 1992, 2020
California Penal Code § 1326
California Evidence Code § 1560, 1561, 1563, 1564, 1565
California Education Code § 49077, 49078

RELATED Board Rule #112 – RECEIPT OF LEGAL SERVICE
RESOURCES Board Rule #1201 – SUBPOENAS AND OTHER PROCESS
Board Rule #1207 – LEGAL ACTIONS

ASSISTANCE: For assistance or further information please contact the Office of the General Counsel at (213) 241-7600

BUL-3489.0 - Quick Reference Guide for Acceptance of Service of Process

TYPE OF DOCUMENT	WHO IS NAMED ON THE DOCUMENT	WHO CAN ACCEPT SERVICE	ACTION TO BE TAKEN
<i>Civil Actions:</i> <i>Summons & Complaints, Subpoenas</i>	Board of Education, District, Superintendent, or Executive Staff	Only the Executive Officer of the Board (Board Secretariat) or his designees	Refer Process Server to the Office for the Executive Officer of the Board – Central Office, 24 th floor.
	Board of Education, District, Superintendent, or Executive Staff, AND INDIVIDUAL EMPLOYEE(S)	Individual employee(s) must be personally served and should ONLY ACCEPT SERVICE on his/her own behalf. Must make it clear that he/she IS NOT ACCEPTING SERVICE on behalf of any additional entities or individuals.	Immediately notify the Office of the General Counsel for further direction. (213) 241-7600 Refer Process Server to the Office for the Executive Officer of the Board – Central Office, 24 th floor, regarding service on the Board of Education, District, Superintendent, or Executive Staff.
	Individual employee(s) only	In a <u>work related District matter</u> , individual employee must accept service. In a <u>Non-District related personal matter</u> , individual must accept service.	Immediately notify the Office of the General Counsel for further direction. (213) 241-7600 Employee must act on his/her own behalf without involving the District.
<i>Civil Actions:</i> <i>Subpoena for <u>Student Records</u></i>	LAUSD “Custodian of Records”	Principal of each school site or his/her designee are the Custodian of Records	Review the Subpoena to determine if requirements listed under section II B, 1) b. have been met If Subpoena is for a student not currently enrolled at that school, refer process server to the Office of the General Counsel.
<i>Civil Actions:</i> <i>Subpoena for <u>Employee Records</u></i>	LAUSD “Custodian of Records”	Only the Employee Relations Office	Refer Process Server to the Employee Relations Office– Central Office, 14 th floor, regarding service
<i>Civil Actions:</i> <i>Subpoena <u>Duces Tecum (SDT) for records other than student or employee records (Business Records)</u></i>	LAUSD “Custodian of Records”	Designee for department responsible for information or knowledge being sought	Accept service if school/department has the records being sought; otherwise refer process server to the Office of the General Counsel.
<i>Subpoena for Deposition Testimony <u>Related to District Employment</u></i>	Individual LAUSD employee or “Person Most Knowledgeable” (PMK)	Only the individual named on the subpoena; for PMK only the designee for the correct department for the information or knowledge being sought	Immediately notify the Office of the General Counsel for further direction. (213) 241-7600
<i>Subpoena for Deposition Testimony <u>Not Related to District Employment</u></i>	Individual LAUSD employee	Only the individual named on the subpoena	Employee must act on his/her own behalf without involving the District.
<i>Subpoena in Criminal Matter</i>	Individual LAUSD employee or “Person Most Knowledgeable” (PMK)	Only the individual named on the subpoena; for PMK only the designee for the correct department for the information or knowledge being sought	Immediately notify the Office of the General Counsel for further direction. (213) 241-7600

EXECUTIVE STAFF ROSTER

TITLE/OFFICE
Superintendent of Schools
Accountability Officer, Accountability Office
Assistant Superintendent, Adult & Career Education
Assistant Superintendent, Early Childhood Education
Assistant Superintendent, Elementary Instruction & K-12 Literacy
Assistant Superintendent, Extended Day Programs
Assistant Superintendent, Instructional Support Services
Assistant Superintendent, Office of School Redesign
Assistant Superintendent, Planning, Assessment & Research
Assistant Superintendent, Secondary Education & School Support
Assistant Superintendent, Specially Funded & Parent/Community Programs
Assistant Superintendent, Special Projects
Assistant Superintendent, Staff Relations
Assistant Superintendent, Student Health & Human Services
Assistant Superintendent, Student Integration Services
Associate Superintendent, Extended Day Programs
Associate Superintendent, Special Education
Budget Director, Budget Services & Financial Planning
Business Manager, Business Services
Chief Administrative Officer, Charter Schools Division
Chief Facilities Executive
Chief Financial Officer
Chief Human Resources Officer
Chief Information Officer, Information Technology
Chief Instructional Officer, Elementary (K-5)
Chief Instructional Officer, Secondary (6-12)
Chief of Police
Chief of Staff, Office of the Superintendent
Chief of Staff, Office of the General Counsel
Chief Operating Officer
Chief Procurement Officer
Controller, Accounting & Disbursements Division
Deputy Chief Executive, New Facilities
Deputy Chief Executive, Existing Facilities
Deputy Chief Executive, School Building Planning
Deputy Chief Financial Officer

TITLE/OFFICE
Deputy Chief Instructional Officer - Secondary
Deputy General Counsel
Deputy Superintendent
Director, Communications & Media Relations
Director, Division of Risk Management
Director, Environmental Health & Safety
Director, External Affairs
Director, Facilities Contracts
Director, Facilities Support Services
Director, Legislation & Government Relations
Director, Maintenance & Operations
Director, New Construction
Director, Personnel Commission
Director, Real Estate
Director, School Building Planning
Director of Operations, New Facilities
Executive Administrator, Enterprise Resource Planning
Executive Officer, Educational Services
Executive Officer, Field Operations – Office of the Superintendent
Executive Officer, Human Resources
Executive Officer, Office of the Superintendent
Executive Officer, Office of the General Counsel
Executive Officer of the Board
General Counsel, Office of the General Counsel
Local District Superintendents (Districts 1 – 8)
New Construction Manager
Regional Construction Director
Relocation Program Manager
Senior Resident Construction Engineer
Senior Deputy Superintendent, Educational Services
Special Assistant to the Superintendent
Special Counsel to the Board of Education

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, state bar number, and address):	
TELEPHONE NO.: _____	FAX NO.: _____
ATTORNEY FOR (Name): _____	
NAME OF COURT: _____	
STREET ADDRESS: _____	
MAILING ADDRESS: _____	
CITY AND ZIP CODE: _____	
BRANCH NAME: _____	
PLAINTIFF/ PETITIONER:	CASE NUMBER:
DEFENDANT/ RESPONDENT:	
NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION (Code Civ. Proc., §§ 1985.3, 1985.6)	

NOTICE TO CONSUMER OR EMPLOYEE

TO (name):

1. PLEASE TAKE NOTICE THAT **REQUESTING PARTY (name):** _____ **SEEKS YOUR RECORDS FOR EXAMINATION** by the parties to this action on *(specify date)*:

The records are described in the subpoena directed to **witness (specify name and address of person or entity from whom records are sought)**:

A copy of the subpoena is attached.

2. IF YOU OBJECT to the production of these records, YOU MUST DO ONE OF THE FOLLOWING BEFORE THE DATE SPECIFIED IN ITEM a. OR b. BELOW:

a. If you are a party to the above-entitled action, you must file a motion pursuant to Code of Civil Procedure section 1987.1 to quash or modify the subpoena and give notice of that motion to the **witness** and the **deposition officer** named in the subpoena at least five days before the date set for production of the records.

b. If you are not a party to this action, you must serve on the **requesting party** and on the **witness**, before the date set for production of the records, a written objection that states the specific grounds on which production of such records should be prohibited. You may use the form below to object and state the grounds for your objection. You must complete the Proof of Service on the reverse side indicating whether you personally served or mailed the objection. The objection should **not** be filed with the court. **WARNING: IF YOUR OBJECTION IS NOT RECEIVED BEFORE THE DATE SPECIFIED IN ITEM 1, YOUR RECORDS MAY BE PRODUCED AND MAY BE AVAILABLE TO ALL PARTIES.**

3. YOU OR YOUR ATTORNEY MAY CONTACT THE UNDERSIGNED to determine whether an agreement can be reached in writing to cancel or limit the scope of the subpoena. If no such agreement is reached, and if you are not otherwise represented by an attorney in this action, YOU SHOULD CONSULT AN ATTORNEY TO ADVISE YOU OF YOUR RIGHTS OF PRIVACY.

Date:

..... (TYPE OR PRINT NAME) ▶ _____ (SIGNATURE OF REQUESTING PARTY ATTORNEY)

OBJECTION BY NON-PARTY TO PRODUCTION OF RECORDS

1. I object to the production of all of my records specified in the subpoena.
2. I object only to the production of the following specified records:

3. The specific grounds for my objection are as follows:

Date:

..... (TYPE OR PRINT NAME) ▶ _____ (SIGNATURE)

(Proof of service on reverse)

PLAINTIFF/PETITIONER: DEFENDANT/RESPONDENT:	CASE NUMBER:
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PROOF OF SERVICE OF NOTICE TO CONSUMER OR EMPLOYEE AND OBJECTION
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
 2. I served a copy of the *Notice to Consumer or Employee and Objection* as follows (check either a or b):
 - a. **Personal service.** I personally delivered the *Notice to Consumer or Employee and Objection* as follows:

(1) Name of person served:	(3) Date served:
(2) Address where served:	(4) Time served:
 - b. **Mail.** I deposited the *Notice to Consumer or Employee and Objection* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(1) Name of person served:	(3) Date of mailing:
(2) Address:	(4) Place of mailing (<i>city and state</i>):
- (5) I am a resident of or employed in the county where the *Notice to Consumer or Employee and Objection* was mailed.
- c. My residence or business address is (*specify*):
 - d. My phone number is (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

..... _____
(TYPE OR PRINT NAME OF PERSON WHO SERVED) (SIGNATURE OF PERSON WHO SERVED)

PROOF OF SERVICE OF OBJECTION TO PRODUCTION OF RECORDS
(Code Civ. Proc., §§ 1985.3, 1985.6)

Personal Service Mail

1. At the time of service I was at least 18 years of age and not a party to this legal action.
 2. I served a copy of the *Objection to Production of Records* as follows (*complete either a or b*):
 - a. ON THE REQUESTING PARTY
 - (1) **Personal service.** I personally delivered the *Objection to Production of Records* as follows:

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
 - (2) **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (<i>city and state</i>):
 - b. ON THE WITNESS
 - (1) **Personal service.** I personally delivered the *Objection to Production of Records* as follows:

(i) Name of person served:	(iii) Date served:
(ii) Address where served:	(iv) Time served:
 - (2) **Mail.** I deposited the *Objection to Production of Records* in the United States mail, in a sealed envelope with postage fully prepaid. The envelope was addressed as follows:

(i) Name of person served:	(iii) Date of mailing:
(ii) Address:	(iv) Place of mailing (<i>city and state</i>):
- (v) I am a resident of or employed in the county where the *Objection to Production of Records* was mailed.
3. My residence or business address is (*specify*):
 4. My phone number is (*specify*):

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date:

..... _____
(TYPE OR PRINT NAME OF PERSON WHO SERVED) (SIGNATURE OF PERSON WHO SERVED)

**AFFIDAVIT OF CERTIFIED COPY OF RECORDS
(For use when SDT does not provide affidavit)**

To Whom It May Concern:

In accordance with Section 49078 of the Education Code, I am sending to you copies of the records subpoenaed relative of:

_____ vs. _____

Case Number _____

I certify under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that the enclosed documents regarding _____ vs. _____ are exact reproductions of the original documents with are on file with the Los Angeles Unified School District.

Signed:

Acting Custodian of School Record

Office

Date

Education Code 49078. **Service of subpoena upon a public school employee; a copy of record in lieu of personal appearance.**

The service of a lawfully issued subpoena or a court order upon a public school employee solely for the purpose of causing him or her to produce a school record pertaining to any pupil may be complied with by that employee, in lieu of the personal appearance as a witness in the proceeding, by submitting to the court, or other agency, or person designated in the subpoena, at the time and place required by the subpoena or court order, a copy of that record, accompanied by an affidavit certifying that the copy is a true copy of the original record on file in the school or school office. The copy of the record shall be in the form of a photostat, microfilm, microcard, or miniature photograph or other photographic copy or reproduction, or an enlargement thereof.

Los Angeles Unified School District

Office of [Insert in appropriate Office or School of the Custodian of Records here]
[Insert Address of appropriate Office or School]
[Insert phone number of appropriate Office or School]

DECLARATION OF CUSTODIAN OF RECORDS

Matter/Case: _____ Case #: _____

I, the undersigned, being an authorized Custodian of Records and having authority to certify the record declare the following:

CERTIFICATION OF RECORDS COPIED

The records were prepared by the personnel of L.A.U.S.D. in the ordinary course of business.

The photocopied records submitted herewith are true copies of all the

- STUDENT RECORDS EMPLOYMENT RECORDS
- OTHER:

as described in the Subpoena Duces Tecum/Deposition Subpoena/Authorization or:

Pursuant to Evidence Code Section 1560(e), the original records described in the Subpoena Duces Tecum/Deposition Subpoena/Authorization were offered to the attorney's representative for copying at the witness' place of business.

CERTIFICATION OF NO RECORDS

- RECORDS ARE LOST/DESTROYED
- NO RECORDS EXIST FOR DATES REQUESTED
- OTHER:

- A. That a thorough search of our files, carried out at my request, revealed no documents, records or other information or things called for in the Subpoena Duces Tecum/Deposition Subpoena/Authorization presented to me.
- B. That, it is understood that such records could exist under another spelling, name or classification, but that with the information furnished our office, and to the best of my knowledge, no such records exist in our files.

I DECLARE UNDER PENALTY OF PERJURY AND UNDER THE LAWS OF THE STATE OF CALIFORNIA THAT THE FOREGOING IS TRUE AND CORRECT.

Executed on the [Day] of [Month] , [Year] at Los Angeles, California.

[Append signature here]

Custodian of Records name goes here
Title of Custodian of Records goes here