

**Board of Education Policy**

**SERVICE OF PROCESS UPON THE DISTRICT FOR SUBPOENAS DUCES TECUM  
OTHER SUBPOENAS AND LEGAL DOCUMENTS IN GENERAL**

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1. All subpoenas duces tecum directing the District to produce educational, health, attendance, disciplinary, special education or academic performance records of a student or students must be ordered or signed by a Justice of the Supreme Court or by a judge of the court in which an action for which it is required is triable and must give the District at least one day's notice to produce the documents and deliver them to the Court.
2. All subpoena and other legal documents should be served upon the District Clerk for the Board of Education, located in the Central Administration Office, 7 Memorial Drive, Miller Place, New York 11764.
3. The District Clerk shall date and record, on the document, the time the subpoena or legal document was received. The District Clerk shall immediately transmit the subpoena or legal document to the Superintendent of Schools.
4. Upon receipt of subpoenas duces tecum for students' educational records and the transmittal of the subpoena to the Superintendent of Schools, the District shall make a reasonable effort to notify the student's parent/guardian or eligible student that it is disclosing such records, unless the District has been ordered not to disclose the existence or content of the order or subpoena.
5. All non-instructional personnel, supervisors and administrators shall not accept any subpoena or legal documents on behalf of the District but shall instead direct the individual seeking to serve the document to the District Clerk. Nothing in this policy precludes a District employee from accepting a subpoena or legal document served upon the employee in a personal capacity.
6. Service of legal documents upon any member of the Board of Education constitutes legal service upon the School District and a Board member served with a legal document personally at his or her residence should forward the document to the Superintendent of Schools and to the attorney for the District.
7. If non-instructional or instructional staff are given a subpoena and are required to appear in court and give testimony on a school related matter, the employee should immediately notify his or her supervisor to secure approval for the absence and to ensure coverage of the employee's duties in the employee's absence. He or she shall be granted excused time and be reimbursed for parking/transportation subject to the review of the District's business office.
8. The District shall immediately mail and fax a copy of the subpoena or legal documents to the attorney for the District as soon as possible for review.

**Reference:** 34 CFR § 99.31  
CPLR § 2307

**Adopted:** 12/11/1997

**Reviewed:** 10/19/2005 03/24/2010 01/29/2014 11/14/2018 12/13/2023

**Revised:** 01/11/2006 04/28/2010 02/26/2014 12/12/2018 01/24/2024