

# Subpoenas and Judicial Orders

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# Family Educational Rights and Privacy Act (FERPA)

FERPA and Ohio Revised Code 3319.321 prohibit the release of any personally identifiable student information without the written consent of the parent/legal guardian or student if 18 years of age or older (adult student).

# FERPA Exception

## **Exception to disclosure:**

Personally identifiable information may be released in response to a lawfully issued subpoena or judicial order.

The school district must make a reasonable effort to notify the parent/legal guardian or adult student in advance of compliance with the subpoena so that the parent or adult student may seek protective action.

# Subpoenas and Judicial Orders

- When a subpoena or judicial order is received for student records, secretaries should take one of the following actions:
  1. Scan the document and send by email to Legal Services at [wlillis@Columbus.k12.oh.us](mailto:wlillis@Columbus.k12.oh.us) with a copy to [jtrout@Columbus.k12.oh.us](mailto:jtrout@Columbus.k12.oh.us) OR
  2. Upload the document into IC and send an email to [wlillis@Columbus.k12.oh.us](mailto:wlillis@Columbus.k12.oh.us) with a copy to [jtrout@Columbus.k12.oh.us](mailto:jtrout@Columbus.k12.oh.us) to notify of document upload OR
  3. Fax document to Legal Services at 614-365-7608.

# Subpoenas and Judicial Orders

- Once Legal Services receives the document, you will receive acknowledgement of receipt through either a phone call or email.
- You may send records in response to the subpoena or judicial order five (5) school days after acknowledgement of receipt by Legal Services.
- Legal Services will send a FERPA letter and copy of the subpoena or judicial order to the parent of the student or adult student whose records are requested in order to notify parent or adult student of the request.

# Signed Consent

- If a signed consent from the parent/legal guardian or adult student is included with the request for records, a FERPA letter does not need to be sent and the records may be released directly from the school.

# Guardian ad Litem

- A guardian ad litem (GAL) is appointed by the court to look out for the best interest of the child.
- If a court order is received naming the person as a GAL and the document contains the proper court stamp and judge or magistrate's signature, the requested records may be sent.
- The court document will also state whether the GAL may have access to the student at school.