Dealing with Record Requests and Subpoenas

- Student Records Request
- Student Data Requests
- Civil Subpoena/Subpoena Duces Tecum
- Criminal Subpoenas/Subpoena Duces Tecum
- Open Records Requests
Student Record Request

- Student requesting their own records
- Parent requesting student’s records
  - If student is over 18 years of age, parent CANNOT request/sign for the records
- Student can allow the release of their records to someone else (university, employer, etc.)
- BISD requires a picture ID in most cases to verify identity prior to release of records
STUDENT RECORDS REQUEST

All requests must include the following:
1. Fee: $3.00 for each copy. We cannot accept personal checks or credit cards. All fees must be paid with cash or money order.
2. Copy of a current picture ID (driver's license, passport, military ID) must be submitted with your request.
3. This form filled out and signed by the requestor. A student that has reached the age of 18 must sign the request. We cannot accept the signature of the parent for the 18 or older student's records, unless the parent has power of attorney or other legal authorization to act on behalf of the student. A copy of the power of attorney or other documentation is also required with the request.

Please call if you have any questions. Requests received without the cash or money order fee or without the picture ID will be returned unfilled in the mail. To prevent delays in receiving your records, please make sure all information on the form is correct. Providing a phone number where you can be reached during the day will help expedite the process if we have questions.

NAME USED IN SCHOOL:

Last: __________________________ First: __________________________ Middle: __________________________ Maiden: __________________________

DATE OF BIRTH: __________ SOCIAL SECURITY: __________

DAYTIME PHONE NUMBER: __________ OTHER PHONE NUMBER: __________

YEAR GRADUATED: __________ OR LAST YEAR ATTENDED BISD SCHOOL: __________

NAME OF LAST BISD SCHOOL ATTENDED: __________

TYPE OF RECORD REQUESTED: Transcript: __________ Test Scores: __________ Student Enrollment Form: __________

SIGNATURE: __________

*If records requested are for a current or prior student 18 years or older, the student must sign this form in order for this department to release the information.

PERMISSION TO RELEASE SCHOOL RECORDS: Fill out this portion if you need your records released to or sent to someone other than yourself or you need them mailed to you.

Please release my records to:

Name of School, College, Employee, or Individual: __________

Department or Contact Person: __________

Address: __________
City: __________ State: __________ Zip: __________

This form may be mailed or faxed to: BISD RECORDS MANAGEMENT
3126 Carson Street
Fort Worth, TX 76117
Phone: 817-547-5618
Fax: 817-831-5752

Fixed requests will not be fulfilled until payment is received.
Student Data Requests

- Requests from public for student data (PTAs, churches, driving schools, charter schools, etc.)
- Releases subject to being withheld by parent/student
- Filters for Public, Military, District and Local
- Parent consent/denial of categories captured as part of registration and can be altered in online system
- Communications Department reviews and approves these requests
Student Data Release Form

This form is to be used whenever an agency/vendor/organization is requesting access to student directory information. Directory information includes student and guardian names, home address and telephone number. There will be a charge for each standard document based upon the type of vendor (non-profit or fee-profit), length and type of document requested as well as programming time involved. All requests from outside vendors/organizations must be prepaid. Please submit your completed form with minimum payment (made payable to Birdville ISD to):

Birdville Independent School District
Attn: Communications Department
6125 E. Beltway Street
Haltom City, TX 76117

Person Requesting Report: ____________________________
Name of Company/Business: ____________________________
Telephone: ____________________________
Street Address: ______________________________________
Email: ____________________________
City, State: ______________________________________ Zip Code: ____________________________

Document Format (Check one): ☐ List (Paper) ☐ Electronic (Email) ☐ Electronic (CD)
Records to be delivered by: ☐ Email ☐ U.S. Mail (Postage extra) ☐ Pick up

Exact description of data requested (Include format and all fields you want on the report):
____________________________________________________________________________________________________________________________________________________

Data Sorting Preference: ☐ Alpha ☐ Alphas by Campus ☐ Alphas by Zip ☐ Alpha by Class

BISD Use Only
BISD Authorized by: ____________________________
(To be signed by Communications Office Personnel)
File Name/Server: ____________________________
Completed by: ____________________________ Date: ____________________________
(To be filled in by T2IMS)
Contacted/Released: ____________________________

Fee Schedule (based on document format)
The fees below reflect the minimum charge for data processing and may increase based on programming time required and data volume. All charges include one hour of programming time plus materials needed for the minimum release. Minimal payment is required before request will be processed and is non-refundable.
Civil Subpoena/Subpoena Duces Tecum

- Civil litigation like divorces, child custody, injury suits
- Often delivered, faxed or emailed without formal service
- Formal service requires personal delivery and payment of witness fee
- Formalities may be waived by agreement
- Duces Tecums are often resolved by delivery of requested documents
- Subpoenas requesting testimony are more rare and often focus on teacher or counselors
Subpoena Duces Tecum

In the name of the State of Texas:

Date Issued: April 10, 2017

To:

Any sheriff or constable of the State of Texas or other person authorized to serve and execute subpoenas as provided in the Texas Rules of Civil Procedure 176.5.

PERSON TO WHOM SUBPOENA IS DIRECTED:

4300 Estes Park Road
Haltom City, Texas 76137

TIME, PLACE, AND NATURE OF THE ACTION REQUIRED BY THE PERSON TO WHOM THIS SUBPOENA IS DIRECTED:

You are directed to appear at the Daffron Law Group, PC, 100 East 15th Street, Suite 315, Fort Worth, Texas 76102, Monday, April 24, 2017 at 1:00 p.m. to produce at that time and place the following documents or tangible items in your possession, custody or control as shown on EXHIBIT A attached hereto at a hearing relating to the referenced case and remain at that place from day to day until discharged by the Court or by the party at whose instance this subpoena is issued.

PARTY AT WHOSE INSTANCE SUBPOENA IS ISSUED:

, Petitioner, by and through his attorney of record,

, Daffron Law Group, PC, 100 East 15th Street, Suite 315, Fort Worth, Texas 76102; Telephone: 817-763-8385.

CAUSE NUMBER, STYLE AND COURT IN WHICH SUIT IS PENDING:

Cause No. 325:-12, styled In The Interest Of:

, a Child, in the 325th District Court of Tarrant County, Texas.

DOCUMENTS AND/OR OBJECTS TO BE PRODUCED:

See EXHIBIT A, attached.

CONTEMPT WARNING:

FAILURE OF ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED ON THAT PERSON MAY BE DEEMED A CONTEMPT OF THE COURT FROM WHICH THE SUBPOENA IS ISSUED OR A DISTRICT COURT IN THE COUNTY IN WHICH THE SUBPOENA IS SERVED, AND MAY BE PUNISHED BY FINE OR
CONFINEMENT, OR BOTH.

DO NOT FAIL to return this writ to the 325th District Court, Tarrant County, Texas with either the attached officer’s return showing the manner of execution or the witness’s signed memorandum showing that the witness accepted the subpoena.

BISD Technology Department  PEIMS – April 26th, 2017
Civil Subpoena / Subpoena Duces Tecum

Exhibit A

All documents relating, directly or indirectly, to the school records for [Name], including but not limited to:

1. Registration records,
2. Emergency Contact records,
3. Authorizations on file of persons who may pick up the child at school;
4. School health records and school nurses’ notes;
5. Attendance records;
6. Telephone records or other notations between any parent and the school, including dates of the calls and contents;
7. Any written letters from a parent to the school as to specific instructions or restrictions concerning the child, release of information concerning the child, or notification of activities or conferences.
8. Progress reports and report cards;
9. Behavioral reports or disciplinary actions taken;
10. Teachers’ comments or recommendations;
11. Notations from parent-teacher conferences;
12. Counseling reports or counseling recommendations;
13. Requests for special education evaluation.
14. Requests for therapy services evaluation;
15. Any Individual Education Plans (IEP); and
16. Records of admission, review, and dismissal (ARD)
Criminal Subpoena/Subpoena Duces Tecum

- Most likely to be served with this type
- Still check to see if attendance can be waived
- Formal service is the traditional person asking who you are and handing you the subpoena
- Can also serve you by Certified Mail – Return Receipt Requested – mail you have to sign for
- Polite and respectful, even if the attorney isn’t
- Remember you represent the district and stay out of the controversy
To Any Peace Officer Within The State of Texas Or Any Person At Least 18 Years Old And Not A Participant In These Proceedings; Greeting: You Are Hereby Commanded, That You Summon,

Custodian of Records for Birdville ISD

who may be served at 6125 E Belknap St., Haltom City, TX 76117, or wherever he/she may be found
to be and appear before the County Criminal Court Seven of Tarrant County, Texas, at the Tarrant County Justice Center thereof in Fort Worth, on April 26th, 2017 at 9:00AM then and there to testify on behalf of the Defense in a Criminal action now pending in our said Court, wherein the State of Texas is plaintiff and

Defendant

and that They so diligently and carefully search for, examine, inquire for, and bring and produce in said Court, at said time and place a certain instrument in writing desired as evidence in said criminal action to wit:

Please Report To The Specified Court Below And Bring A Copy Of Any And All Educational Records Pertaining To
The Schooling Of Specifically, Records Pertaining To 1) All Grades From K-12, 2) All Standardized Test Results, 3) All Records Associated With Her Participation In Extracurricular Events From K-12.

Personal Appearance May Be Waived By Providing Said Records And An Accompanying Business Records Affidavit To

and that they continue in attendance from day to day and from term to term until discharged by the Court.

HEREIN FAIL NOT BUT HAVE YOU THEN AND THERE BEFORE SAID COURT THIS WIT, WITH YOUR RETURN THEREON SHOWING HOW YOU EXECUTED THE SAME.

GIVEN UNDER MY HAND AND SEAL OF SAID COURT, AT OFFICE IN FORT WORTH TARRANT COUNTY, TEXAS ON
April 12th, 2017 A.D.

Attorney:

WARNING: FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED UPON THAT PERSON MAY BE DEEMED IN CONTEMPT OF THE COURT FROM WHICH THE SUBPOENA IS ISSUED OR A DISTRICT COURT FROM WHICH THE SUBPOENA IS SERVED, AND MAY BE PUNISHED BY FINE OR CONFINEMENT, OR BOTH.

MARY LOUISE GARCIA
CLERK OF THE CRIMINAL COURTS
OF TARRANT COUNTY, TEXAS

Deputy

Fees- Serving $...
Mileage $...
Total $...

BISD Technology Department PEIMS – April 26th, 2017
Talking to the Judge/Testifying

- Calm, cool, collected
- Just the facts
- Don’t make assumptions, conjecture, guess
- Standard procedures are your friend – Always do things the same way, which lets you rely on that in court
- Listen to the question and answer exactly what is asked
- Don’t volunteer information, it can only lead to problems
- GOAL – Get done as fast as possible
Questions?

- Michael Barrett  817.547.5654
- Michael.barret@birdvilleschools.net