



SERVICE OF PROCESS GUIDELINES (SLT-G002)

Clarksville-Montgomery County School System

The online version of this policy is official.
Therefore, all printed versions of this
document are unofficial copies.

GUIDELINES:

Service of process is the legal process for providing a party with notice that a legal document has been filed with a court which requires some type of response by the party. Such notice can be served by certified mail or hand-delivery. In your position as a school administrator/department head/mid-level supervisor, you may be approached by a process server (who is usually a Sheriff's Deputy, paid process server, or an employee of a law firm) to attempt service of process of legal documents at your school/office. Legal documents which are normally served in this manner include: (1) summons and complaints (lawsuits) against Clarksville-Montgomery County School System (CMCSS) or a CMCSS employee in either his/her **individual (personal)** or **official** capacity; and (2) subpoenas to CMCSS employees/custodians of specific records for CMCSS records or for personal attendance at a court hearing/trial or deposition. It is very important that only appropriate person(s) accept service of any such legal documents and that no one accepts service of process on a legal document that he/she should not accept. To that end, below are guidelines for service of process:

1. If a process server appears at your school/office to serve a legal document, before accepting the document ask the process server to identify who is listed on the legal document. It also would be appropriate for you to look at the legal document to verify what you are being told, but do not accept it until you are sure of its contents. When in doubt, call the General Counsel for guidance.
2. If you accept process of a lawsuit, it is important that you immediately notify the General Counsel.
3. No office staff is authorized to accept service of process unless it is a legal document directed **personally** or **individually** in his/her name. Please ensure that your office staff is aware of this rule.
4. Only the Director of Schools/designee, General Counsel, or School Board Counsel may accept service of process of a summons/complaint (lawsuit) against CMCSS or the Clarksville-Montgomery County Board of Education. Please direct process servers to Central Office in this instance.
5. CMCSS employees sued in their **individual (personal)** capacity must be personally served with the legal document (even if it is for acts taken as CMCSS employees). Typically, suits against persons in their individual capacity must be specifically noted on the legal document.
6. Proper service of subpoenas **does not** include service via email or facsimile.
7. Subpoenas for CMCSS records should be served upon the custodian of the specific records. In many circumstances, that custodian of records will be at Central Office or Greenwood Complex (Student Services). The principal is the custodian of educational records for students currently enrolled at a specific school. When in doubt, call the General Counsel for guidance.
 - a. While a subpoena for production of educational records being served at a school should be accepted by the principal or assistant principal, if neither principal or assistant principal is present/available in the building, the District employee designated the school administrator during their absence may accept service in their absence but **MUST** notify the principal immediately upon accepting service.



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8. Before accepting service of a subpoena for educational records, verify that the student actually is enrolled at the school identified on the subpoena. Ask the process server to tell you the names of the student(s) BEFORE accepting the subpoena so that it can be verified. (We have had circumstances where the wrong school has been served.)
 9. Subpoenas for appearance of a witness at a court hearing/trial or deposition should be served upon the person whose service is requested.

***** End of Guidelines *****