

3
STATE OF SOUTH CAROLINA
COUNTY OF WILLIAMSBURG

IN THE COURT OF COMMON PLEAS
Civil Action No.: 12-CP-45-592

Raheem Reid, by and through his Guardian
ad Litem, Roketha Reid,

Employee,

Plaintiff,

vs.

Williamsburg County School District,
Superintendent Dr. Yvonne Jefferson-Barnes,
Assistant Superintendent Dr. Bernice Davis-
Cooper, Delaney K. Frierson, Senitta
Swinton, Principal Dr. Janice Gamble, Rose
Marie Moore, Williamsburg County School
District Board of Trustees.

Defendants,

RECEIVED

NOV 01 2016

SC Court of Appeals

**ORDER GRANTING CAMBRIDGE
GAMBLE'S MOTION
TO QUASH**

STATEMENT OF CASE

This matter is before the Court on Mr. Cambridge Gamble's Motion to Quash a Subpoena issued by Plaintiff, Raheem Reed, to the Williamsburg County School District.

By way of background, this Action was filed November 5, 2012 by Plaintiff, Raheem Reid, against the Williamsburg County School District alleging, essentially, that the Defendants, Williamsburg County School District, et al, improperly changed, altered, or recorded student grades resulting in the Plaintiff having a lower class ranking than he believed he was entitled. On March 10, 2016, Plaintiff, Raheem Reid, served the Defendant, School District, with a Subpoena duces tecum requesting the production of various school records of co-student

Cambridge Alexander Gamble. Thereafter, Mr. Gamble filed a Motion to Quash the Subpoena.

Mr. Gamble argues that his school records and, in particular, records containing his individual education and 504 plans, are protected by the Family Educational Rights and Privacy Act (FERPA) 20 U.S.C. §1232(g) and the Individuals with Disability Education Act (IDEA) 20 U.S.C. §1401. Mr. Gamble acknowledges that FERPA and IDEA permit the disclosure of such documents by a school upon Order of the Court, but he argues that this Court should not Order the disclosure of his protected student records.

Rule 45(c) of the S.C. Rules of Civil Procedure provides protection for persons subject to Subpoena and charges parties responsible for the issuance of Subpoenas to take reasonable steps to avoid imposing undue burden or expense on the person subject to Subpoena and provides that a Court shall Quash or modify Subpoena if it requires the disclosure of privileged or otherwise protected matter or subjects a person to undue burden.

This Court finds that the instant Subpoena seeks the disclosure of protected matters and subjects Mr. Gamble to an undue burden. The Family Educational Rights and Privacy Act and Individuals with Disability Education Act set out the well-established practice of protecting student records as confidential; particularly those records that pertain to individual education plans established by schools for students under disability. Upon questioning by this Court at hearing on this Motion, the Plaintiff's counsel conceded that the Plaintiff does not allege that Cambridge Gamble did anything improper whatsoever. Mr. Gamble is an innocent student uninvolved in this lawsuit and is entitled to rely on this Court to protect the well established confidentiality of his student records, particularly those records that contain his individual education plan.

THEREFORE, IT IS HEREBY ORDERED that the Plaintiff's Subpoena of March 10, 2016 is hereby quashed.

AND IT IS SO ORDERED!

Judge W. Jeffrey Young

Columbia, South Carolina

Date: _____



Williamsburg Common Pleas

Case Caption: Raheem Reid VS Williamsburg County School District , defendant,
et al
Case Number: 2012CP4500592
Type: Order/Other

So Ordered

s/W. Jeffrey Young2156

Electronically signed on 2016-10-17 10:25:42 page 4 of 4