

UNAUTHORIZED RELEASE OF CONFIDENTIAL/PRIVILEGED INFORMATION

In the normal operations of the school district, much information is properly and legally produced which is not subject to public disclosure under Government Code Sections 6252-6260, and which may be held as confidential or privileged information under various Government Code Sections having to do with closed sessions, Government Code Section 3549.1 - Proceedings exempt from public meeting provisions (negotiations), and Education Code Sections 49060-49078 - Pupil records.

It is the responsibility of the Governing Board, administration and staff to maintain the confidentiality of all confidential records until such time as laws, state regulations and/or bylaws of this district permit disclosure.

Any employee who willfully releases confidential or privileged information about pupils or staff members, or on any topic properly confined to a closed session of the board, including, but not limited to, any information relating to the board's employer-employee strategies on matters in, or to be placed in negotiations, shall be subject to disciplinary action, up to and including dismissal from the service of the district.

Any employee who willingly and for monetary gain uses or discloses confidential privileged information as defined in Government Code 1098 is guilty of a misdemeanor. (Government Code 1098)

Any action by an employee which inadvertently or carelessly results in release of confidential or privileged information shall be recorded, and shall be placed in the employee's personnel file. Depending on the circumstances of such release of information, the superintendent may deny the employee access to such information, and shall take any steps necessary to prevent any further unauthorized release of such information.

Legal References (see next page)

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(continued)

Legal References:

Federal Family Education Rights and Privacy Act of 1974 (20) U.S.C. 1232(g)

EDUCATION CODE

35010 Control of district; prescription and enforcement of rules
35146 Closed sessions (re student suspension)
44031 Personnel File contents and inspection
44932 Grounds for dismissal of permanent employees
44933 Other grounds for dismissal
45113 Rules and regulations for classified service
49060-49078 Pupil records

GOVERNMENT CODE

3540 et seq. Meeting and negotiating in public employment
6250 et seq. California Public Records Act
6252 et seq. Inspection of public records
54957 Closed session; purposes for holding; definition of "employee;"
exclusion of witnesses
54957.2 Taking of minutes at closed sessions; clerk; minute book
54957.6 Closed session, representatives to employee organization(s); state
conciliator

LABOR CODE

1102.5 Employees: disclosure of information Federal Family Education
Rights and Privacy Act of 1974 [20 U.S.C. 1232(g)]

Policy Adopted:

HS BD: 11/20/85

EL BD: 7/6/82

Policy Revised:

Joint Board: 2/25/97