



## PERSONNEL – MANAGEMENT AND SUPERVISORY EMPLOYEES

### **BOARD POLICY – UNAUTHORIZED RELEASE OF CONFIDENTIAL, PRIVILEGED INFORMATION**

BP 4319.23

The County Board of Education and the County Superintendent of Schools recognize the importance of keeping confidential information confidential. Staff shall maintain the confidentiality of information acquired in the course of their employment. Confidential/privileged information shall be released only to the extent authorized by law.

#### **Disclosure of Closed Session Information**

An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the County Board of Education or Personnel Commission authorizes disclosure of that information. (Government Code 54963)

Confidential information means a communication made in a closed session that is specifically related to the basis for the County Board of Education or the Personnel Commission to meet lawfully in closed session. (Government Code 54963)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if the employee has received training or notice as to the requirements of this policy. (Government Code 54963)

The County Superintendent of Schools or designee shall provide all employees who attend closed sessions a copy of this policy. New employees who may attend closed sessions shall also receive a copy of this policy.

The SBCEO shall not take disciplinary action against any employee for disclosing confidential information acquired in a closed session, nor shall the disclosure be considered a violation of the law or Board policy, when the employee is: (Government Code 54963)

1. Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts necessary to establish the illegality or potential illegality of a County Board of Education or Personnel Commission action that has been the subject of deliberation during a closed session
2. Expressing an opinion concerning the propriety or legality of County Board of Education or Personnel Commission action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action

### 3. Disclosing information that is not confidential

#### Other Disclosures

An employee who willfully releases confidential/privileged information about the SBCEO, students or staff shall be subject to disciplinary action.

No employee shall disclose confidential information acquired in the course of the employee's official duties. Confidential information includes information that is not a public record subject to disclosure under the Public Records Act, information that by law may not be disclosed, or information that may have a material financial effect on the employee.

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

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#### Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the County Superintendent of Schools or designee to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

#### Federal

20 USC 1232g

#### Description

Family Educational Rights and Privacy Act (FERPA) of 1974

#### Management Resources

Website

#### Description

[CSBA](#)

#### State

Ed. Code 35010

Ed. Code 35146

Ed. Code 35160

Ed. Code 44031

Ed. Code 44932

Ed. Code 44933

Ed. Code 45113

Ed. Code 49060-49079

Gov. Code 1098

Gov. Code 54950-54963

Gov. Code 6250-6270

#### Description

Control of district; prescription and enforcement of rules

Closed sessions regarding suspensions

Authority of governing boards

Personnel file contents, inspection

Grounds for dismissal of permanent employees

Other grounds for dismissal

Notification of charges, classified employees

Student records

Disclosure of confidential information

The Ralph M. Brown Act

California Public Records Act

ADOPTED BY COUNTY BOARD:

February 2, 2023

REVISED: