Disclosure of Confidential/Privileged Information

Adopted: 12/03/1991 **| Last Revised**: 09/05/2023 **| Last Reviewed**: 09/05/2023

The Board of Education recognizes the importance of maintaining the confidentiality of information acquired as part of a Board member's official duties. Confidential/privileged information shall be released only to the extent authorized by law.

Disclosure of Closed Session Information

A Board member shall not disclose confidential information acquired during a closed session to a person not entitled to receive such information, unless a majority of the Board has authorized its disclosure.

Confidential information means a communication made in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session.

The Board shall not take any action against any person for disclosing confidential information, nor shall the disclosure be considered a violation of the law or Board policy, when the person is:

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 Board action that has been the subject of deliberation during a closed session

2. Expressing an opinion concerning the propriety or legality of Board 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

A Board member shall not disclose, for pecuniary gain, confidential information acquired in the course of their 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 Board member.

Disclosures excepted from this prohibition are those made to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities.

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 Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References:

STATE
EDUCATION CODE
35010 Control of district; prescription and enforcement of rules
35146 Closed sessions regarding suspensions
EVIDENCE CODE
1040 Privilege for official information
GOVERNMENT CODE

1098 Disclosure of confidential information
3549.1 Meeting and negotiating in public educational employment
54950-54963 The Ralph M. Brown Act
54956.8 Open meeting laws
54956.9 Closed meeting for pending litigation
54957 Complaints against employees; right to open session
54957.1 Subsequent public report and rollcall vote; employee matters in closed session
54957.5 Public records
54957.6 Closed session; representatives with employee organization
54957.7 Reasons for closed session
54963 Unauthorized disclosure of confidential information
7920.000-7930.170 California Public Records Act

MANAGEMENT RESOURCES

ATTORNEY GENERAL OPINION
80 Ops.Cal.Atty.Gen. 231 (1997)
CSBA PUBLICATION
Professional Governance Standards
WEBSITES
CSBA District and County Office of Education Legal Services https://legalservices.csba.org/#
CSBA http://www.csba.org/#

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