

BOARD BYLAWS

Disclosure of Confidential/Privileged Information

All confidential/privileged information shall be released only as allowed by law.

Confidential/privileged information which is produced for, or which comes out during, closed sessions of the Board shall not be divulged or released unless a majority of Board members agree to release the information, subject to applicable laws regarding closed sessions. (Education Code 35146; Government Code 3549.1, 6250-6270, 54956.8, 54956.9, 54957-54962)

This policy is not intended to cause the withholding of information about the purpose and subject(s) of the closed session as required for public information under Government Code Section 54957.7.

(cf. 9000 - Role of the Board)

(cf. 9005 - Governance Standards)

(cf. 9010 - Public Statements)

Information from closed sessions shall be released by the president or chairman of the meeting in which the closed session is held.

Any board member who willfully and for monetary gain uses or discloses confidential/privileged information as defined in Government Code 1098 is guilty of a misdemeanor.

Any board member who releases confidential/privileged information contrary to the provisions of this bylaw may be publicly censured by a majority vote of the members of the board.

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

(cf. 9321.1 - Closed Session Actions and Reports)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 5125 - Student Records)

Legal Reference:

EDUCATION CODE

35010 Power of governing board to adopt rules for its own governance

35146 Closed session

EVIDENCE CODE

1040 Privilege for official information

GOVERNMENT CODE

1098 Public officials and employees re confidential information

3549.1 Meeting and negotiating in public educational employment

6250-6270 Inspection of public records

54950-54963 Brown Act, especially:

54956.8 Open meeting laws

54956.9 Closed meeting for pending litigation

54957 Closed session; "employee" defined; exclusion of witnesses

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 Confidential information in closed session
ATTORNEY GENERAL OPINIONS
80 Ops.Cal.Atty.Gen. 231 (1997)

Management Resources:

CSBA PUBLICATIONS
Professional Governance Standards, November 2000
Maximizing School Board Leadership, 1996
WEB SITES
CSBA: <http://www.csba.org>

Bylaw adopted: 2/27/90

Bylaw revised: 8/27/02; 8/8/17