

Liberty Union High School District

Board Policy

Classification: Bylaws of the Board

Policy No. BP 9011

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Subject: Disclosure of Confidential/Privileged Information

Effective 06/19/13

Revised 08/27/25

The Governing Board recognizes the importance of maintaining the confidentiality of information acquired as part of a Board member's official duties.

A Board member shall not disclose confidential information to any person, except as authorized by law, this Bylaw or other Board bylaws or policies, or the Board.

Confidential information means any information that is prohibited from disclosure by law, this Bylaw or other Board bylaws or policies, or by the Board at the time disclosed and is not a public record subject to disclosure under the California Public Records Act (CPRA). Confidential information includes, but is not limited to, any of the following:

1. Information acquired by being present in a closed session that is specifically related to the basis for the Board to meet lawfully in closed session (Government Code 54963)
2. Information acquired in anticipation of a closed session, or as follow-up to a closed session, that is specifically related to the basis for the Board to meet lawfully in closed session
3. Information contained in communications provided to Board members from the district's attorney
4. Information deemed confidential by the Board

Confidential information does not include information that is already publicly disclosed, provided that the initial disclosure did not violate law, this Bylaw, or other Board bylaws or policies.

It is a misdemeanor for any Board member to willfully and knowingly use or disclose for pecuniary gain any information acquired in the course of the Board member's official duties where all of the following conditions are met: (Government Code 1098)

1. The information is not a public record subject to disclosure under the CPRA
2. The information is prohibited from disclosure by law, this Bylaw, or other Board bylaws or policies
3. The information will have, or could reasonably be expected to have, a material financial effect on the Board member if used or disclosed

If a Board member threatens to disclose or does disclose confidential information, the Board may pursue or enact one or more of the following actions as it deems appropriate: (Government Code 54963)

1. Injunctive relief to prevent disclosure
2. Referral to the grand jury
3. Censure or other disciplinary action, provided the Board member has received training or been informed of the requirements of this Bylaw

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However, the Board shall not take any action against a Board member for disclosing confidential information, nor shall the disclosure be considered a violation of this Bylaw, when the Board member does any of the following:
(Government Code 1098, 54963)

1. Makes 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. Expresses 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. Discloses information to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities in accordance with law

State	Description
Ed. Code 35010	Control of district; prescription and enforcement of rules
Ed. Code 35146	Closed sessions regarding suspensions
Evid. Code 1040	Privilege for official information
Gov. Code 1098	Disclosure of confidential information
Gov. Code 3549.1	Meeting and negotiating in public educational employment
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 54956.8	Open meeting laws
Gov. Code 54956.9	Closed meeting for pending litigation
Gov. Code 54957	Complaints against employees; right to open session
Gov. Code 54957.1	Subsequent public report and rollcall vote; employee matters in closed session
Gov. Code 54957.5	Public records
Gov. Code 54957.6	Closed session; representatives with employee organization
Gov. Code 54957.7	Reasons for closed session
Gov. Code 54963	Unauthorized disclosure of confidential information
Gov. Code 7920.000-7930.170	California Public Records Act

Management Resources	Description
Attorney General Opinion	80 Ops.Cal.Atty.Gen. 231 (1997)
CSBA Publication	Professional Governance Standards

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Website CSBA District and County Office of Education Legal Services

Management Resources	Description
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Website	CSBA
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Cross References	Description
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0450	Comprehensive Safety Plan
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0450	Comprehensive Safety Plan
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1100	Communication With The Public
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1312.3	Uniform Complaint Procedures
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1312.3	Uniform Complaint Procedures
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1312.3-E(1)	Uniform Complaint Procedures
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1312.3-E(2)	Uniform Complaint Procedures
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1340	Access To District Records
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1340	Access To District Records
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2120	Superintendent Recruitment And Selection
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2121	Superintendent's Contract
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3580	District Records
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3580	District Records
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4112.5	Criminal Record Check
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4112.5-E(1)	Criminal Record Check
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4112.6	Personnel Files
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4119.23	Unauthorized Release Of Confidential/Privileged Information
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4119.42	Exposure Control Plan For Bloodborne Pathogens
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4119.42	Exposure Control Plan For Bloodborne Pathogens
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4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
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4143	Negotiations/Consultation
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4143.1	Public Notice - Personnel Negotiations
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4143.1	Public Notice - Personnel Negotiations
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4212.5	Criminal Record Check
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4212.5-E(1)	Criminal Record Check
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4212.6	Personnel Files
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4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4243	Negotiations/Consultation
4243.1	Public Notice - Personnel Negotiations
4243.1	Public Notice - Personnel Negotiations
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4319.23	Unauthorized Release Of Confidential/Privileged Information
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
5125	Student Records
5125	Student Records
9000	Role Of The Board
9005	Governance Standards
9010	Public Statements
9200	Limits Of Board Member Authority
9230	Orientation
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session