

Disclosure of Confidential/ Privileged Information

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

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03 Confidential/privileged information is defined as:

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05 ~~1. Information that is not public record subject to disclosure under the~~
06 ~~Public Records Act.~~

07 ~~2. Information that by law may not be disclosed.~~

08 ~~3. Information that may have a material financial effect on the Governing~~
09 ~~Board member.~~

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

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15 ~~Confidential/privileged information which is produced for, or which comes out~~
16 ~~during closed sessions of the Governing Board shall not be divulged or~~
17 ~~released unless a majority of the Board members agree to release the~~
18 ~~information, subject to applicable laws regarding closed sessions.~~

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

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24 ~~The president or chairman shall release information from closed sessions shall~~
25 ~~meeting in which the closed session is held.~~

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

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

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38 Disclosure of Closed Session Information

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Disclosure of Confidential/ Privileged Information

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

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

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

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52 1. Making a confidential inquiry or complaint to a District attorney or
53 grand jury concerning a perceived violation of law, including disclosing facts
54 necessary to establish the illegality or potential illegality of a Board action that
55 has been the subject of deliberation during a closed session

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57 2. Expressing an opinion concerning the propriety or legality of Board
58 action in closed session, including disclosure of the nature and extent of the
59 illegal or potentially illegal action

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61 3. Disclosing information that is not confidential

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64 Other Disclosures

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66 A Board member shall not disclose, for pecuniary gain, confidential
67 information acquired in the course of his/her official duties. Confidential
68 information includes information that is not a public record subject to
69 disclosure under the Public Records Act, information that by law may not be
70 disclosed, or information that may have a material financial effect on the
71 Board member.

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

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78 Legal Reference:
79 EDUCATION CODE

Disclosure of Confidential/ Privileged Information

80 35010 Power of governing board to adopt rules for its own governance
81 35146 Closed session
82 EVIDENCE CODE
83 1040 Privilege for official information
84 GOVERNMENT CODE
85 1098 Public officials and employees re confidential information
86 3549.1 Meeting and negotiating in public educational employment
87 6250-6270 Inspection of public records
88 54950-54963 Brown Act, especially:
89 54956.8 Open meeting laws
90 54956.9 Closed meeting for pending litigation
91 54957 Closed session; "employee" defined; exclusion of witnesses
92 54957.1 Subsequent public report and roll call vote; employee matters in
93 closed session
94 54957.5 Public records
95 54957.6 Closed session; representatives with employee organization
96 54957.7 Reasons for closed session
97 54963 Confidential information in closed session
98 ATTORNEY GENERAL OPINIONS
99 80 Ops.Cal.Atty.Gen. 231 (1997)
100
101 Management Resources:
102 CSBA PUBLICATIONS
103 Professional Governance Standards, November 2000
104 Maximizing School Board Leadership, 1996
105 WEB SITES
106 CSBA: <http://www.csba.org>
107
108 (3/88 6/98) 11/02
109
110 Adopted: _____
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Article 9
Board Bylaws
BB 9011

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