

Bylaws of the Board

BB 9011(a)

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION

Note: Pursuant to Government Code 1098, it is a misdemeanor for any public officer or employee to willfully and knowingly use or disclose for monetary gain any confidential information acquired in the course of his/her official duties.

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

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

Confidential/privileged information is defined as: (Government Code 1098)

1. Information that is not a public record subject to disclosure under the Public Records Act
2. Information that by law may not be disclosed
3. Information that may have a material financial effect on the Governing 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.

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

(cf. 5125 - *Student Records*)

Note: The Attorney General has opined in 80 Ops. Cal. Atty. Gen. 231 (1997) that a Board member may not publicly disclose information that has been received and discussed in closed session concerning pending litigation unless the information is authorized by law to be disclosed. Therefore, CSBA recommends that the Board consult with its legal counsel before disclosing any confidential or privileged information discussed in a closed session. For more information regarding the reporting of information discussed in closed session, see BB 9321.1 - *Closed Session Actions and Reports*.

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)

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION
(continued)

(cf. 9321 - Closed Session Purposes and Agendas)
(cf. 9321.1 - Closed Session Actions and Reports)

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, especially:

6254 Public records; exemption of records

54950-54962 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

ATTORNEY GENERAL OPINIONS

80 Ops. Cal. Atty. Gen. 231 (1997)

Management Resources:

CSBA PUBLICATIONS

Maximizing School Board Leadership, Boardsmanship, 1996

Adopted: March 11, 2004

GRAVENSTEIN UNION SCHOOL DISTRICT
Sebastopol, California