

# LODI UNIFIED SCHOOL DISTRICT

## Bylaw 9011

### REVISION

#### Bylaws of the Board

#### Disclosure of Confidential/Privileged Information

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 ~~perceived~~ 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 ~~his/her~~ **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.

Legal References: EDUCATION CODE  
35010 ~~Power of Governing Board to adopt rules for its own governance~~ **Control of district; prescription and enforcement of rules**  
35146 Closed session **regarding suspensions**  
EVIDENCE CODE  
1040 Privilege for Official Information  
GOVERNMENT CODE  
1098 ~~Public officials and employees:~~ **Disclosure of confidential information**  
3549.1 Meeting and negotiating in public educational employment  
~~6250-6270 Inspection of Public Records~~  
54950-54963 **Ralph M. Brown Act especially:**  
54956.8 Open meeting laws  
54956.9 Closed meeting for pending litigation  
54957 ~~Closed Session; "employee" defined; exclusion of witnesses~~ **Complaints against employees; right to open session**  
54957.1 Subsequent public report and roll call 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~~ **Unauthorized disclosure of confidential information**  
**7920.000 - 7930.170 California Public Records Act**  
~~80 Ops.Cal.Atty.Gen.231 (1997)~~  
MANAGEMENT RESOURCES:  
**Attorney General Opinion 80 Ops.Cal.Atty.Gen.231 (1997)**  
CSBA PUBLICATIONS  
~~Professional Governance Standards, November 2000~~  
~~Maximizing School Board Leadership 1996~~  
WEB SITES  
CSBA: <http://www.csba.org>  
**CSBA District and County Office of Education Legal Services**

Bylaw

adopted: 12/03/91

revised: 02/18/97

revised: 05/17/11