

BOARD BYLAW

Placentia-Yorba Linda Unified School District

Bylaws of the Board

9011 - BB

DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION

The Governing Board recognizes the importance of maintaining the confidentiality of information acquired as part of a Board member's official duties. It is the intent of the Board of Education of the Placentia-Yorba Linda Unified School District that all confidential/privileged information be released only as allowed by law.

Disclosure of Closed Session Information

Confidential/privileged information which is produced for or discussed 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.

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.

This bylaw 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.

Information from closed sessions shall be released by the president of the meeting in which the closed session is held. Any member who willfully and for monetary gain uses or discloses confidential/privileged information as defined in Government Code 1098 is guilty of a misdemeanor.

The Board shall not take any action against any person for disclosing confidential information, nor shall the disclosure be considered a 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 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. (Government Code 1098)

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.

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.

LEGAL REFERENCE:

<u>Education Code</u>	Section 35010	Power of governing board to adopt rules for its own governance
	Section 35146	Closed session – pupil matters
<u>Evidence Code</u>	Section 1040	Privilege for official information
<u>Government Code</u>	Section 1098	Public officials and employees re confidential information
	Section 3549.1	Meeting and negotiating in public educational employment
	Sections 6250-6270	Inspection of public records
	Sections 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 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	

Bylaw adopted: 11/26/91

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