

LODI UNIFIED SCHOOL DISTRICT

Bylaw 9011

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.

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, 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 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
35146 Closed session
Evidence Code
1040 Privilege for Official Information
Government Code
1098 Public officials and employees: confidential information
3549.1 Meeting and negotiating in public educational employment
6250-6270 Inspection of Public Records
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
80 Ops.Cal.Atty.Gen.231 (1997)

Management Resources:

CSBA PUBLICATIONS
Professional Governance Standards, November 2000
Maximizing School Board Leadership 1996

WEB SITES

CSBA: <http://www.csba.org>

Bylaw

adopted: 12/03/91

revised: 02/18/97

revised: 05/17/11