

Policy 4219.23: Unauthorized Release Of Confidential/Privileged Information

Status: DRAFT

Original Adopted Date: Pending

The Governing Board recognizes the importance of keeping confidential information confidential. Staff shall maintain the confidentiality of information acquired in the course of their employment. Confidential/privileged information shall be released only to the extent authorized by law.

Disclosure of Closed Session Information

An employee shall not disclose confidential information acquired by being present during a closed session to a person not entitled to receive such information, unless the Board authorizes disclosure of that information. (Government Code 54963)

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. (Government Code 54963)

An employee who willfully discloses confidential information acquired during a closed session may be subject to disciplinary action if he/she has received training or notice as to the requirements of this policy. (Government Code 54963)

The Superintendent or designee shall provide all employees who attend closed sessions a copy of this policy. New employees who may attend closed sessions shall also receive a copy of this policy.

The district shall not take disciplinary action against any employee for disclosing confidential information acquired in a closed session, nor shall the disclosure be considered a violation of the law or Board policy, when the employee is: (Government Code 54963)

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

An employee who willfully releases confidential/privileged information about the district, students or staff shall be subject to disciplinary action.

No employee shall disclose 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 employee.

Any action by an employee which inadvertently or carelessly results in release of confidential/privileged information shall be recorded, and the record shall be placed in the employee's personnel file. Depending on the circumstances, the Superintendent or designee may deny the employee further access to any privileged information and shall take any steps necessary to prevent any further unauthorized release of such information.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

Ed. Code 35010

Description

Control of district; prescription and enforcement of rules

Ed. Code 35146	Closed sessions regarding suspensions
Ed. Code 35160	Authority of governing boards
Ed. Code 44932	Grounds for dismissal of permanent employees
Ed. Code 44933	Other grounds for dismissal
Ed. Code 45113	Notification of charges; classified employees
Ed. Code 49060-49079	Student records
Gov. Code 1098	Disclosure of confidential information
Gov. Code 54950-54963	The Ralph M. Brown Act
Gov. Code 6250-6270	California Public Records Act

Federal References

20 USC 1232g

Description

Family Educational Rights and Privacy Act (FERPA) of 1974

Management Resources References

Website

CSBA District and County Office of Education Legal Services -
<https://simbli.eboardsolutions.com/SU/UdykszdmPETuDsIshXk6R5akQ==>

Website

CSBA -
<https://simbli.eboardsolutions.com/SU/W3QxkK2FPsDsQBnMIENxGg==>

Cross References

0450

Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/XVeModcEEplusmlKmlViNyG8g==>

0450

Comprehensive Safety Plan -
<https://simbli.eboardsolutions.com/SU/vQZUWC8qslshfqZpV1MmtaRBg==>

1112

Media Relations -
<https://simbli.eboardsolutions.com/SU/3IHEaJYmsnDktqG0qiC94Q==>

1113-E(1)

District And School Web Sites -
<https://simbli.eboardsolutions.com/SU/oJaE6pBfeb1TIUhdIbjlHA==>

1113

District And School Web Sites -
<https://simbli.eboardsolutions.com/SU/BzLslshM03JGp7plus8dzh1Fzc4Q==>

1113

District And School Web Sites -
<https://simbli.eboardsolutions.com/SU/LkplusM8wFuCJcC9T99n32Hnw==>

1113-E PDF(1)

District And School Web Sites -
<https://simbli.eboardsolutions.com/SU/fCje9zCXa1OFcXTUBQYRhw==>

1114

District-Sponsored Social Media -
<https://simbli.eboardsolutions.com/SU/JfCojzMhplusqvFeyCOp9Cgiw==>

1114

District-Sponsored Social Media -
<https://simbli.eboardsolutions.com/SU/LnhNVipgsss47FWyv0docA==>

1312.3

Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/CfApluscpxRIZplusOj2ImuhfqBA==>

1312.3

Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/NaAoUplustL0gdMDg4YyrqSQ==>

1312.3-E PDF(1)

Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/CGtJ1bS0fJ2qqnQzzY5qbQ==>

1312.3-E PDF(2)

Uniform Complaint Procedures -
<https://simbli.eboardsolutions.com/SU/hYsgaE9LHjplus4tInfVHZyg==>

1340

Access To District Records -
<https://simbli.eboardsolutions.com/SU/ilradJh510f82Bjhbu4vRw==>

1340 Access To District Records -
<https://simbli.eboardsolutions.com/SU/zrxxplusFTeTpg8XDnadUSA6Q==>

3250 Transportation Fees -
<https://simbli.eboardsolutions.com/SU/vf84VAxplusDuYw5y4CCT3VHw==>

3250 Transportation Fees -
<https://simbli.eboardsolutions.com/SU/jVD1YBochBcslshJHSVHUrcoA==>

3400 Management Of District Assets/Accounts -
<https://simbli.eboardsolutions.com/SU/lquTQBlymztolslshn5MKew7w==>

3400 Management Of District Assets/Accounts -
<https://simbli.eboardsolutions.com/SU/8TrCdaxJyMGDCoGDI8wO9g==>

3553 Free And Reduced Price Meals -
<https://simbli.eboardsolutions.com/SU/veLi3k2THgU0fAplusDEpluskdyw==>

3553 Free And Reduced Price Meals -
<https://simbli.eboardsolutions.com/SU/bJft7yoiEWomeYDx1LdKBg==>

4030 Nondiscrimination In Employment -
<https://simbli.eboardsolutions.com/SU/japlusF1fDZLwk4z1txs8TVw==>

4030 Nondiscrimination In Employment -
<https://simbli.eboardsolutions.com/SU/1hR1nwwQdqhZCpluskI91M7LA==>

4040 Employee Use Of Technology -
<https://simbli.eboardsolutions.com/SU/pCyVFWHxjPMeQ9hSFguPfw==>

4040-E PDF(1) Employee Use Of Technology -
<https://simbli.eboardsolutions.com/SU/SHiUEWDyslshNbm0aZ0gplusTpfw==>

4112.41 Employee Drug Testing -
<https://simbli.eboardsolutions.com/SU/slshxWc7zKFP9LhPljHzE6Oog==>

4112.41 Employee Drug Testing -
<https://simbli.eboardsolutions.com/SU/WdEhMAReY52FewQdK0pSNQ==>

4112.5 Criminal Record Check -
<https://simbli.eboardsolutions.com/SU/k3JxZLYs4Qu9bUOSH7p5dg==>

4112.6 Personnel Files -
<https://simbli.eboardsolutions.com/SU/ZbKyC91DY3CsgslshTWWChauQ==>

4118 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/zZ8ALG9AVGufbVzECQB8Tw==>

4118 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/rOKplusxHxHkrEBT6aplusTWHislshQ==>

4119.1 Civil And Legal Rights -
<https://simbli.eboardsolutions.com/SU/24DUL3dM9A2IUAAoqbi3Og==>

4119.21 Professional Standards -
<https://simbli.eboardsolutions.com/SU/UTGFaZorslshLeTKDloySlofQ==>

4119.21-E PDF(1) Professional Standards -
<https://simbli.eboardsolutions.com/SU/mGplusvfwZSZeWEomplumBplusTJTg==>

4119.42-E PDF(1) Exposure Control Plan For Bloodborne Pathogens -
<https://simbli.eboardsolutions.com/SU/nwgsduSvv7hZn4b4C22Sdw==>

4144 Complaints -
<https://simbli.eboardsolutions.com/SU/KyKD8LDxrB2PwRRY0z7CWA==>

4212.41 Employee Drug Testing -
<https://simbli.eboardsolutions.com/SU/ONXwUHbIKplusdn8d0BHAtFfA==>

4212.5 Criminal Record Check -
<https://simbli.eboardsolutions.com/SU/AeBTEtGslshWKp wzQnauieUqQ==>

4212.6 Personnel Files -
<https://simbli.eboardsolutions.com/SU/6Sms9Cslshckj3AxFvjilVLwg==>

4218 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/9plusE9V6WiAoDtbVijXcJb8Q==>

4218 Dismissal/Suspension/Disciplinary Action -
<https://simbli.eboardsolutions.com/SU/WSdW3plusnjP9wlvJpaJpqnSA==>

4219.1 Civil And Legal Rights -
<https://simbli.eboardsolutions.com/SU/NNHd7ATUG21WUZfMslshC2esw==>

4219.21 Professional Standards -
<https://simbli.eboardsolutions.com/SU/cRQObj7EJcTiplushojXxDrvw==>

4219.21-E PDF(1) Professional Standards - Code Of Ethics Classified Employees -
<https://simbli.eboardsolutions.com/SU/Yn4FDSgBUNSbsWF3lvpkIQ==>

4219.42-E PDF(1) Exposure Control Plan for Bloodborne Pathogens -
<https://simbli.eboardsolutions.com/SU/l0CS8XxwoZ1xrnJ1vkVpNg==>

4312.41 Employee Drug Testing -
<https://simbli.eboardsolutions.com/SU/Oz43bunUpWERwRfDslsh1UBgw==>

4312.6 Personnel Files -
<https://simbli.eboardsolutions.com/SU/c66XSPesGJAEqplus435ncEpw==>

4319.1 Civil And Legal Rights -
<https://simbli.eboardsolutions.com/SU/S3pluswdN4h3ZfGQBHYZ4pWXg==>

4319.21 Professional Standards -
<https://simbli.eboardsolutions.com/SU/aVzvR2gnF6PxyE8OYijAPA==>

4319.21-E PDF(1) Professional Standards -
<https://simbli.eboardsolutions.com/SU/sVVtgfkApxmtRMQLlsMRyQ==>

4319.42-E PDF(1) Exposure Control Plan for Bloodborne Pathogens -
<https://simbli.eboardsolutions.com/SU/zYl6hVUZLGYtQWKHMrEaslshw==>

4344 Complaints -
<https://simbli.eboardsolutions.com/SU/qGrsXimwkCHTw02tO8UC4Q==>

5125 Student Records -
<https://simbli.eboardsolutions.com/SU/tWHWUiPwslshr1YYPUpusvwMslshMQ==>

5125 Student Records -
<https://simbli.eboardsolutions.com/SU/Arf4lGHplusjQnGslsh3Sd1slshP0Hw==>

5125.1 Release Of Directory Information -
<https://simbli.eboardsolutions.com/SU/OgZNdnsk7slshO1pm7w6dgQMw==>

5125.1 Release Of Directory Information -
<https://simbli.eboardsolutions.com/SU/dcEuGdmEtIMdCslshRYKeLLrA==>

5125.1-E PDF(1) Release Of Directory Information -
<https://simbli.eboardsolutions.com/SU/OLSr2W5pluszBu048bHf3MxfQ==>

5141.22 Infectious Diseases -
<https://simbli.eboardsolutions.com/SU/fofkG2y9KkyVyTef5VpjPQ==>

5141.22 Infectious Diseases -
<https://simbli.eboardsolutions.com/SU/SSzp7t1kSjfizyfJoaeq7A==>

5141.4 Child Abuse Prevention And Reporting -
<https://simbli.eboardsolutions.com/SU/tfJUzlZ5lk5USth1slshchO1g==>

5141.4 Child Abuse Prevention And Reporting -
<https://simbli.eboardsolutions.com/SU/gYslshHHnEDM0tHaXoDoUSGsw==>

5145.3 Nondiscrimination/Harassment -
<https://simbli.eboardsolutions.com/SU/Xtm3uqHMOl1KAP4CIBOS3g==>

5145.3 Nondiscrimination/Harassment -
<https://simbli.eboardsolutions.com/SU/Rx7eYWCQJQxyhVGfnTMQBQ==>

6164.2 Guidance/Counseling Services -
<https://simbli.eboardsolutions.com/SU/g7bp9zAL1gyQwbRj6etZMQ==>

9011 Disclosure Of Confidential/Privileged Information -
<https://simbli.eboardsolutions.com/SU/RXe8Xj7wrVHXZFRVqhX3OA==>

9321-E PDF(1) Closed Session -
<https://simbli.eboardsolutions.com/SU/JouF3slshdp1t8S6jR9jTrVg==>

9321-E PDF(2) Closed Session -
<https://simbli.eboardsolutions.com/SU/R7Dlbslsh4Z8zkiT8c3evrPAg==>

9321 Closed Session -
<https://simbli.eboardsolutions.com/SU/eQxvTE4sunzJru8wB8gc1g==>