

MIDDLETOWN UNIFIED SCHOOL DISTRICT

Policy 4319.23: Unauthorized Release Of Confidential/Privileged Information

Original Adopted Date: 1/17/2024

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	Description
Ed. Code 35010	Control of district; prescription and enforcement of rules
Ed. Code 35146	Closed sessions regarding suspensions
Ed. Code 35160	Authority of governing boards
Ed. Code 44031	Personnel file contents and inspection
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 7920.000-7930.215	California Public Records Act
Federal	Description
20 USC 1232g	Family Educational Rights and Privacy Act (FERPA) of 1974
Management Resources	Description
Website	CSBA District and County Office of Education Legal Services
Website	CSBA

Cross References

Code	Description
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
0470	COVID-19 Mitigation Plan
1112	Media Relations
1113	District And School Websites
1113	District And School Websites
1113-E(1)	District And School Websites
1114	District-Sponsored Social Media

1114	District-Sponsored Social Media
1312.3	Uniform Complaint Procedures
1312.3	Uniform Complaint Procedures
1312.3-E(1)	Uniform Complaint Procedures
1312.3-E(2)	Uniform Complaint Procedures
1340	Access To District Records
1340	Access To District Records
3250	Transportation Fees
3250	Transportation Fees
3400	Management Of District Assets/Accounts
3400	Management Of District Assets/Accounts
3553	Free And Reduced Price Meals
3553	Free And Reduced Price Meals
4030	Nondiscrimination In Employment
4030	Nondiscrimination In Employment
4040	Employee Use Of Technology
4040-E(1)	Employee Use Of Technology
4112.41	Employee Drug Testing
4112.41	Employee Drug Testing
4112.5	Criminal Record Check
4112.5-E(1)	Criminal Record Check
4112.6	Personnel Files
4118	Dismissal/Suspension/Disciplinary Action
4118	Dismissal/Suspension/Disciplinary Action
4119.1	Civil And Legal Rights
4119.21	Professional Standards
4119.21-E(1)	Professional Standards
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42	Exposure Control Plan For Bloodborne Pathogens
4119.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4136	Nonschool Employment
4143	Negotiations/Consultation
4144	Complaints

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4212.41	Employee Drug Testing
4212.41	Employee Drug Testing
4212.5	Criminal Record Check
4212.5-E(1)	Criminal Record Check
4212.6	Personnel Files
4218	Dismissal/Suspension/Disciplinary Action
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4219.1	Civil And Legal Rights
4219.21	Professional Standards
4219.21-E(1)	Professional Standards
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42	Exposure Control Plan For Bloodborne Pathogens
4219.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4236	Nonschool Employment
4243	Negotiations/Consultation
4312.41	Employee Drug Testing
4312.41	Employee Drug Testing
4312.5	Criminal Record Check
4312.5-E(1)	Criminal Record Check
4312.6	Personnel Files
4319.1	Civil And Legal Rights
4319.21	Professional Standards
4319.21-E(1)	Professional Standards
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42	Exposure Control Plan For Bloodborne Pathogens
4319.42-E(1)	Exposure Control Plan For Bloodborne Pathogens
4336	Nonschool Employment
4344	Complaints
4344	Complaints
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information

5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5141.22	Infectious Diseases
5141.22	Infectious Diseases
5141.4	Child Abuse Prevention And Reporting
5141.4	Child Abuse Prevention And Reporting
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
6164.2	Guidance/Counseling Services
9011	Disclosure Of Confidential/Privileged Information
9321	Closed Session
9321-E(1)	Closed Session
9321-E(2)	Closed Session