
FRESNO COUNTY BOARD OF EDUCATION

Board Bylaws**DISCLOSURE OF CONFIDENTIAL/PRIVILEGED INFORMATION**

The County Board recognizes the importance of maintaining the confidentiality of information acquired as part of a County Board member's official duties.

Confidential information shall be released only to the extent authorized by law, this Bylaw or other applicable County Board bylaws or policies, or the County Board.

Confidential information means any information that is prohibited from disclosure by law, this Bylaw or other applicable County Board bylaws or policies, or by the County Board at the time disclosed and is not a public record subject to disclosure under the California Public Records Act (CPRA). Confidential information includes, but is not limited to, any of the following:

1. Information acquired by being present in a closed session that is specifically related to the basis for the County Board to meet lawfully in closed session (Government Code 54963)
2. Information acquired in anticipation of a closed session, or as follow-up to a closed session, that is specifically related to the basis for the County Board to meet lawfully in closed session
3. Information contained in communications provided to County Board members from legal counsel
4. Information deemed confidential by the County Board

Confidential information does not include information that is already publicly disclosed, provided that the initial disclosure did not violate law, this Bylaw, or other County Board bylaws or policies.

It is a misdemeanor for any County Board member to willfully and knowingly use or disclose for pecuniary gain any information acquired in the course of the County Board member's official duties where all of the following conditions are met: (Government Code 1098)

1. The information is not a public record subject to disclosure under the CPRA
2. The information is prohibited from disclosure by law, this Bylaw, or other County Board bylaws or policies
3. The information will have, or could reasonably be expected to have, a material financial effect on the County Board member if used or disclosed

If a County Board member threatens to disclose or does disclose confidential information, the County Board may pursue or enact one or more of the following actions as it deems appropriate: (Government Code 54963)

1. Injunctive relief to prevent disclosure

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2. Referral to the grand jury
3. Censure or other disciplinary action, provided the County Board member has received training or been informed of the requirements of this Bylaw

However, the County Board shall not take any action against a County Board member for disclosing confidential information, nor shall the disclosure be considered a violation of this Bylaw when the County Board member does any of the following: (Government Code 1098, 54963):

1. Makes 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 County Board action that has been the subject of deliberation during a closed session
2. Expresses an opinion concerning the propriety or legality of County Board action in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action
3. Discloses information to law enforcement officials or to the joint legislative audit committee when reporting on improper governmental activities in accordance with law

Adopted: 11/15/2018

Amended: 11/20/2025

Legal ReferenceEducation Code

35146 Closed session

Evidence Code

1040 Privilege for official information

Government Code

1098 Public officials and employees re confidential information

54950-54963 The Ralph M. Brown Act

54956.8 Open meeting laws

54956.9 Closed meeting for pending litigation

54957.5 Public records

54957.7 Reasons for closed session

54963 Confidential information in closed session

7920.000-7930.170 California Public Records Act

Attorney General Opinions

80 Ops.Cal.Atty.Gen. 231 (1997)

FRESNO COUNTY BOARD OF EDUCATION

Management Resources

CSBA Publications

Professional Governance Standards for County Boards

COE 9011, 06/2025; Doc# 4868-1616-7830, v. 2