



Schools Legal Service
is a joint powers entity
providing legal and
collective bargaining
services to California
public education
agencies since 1976.

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To: Schools Legal Service Clients
From: Grant Herndon
Re: Employee Discipline Relating to Brown Act Violations

From time to time, school boards may experience an unauthorized "leaking" of confidential closed session information. As you know, the Ralph M. Brown Act strictly prohibits such disclosures except in narrow circumstances. In the case of governing board members, a violation could even lead to criminal misdemeanor liability. The Brown Act lists a number of potential remedies, including:

1. Injunctive relief to prevent disclosure of confidential information,
2. Referral of a board member who has willfully disclosed confidential information to the grand jury and, in the case of an employee,
3. Disciplinary action for the willful disclosure of confidential information (Government Code section 54963).

However, disciplinary action against an employee can only take place if the employee has either received training as to the requirements of section 54963 or otherwise been given notice of its requirements.

The following notice is provided for your use with district administrators and other district employees typically present during closed sessions. The notice should include a copy of section 54963 (enclosed). A copy of the notice should be placed in the employee's personnel file, with notice to the employee and in accordance with any requirements under a collective bargaining agreement or district policy, if applicable.

Please don't hesitate to contact us if you have questions.

GH/clr
Enclosures