***TO BE FINALIZED ON DISTRICT LETTERHEAD***

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***[Date]***

NOTICE TO ADMINISTRATORS AND OTHER EMPLOYEES

PRESENT DURING CLOSED SESSIONS

OF THE BOARD OF TRUSTEES

The Ralph M. Brown Act permits school and community college district governing boards to meet in closed session under defined circumstances. Employees who are from time to time present during closed sessions are reminded that it is unlawful to disclose confidential information acquired during a closed session absent specific authorization by the governing board or as specifically permitted by law.

A copy of Government Code section 54963, which sets forth the law in this area, is attached. Willful unauthorized disclosure of closed session information can lead to disciplinary action and other consequences as described in section 54963. Unauthorized disclosures could also trigger criminal liability (see, for example, Government Code sections 1098, 1222, and 3060).

If you have any questions about your obligations in this regard, please contact me. A copy of this notice will be placed in your personnel file.

**[Please Sign below to Acknowledge Receipt of this Letter and the Enclosed Copy of Government Code Section 54963.]**

Sincerely,

DISTRICT SUPERINTENDENT

\* \* \* \* \* \*

I acknowledge receipt of the above notice:

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PRINTED NAME

DATE: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**GOVERNMENT CODE SECTION 54963**

(a) A person may not disclose confidential information that has been acquired by being present in a closed session authorized by Section 54956.7, 54956.8, 54956.86, 54956.87, 54956.9, 54957, 54957.6, 54957.8, or 54957.10 to a person not entitled to receive it, unless the legislative body authorizes disclosure of that confidential information.

(b) For purposes of this section, "confidential information" means a communication made in a closed session that is specifically related to the basis for the legislative body of a local agency to meet lawfully in closed session under this chapter.

(c) Violation of this section may be addressed by the use of such remedies as are currently available by law, including, but not limited to:

(1) Injunctive relief to prevent the disclosure of confidential information prohibited by this section.

(2) Disciplinary action against an employee who has willfully disclosed confidential information in violation of this section.

(3) Referral of a member of a legislative body who has willfully disclosed confidential information in violation of this section to the grand jury.

(d) Disciplinary action pursuant to paragraph (2) of subdivision (c) shall require that the employee in question has either received training as to the requirements of this section or otherwise has been given notice of the requirements of this section.

(e) A local agency may not take any action authorized by subdivision (c) against a person, nor shall it be deemed a violation of this section, for doing any of the following:

(1) Making a confidential inquiry or complaint to a district attorney or grand jury concerning a perceived violation of law, including disclosing facts to a district attorney or grand jury that are necessary to establish the illegality of an action taken by a legislative body of a local agency or the potential illegality of an action that has been the subject of deliberation at a closed session if that action were to be taken by a legislative body of a local agency.

(2) Expressing an opinion concerning the propriety or legality of actions taken by a legislative body of a local agency in closed session, including disclosure of the nature and extent of the illegal or potentially illegal action.

(3) Disclosing information acquired by being present in a closed session under this chapter that is not confidential information.

(f) Nothing in this section shall be construed to prohibit disclosures under the whistleblower statutes contained in Section 1102.5 of the Labor Code or Article 4.5 (commencing with Section 53296) of Chapter 2 of this code.