

Dell Rapids School District #49-3

Policies and Regulations Code: B – School Board Governance & Operations



BDC EXECUTIVE OR CLOSED MEETINGS

School Board meetings are “open to the public” except in those instances when it is appropriate for the Board to go into executive (closed) session. Matters discussed in executive session shall be deemed confidential by Board members and Administration and shall not be disclosed except for any formal action which must be done in open session following the discussion in executive/closed session or unless legally authorized or required by law.

Some matters may be discussed by the Board in private during executive/closed session. The Board may go into executive session for the following reasons:

- SDCL 1-25-2(1): Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term “employee” does not include any independent contractor;
- SDCL 1-25-2(2): Discussing the expulsion, suspension, discipline, assignment of or the education program of a student;
- SDCL 1-25-2(3): Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;
- SDCL 1-25-2(4): Preparing for contract negotiations or negotiating with employees or employee representatives;
- SDCL 1-25-2(5): Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business.

Prior to going into executive session, a motion shall be made and which includes identifying which of the above reasons is the reason for the executive session. After a second to the motion, discussion, and vote in favor of the motion, the Board shall reconvene in executive session. Discussion in executive session shall be limited to the reason stated in the motion. Upon conclusion of the discussion, the Board President shall declare the Board out of executive session and the Board shall reconvene in open/public session.

By the very nature of the matter discussed in executive/closed session, the matter(s) discussed shall be kept confidential by the Board and individual Board members (and the administration, as agents of the Board) unless and until allowed to be disclosed publicly by the individual(s) to whom the discussion relates or unless and until authorized or required by law. It is therefore the policy of the Board that the Board and Board members shall respect the right of privacy of District employees and students, and neither the Board nor individual Board members shall disclose nor convey confidential information the knowledge of which was acquired during executive/closed sessions, unless authorized or required by law to disclose the same.

Failure to keep the discussion confidential in accordance of this policy shall be deemed a violation of this policy. With the goal of avoiding Board action based on an unsubstantiated allegation, the Board will exercise caution if a school administrator or board member is accused of violating this policy. The person alleged to have violated this policy shall be given the opportunity in executive session to respond to the allegation. Should the Board

determine that a school administrator violated this policy, the administrator is subject to a written reprimand or the filing of a complaint with the South Dakota Professional Administrators Practices and Standards Commission by the Board, suspension and possible termination. Should it be determined by the Board that a Board member violated this policy, the Board may issue a public reprimand.

LEGAL REFS.: SDCL 1-25-2
 SDCL 13-8-1
 SDCL 13-8-39
 ARSD 24:07

ADOPTED: 03/2003
AMENDED: 03-2011