

Dupree School District	NEPN Code: BBF
Policy Manual	

Board Member Code of Ethics

Members of the District's Board of Education are elected or appointed officials of local government and are responsible for governing the educational system of the public school district. Each Board of Education governing board member shall:

1. adhere to the principle that the responsibility of the school board is to govern the District, which includes but is not limited to establishing goals, planning, developing effective policies, and evaluation;
2. practice good stewardship of the District's resources;
3. leave the daily administration of schools to the Superintendent;
4. participate in professional development;
5. recognize and follow the legal principles that (a) the authority vests with the majority of the members of the governing board when assembled in meetings as authorized by law, (b) no individual school board member has, or a minority of school board members have, the legal right to bind the District, and (c) no individual school board member may make decisions on behalf of the District unless upon approval of a majority of school board members.
6. make informed decisions on matters brought before the school board;
7. recognize and adhere to the policy that it is the responsibility of the school board to plan, make, implement, appraise, and enforce policies and that it is not the responsibility of the school board or school board members to run the day- to-day operations of the District;
8. observe and enforce federal and state laws and regulations;
9. respect the limited intent and scope of executive sessions as set forth in statute;
10. respect confidential communications made during executive sessions held pursuant to SDCL 1-25-2 and shall not divulge privileged communications made during executive session held pursuant to SDCL 1-25-2 unless required by law, and shall respect confidential communications related to students and employees, and shall not discuss such confidential information at home, at work or in public;
11. distinguish between personal views and those of the school board when making public comments regarding school district matters;
12. present information to the school board without distortion and accurately represent facts concerning school district matters in direct or indirect public statements;
13. maintain professional relationships in a manner which are free of vindictiveness, recrimination, and harassment;

14. refer persons having complaints to the applicable complaint policy and appropriate school administrator; refrain from giving an opinion on the merits of the complaint unless, following the complaint procedure required in the school board complaint policy, the matter is before the school board;
15. respect the legitimacy of the goals and interests of other school board members and respect the rights of other school board members to pursue goals and policies different from their own;
16. respect, require and contribute to the maintenance of order and decorum in proceedings before the school board;
17. be honest, patient, dignified, and courteous to those with whom he/she deals with in his/her official capacity;
18. diligently discharge responsibilities and dispose promptly of the business of the school district for which he/she is responsible;
19. inform the school board president or school district business manager as soon as possible upon learning that he/she will not be in attendance at a school board meeting;
20. refrain from personal, professional, business, and financial dealings that interfere with or are in conflict with, or give the appearance of interfering with or being in conflict with, the performance of official duties;
21. not use the office of a school board member to promote political candidates or partisan political activities;
22. not accept nor offer any gratuities, gifts, services, or things of value that
 - (a) impair professional judgment,
 - (b) offer special advantage or benefit to any person or organization, or
 - (c) provide a direct or indirect personal benefit.
23. not commit any act of moral turpitude or gross immorality;
24. render a decision as a school board member only after having discussed the matter with other board members in a legal school board meeting, after having reviewed applicable information and data, and after having considered recommendations including but not limited to recommendations from school administration;
25. support Board decisions made by the majority of governing board members, subject to a board member's right to formally make a motion at a school board meeting to have the decision reconsidered or rescinded;
26. not have any direct pecuniary interest in a contract with the school district or directly furnish any labor, equipment or supplies to the district unless the amount involved is less than five thousand dollars (\$5,000).
27. not participate in discussion or vote on any issue in which I have an actual or the potential of a conflict of interest in the following circumstances:

- a. a “direct pecuniary interest, (a matter benefiting the board member's own property or affording a direct financial gain);
- b. an “indirect pecuniary interest” (a matter that financially benefits one closely tied to the board member, such as an immediate family member or an employer);
- c. a “direct personal interest” (a matter that benefits a blood relative or close friend in a non-financial way); and
- d. an “indirect personal interest” (a matter in which the board member individual's judgment may be affected because of membership in some organization and a desire to help that organization further its policies); or
- e. when at least two-thirds of the governing board members vote that there is an identifiable conflict of interest that should prohibit the member from voting on a specific matter.

28. Pursuant to SDCL 1-25-2(1), the Board of Education may enter into executive session to discuss the performance of an elected school board member, which may include discussing a perceived or alleged violation of this policy. Should the majority of school board members determine that a school board member has violated one or more provisions of this policy, the school board may, in open session, reprimand the school board member for a violation of the School Board Member Code of Ethics.

Legal References

Hanig v. City of Winner	Board member conflict of interest
SD Constitution, Article 8, §17	Interest in sale of school equipment prohibited
SDCL 13-20-2.1	Interest in sale of school equipment unlawful
SDCL 13-43-1	Employment of board member in same district prohibited
SDCL 13-7-3	Public offices incompatible with board membership
SDCL 22-30A-45	Public official defined
SDCL 22-30A-46	Public official's use of public funds for financial benefit as theft
SDCL 3-16	Malfeasance, misfeasance, and nonfeasance in office
SDCL 6-1-1	Local officer's interest in public purchase or contract unlawful
SDCL 6-1-17	Prohibition from discussion or voting on issue if conflict exists
SDCL 6-1-2	Conditions which contract with local officer permitted

Cross References

AH	Conflict of Interest Disclosure and Authorization
AH-E(1)	Conflict of Interest Disclosure
AH-E(2)	School Board Action on Disclosure of a Direct Benefit
BBAA	Board Member Authority
BBBA	Board Member Qualifications

Reviewed: 12 April 2021
Adopted: 12 April 2021