

EXECUTIVE SESSIONS

It is the Board's belief that educational matters should be discussed and decisions made, at public meetings of the Board to fulfill the rationale for the creation of public governing bodies.

However, the board more properly discusses some matters in private session. As permitted by law, an executive or closed meeting may be held for the sole purposes of: (1) Discussing the qualifications, competence, performance, character or fitness of any public office or employee or prospective public office or employee. The term "employee" does not include any independent contractor; (2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student; (3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters; (4) Preparing for contract negotiations or negotiating with employees or employee representatives; (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. All discussions will be considered confidential, but all official actions concerning the matters discussed will be made only at an open official meeting.

By the very nature of the matter discussed in closed/executive session, the matters 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 regarding District employees or students, the knowledge of which was acquired during closed/executive sessions and except during closed/executive session, unless authorized or required by law to disclose the same.

An executive session may be held only upon a majority vote of the members of the Board present and voting. Violation of the "Open Meeting Law" can result in personal liability and potential criminal charges.

Legal References

SDCL 1-25-1; 1-25-1.1; 1-25-1.2; 1-25-2; 1-25-3

Policy

Adopted: 4/11/88

Revised: 7/25/94, 6/23/03, 12/9/13

Reviewed: 03/2020