

Eagle Butte School District	NEPN Code: BDC
Policy Manual	

EXECUTIVE SESSIONS

All official meetings of the school board are open to the public unless SDCL 1-25-2 and the appropriate subdivision of that statute is cited in a motion to close the meeting to the public.

As permitted by law, the school board may discuss some matters in executive (closed) session. An executive or closed meeting may be held only for the purposes of:

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;
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, or pertaining to matters to which the attorney-client privilege attaches;
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;
6. Discussing information related to emergency or disaster response plans or protocols, safety or security audits or review as set forth in SDCL 1-27-1.5(8) and SDCL 1-27-1.5(17).

An executive or closed session may be held only upon a majority vote of the members of the Board present and voting. Discussion during the executive/closed session is limited to the purpose(s) specified in the closure motion(s). Nothing in state law or this policy prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it.

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 executive/closed 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 executive/closed sessions unless authorized or required by law to disclose the information.

Notes: Violation of the "Open Meeting Law" can result in personal liability and potential criminal charges.

Adopted: April 14, 2014

Revised: November 8th 2021