

## 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 purpose 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 learner**;
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
6. Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:
  - a. Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;
  - b. Emergency management or response;
  - c. Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;
  - d. Cyber security plans, computer, communications network schema, passwords, or user identification names;
  - e. Guard schedules;
  - f. Lock combinations;
  - g. Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility, and;
  - h. Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

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 learners**, and neither the Board nor individual Board members shall disclose nor convey confidential information regarding District employees or **students learners**, 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 \(Official meetings open to the public\)](#)  
    [SDCL 1-25-1.1 \(Notice of meetings of public bodies\)](#)  
    ~~[SDCL 1-25-1.2 \(Teleconference defined\)](#)~~ *Repealed*  
    [SDCL 1-25-2 \(Executive or closed meetings\)](#)  
    [SDCL 1-25-3 \(State agencies to keep minutes of proceedings\)](#)

<b>1st Reading:</b>	<b>03/11/2013</b>
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