

SECTION B: School Board Governance and Operations

Section B of the EPS/NSBA policy classification system is a repository for statements about the school board--how it is elected, organized; how it conducts its meetings and operates. This section includes bylaws and policies establishing the board's internal operating procedures.

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SCHOOL BOARD LEGAL STATUS

The school board derives its authority from the Constitution of the State of South Dakota, from the acts of the State Legislature, the electorate of the district and the regulations of the State Board of Education and State Board of Vocational Education.

As expressed in the law, the Board is the governing board of a school district, and is created ". . . for the purpose of organizing, maintaining, and locating schools and for providing educational opportunities and services for all citizens residing within the school district."

The Board will consist of five (5) members, elected at large by the registered voters of the district. Except as otherwise provided by law, Board members will hold office for terms of three years.

Established by law

LEGAL REFS.: SDCL 13-6-13.1
13-8-1 through 13-8-5
13-6-2 et seq.

CROSS REFS.: AA, School District Legal Status
BBB, School Board Elections

SCHOOL BOARD ELECTIONS

The school board shall select the date of the annual school election by resolution no later than the first regular meeting after January first of each year. The annual election shall be set between the second Tuesday in April and the third Tuesday in June between the hours of seven o'clock in the morning and seven o'clock in the afternoon on election day.

The school district and the municipality have the option of holding combined school district-municipal elections. Subject to approval of the governing bodies, the combined election may be held on the date set by the school district or the general municipal election (second Tuesday in April). Expenses and all other governmental responsibilities of a combined election are to be shared in an agreed upon manner by the governing bodies of the school district and the municipality.

Established by law

LEGAL REFS.: Constitution of the State of South Dakota, Art. VII, Secs. 1-3
SDCL 12-14-1.1
13-6-13.1; 13-8-7.1
13-7-4 through 13-7-19.2
13-8-2; 13-8-4; 13-8-25; 13-10-7

Adoption Date: 1st Reading January 9, 2006

BOARD MEMBER QUALIFICATIONS

A person is legally qualified to become a member of a school board if he is a United States citizen, complies with the provisions of law relating to the registration of voters and is a qualified elector, at least 18 years of age and not otherwise disqualified.

In accordance with state law, no elective county, municipal, or state officer or holder of any other office, whose duties are incompatible or inconsistent with the duties of the school board member will be eligible for such membership. This includes the elected offices of legislator, county commissioner and the municipality.

Established by law

LEGAL REFS.: SDCL 3-1A-4 through 3-1A-6
12-3-1
13-7-3

CROSS REFS.: GBCA, Staff Conflict of Interest

File: BBBB

BOARD MEMBER OATH OF OFFICE

Before taking office, all Board members will take an oath of office as required by law. Newly elected members will take and subscribe to the oath on the second Monday in July at the annual meeting, at which time they also assume their duties of office. Appointed members will take and subscribe the oath at the meeting following their appointment. All oaths will be filed in the office of the business manager.

Established by law

LEGAL REFS.: Constitution of the State of South Dakota, Article XXI, Sec. 3
SDCL 3-1-5; 3-1-8
13-8-14; 13-8-15

Adoption Date: 1st Reading January 9, 2006

BOARD MEMBER RESIGNATION/REMOVAL FROM OFFICE

According to the provisions of state law, a vacancy occurs on the school board when an incumbent:

1. Dies.
2. Is removed from office.
3. Fails to qualify as provided by law.
4. Ceases to be a voting resident of the district where elected.
5. Is convicted of an infamous crime or of any offense involving a violation of the official oath of office.
6. Has a judgment obtained against him for breach of official bond.
7. Becomes incapable of attending to the duties of a board member.
8. Assumes the duties of an office incompatible with the duties of the board member.
9. Resigns and a successor is appointed and qualified as prescribed by law.

The resigning member will continue to serve in his official capacity as a Board member until the successor is appointed and qualified as prescribed by law.

Established by law

LEGAL REFS.: Constitution of the State of South Dakota, Art. XVI, Secs. 4-8
SDCL 3-17-6 through 3-17-11
13-8-22 through 13-8-24

CROSS REF.: BBE, Unexpired Term Fulfillment

Adoption Date: 1st Reading January 9, 2006

File: BBE

UNEXPIRED TERM FULFILLMENT

When a vacancy occurs on the Board for a reason allowed by law, the remaining Board members are responsible for the appointment of a new Board member.

The new appointee will qualify as if elected, at or before the next school board meeting. He will serve until the next succeeding election, at which time a successor will be elected to serve the unexpired term.

Established by law

LEGAL REFS.: SDCL 3-14-1 through 3-14-4
13-8-25; 13-8-44

Adoption Date: 1st Reading January 9, 2006

PUBLIC PARTICIPATION AT BOARD MEETINGS

The Board welcomes citizens of the district to attend its sessions so they may become better acquainted with the operation and programs of the schools.

In order to assure that citizens who wish to appear before the Board may be heard, and, at the same time, conduct its meetings properly and efficiently, the following procedures have been adopted:

1. Any individual who desires to speak about an item on the agenda, is asked to present the "request to speak" to the chief executive officer (CEO)/superintendent, the business manager or the Board president. The request may be communicated orally prior to the meeting or in written form or by a raised hand during the meeting.
2. Persons who wish to speak about an item that is not on the agenda, are asked to present such request to the superintendent or the Board president, prior to the beginning of the meeting. Persons who present such a request will be allowed to speak about the topic before the meeting is adjourned.
3. Citizens who desire Board action on an item not on the agenda, will submit the item to the superintendent's office, at least 10 days prior to the meeting of the Board, at which they wish for the item to be considered.
4. Presentations should be as brief as possible. Unless an extension of time is granted, a speaker will be limited to five minutes.

The Board vests in its president or other presiding officer, authority to terminate the remarks of any individual when they do not adhere to the rules established above.

BOARD POLICY DEVELOPMENT

The Board considers policy development one of its chief functions. It is the intent of the Board to develop policies and put them in writing so that they may serve as guidelines and goals for the successful and efficient functioning of the public schools.

It is through the development and adoption of written policies that the Board will exercise its leadership in the operation of the school system; it is through study and evaluation of reports concerning the execution of its written policies that the Board will exercise its control over school operations.

It is the Board's intention that its written policies serve as guides for the discretionary action of those to whom it delegates authority and as a source of information and guidance for all persons who are interested in, and affected by, the district schools.

The policies of the Board are developed, and are meant to be interpreted, in terms of state laws, regulations of the State Board of Education, and other applicable county, state and federal regulations. The policies are also framed, and meant to be interpreted, in terms of those educational objectives, procedures and practices that are broadly accepted by leaders and authorities in the public education field.

Changes in needs, conditions, purposes and objectives will require revisions, deletions and additions to the policies of present and future boards. The Board will welcome suggestions for ongoing policy development.

POLICY ADOPTION

Adoption of new policies or changing existing policies is solely the responsibility of the Board. Policies will be adopted and/or amended only by the affirmative vote of a majority of the members of the Board when such action has been scheduled on the agenda of a regular or special meeting.

To permit time for study of all new policies or amendments to policies and to provide an opportunity for others to react, proposed policies or amendments will be presented as an agenda item to the Board in the following sequence:

1. Information item--distribution with agenda (this may be an announcement that a policy is being developed in a particular area and that interested persons may submit suggestions).
2. Discussion item--first reading of proposed policy or policies; response from superintendent; report from any Board or advisory committee assigned responsibility in the area; Board discussion and directions for any redrafting.
3. Action item--discussion, adoption or rejection.

Amendments to the policy at the action stage will not require repetition of the sequence, unless the Board so directs.

In instances, the Board may dispense with the above sequence to meet emergency conditions.

Policies will be effective upon adoption by the Board. Once adopted, policies of the Board will be distributed to the community, staff and students.

The Board will re-adopt its collection of written policies annually at the organizational meeting.

POLICY DISSEMINATION

The chief executive officer (CEO)/superintendent is directed to establish and maintain an orderly plan for preserving and making accessible the policies adopted by the Board and the rules and regulations needed to put them into effect.

Accessibility is to extend at least to all employees of the school system, to members of the Board, and, insofar as conveniently possible, to all persons in the district.

All policy manuals distributed to anyone will remain the property of the Board and will be considered as "on loan" to anyone, or any organization, in whose possession they might be at any time. They are subject to recall at any time for updating.

The Board's policy manual will be considered a public record and will be open for inspection at the Board offices during regular office hours.

File: BFE (Also CHD)

ADMINISTRATION IN POLICY ABSENCE

In the absence of Board policy specifically covering any action that the chief executive officer (CEO)/superintendent feels he must take for the orderly execution of his duties, he may take temporary action that he feels will be in harmony with the overall policy of the Board. However, the chief executive officer (CEO)/superintendent will not be free to act when the action involves a duty of the Board that by law cannot be delegated.

In each case in which the chief executive officer (CEO)/superintendent must take such action, he will present the matter to the Board for its consideration at its next meeting.

Adoption Date: 1st Reading January 9, 2006

BOARD MEMBER COMPENSATION AND EXPENSES

All Board members may receive a per diem of seventy-five dollars for attendance of each meeting of the board. A board member may receive the per diem only for each meeting actually attended, and also for each day the member was actually engaged in the service of the Board when authorized by the Board.

Examples of activities that qualify:

1. Regular and/or special School Board meetings
2. Negotiation meetings with staff
3. Conventions {ASBSD, National (AASA or NSBA)}
4. Prairie Lakes Educational Cooperative
5. Workshops {Law Seminar, New School Board Member, Legislative (Pre and Post), Negotiations, Strategic Planning}
6. Committee Work {Goal Setting, Facilities, School Improvement, etc.}

Note: Each School Board member is responsible for submitting dates of activities for payment. This should be done on a quarterly basis.

In addition to the per diem, Board members will receive a travel allowance as authorized by the State Board of Finance.

LEGAL REFS.: Constitution of the State of South Dakota, Art. XXI, Sec. 2
Governor's Budget Report (odd-numbered years)
SDCL 4-7-10.4
13-8-10.2
13-8-37; 13-8-38
Attorney General Opinion #85-27