

## **BOARD POLICY**

SDBOE South Dakota Board of Education Policy –  
December 1988 - Revised: 11/15/04 and 10/01/2013.

### **South Dakota Board of Education--General**

**1.0** The South Dakota Board of Education (SDCL 1-45-6.1) shall consist of nine members appointed by the Governor, with the advice and consent of the Senate, to four year terms expiring on December 31 of the fourth year. Vacancies arising from reasons other than the natural expiration of a term shall be filled and served only through the unexpired portion of the term.

**1.1** New Board members shall ~~receive~~ be provided access to copies of the Board policies, administrative rules and statutes pertaining to education, Board minutes for three preceding meetings, and the current Educational Directory. A tour and orientation of department facilities shall be arranged at the convenience of ~~the new Board member(s)~~ members as requested.

**1.2** The Board may maintain membership in the National Association of State Boards of Education (NASBE). The membership and payment of membership dues shall be reviewed on an annual basis. Members of the Board are encouraged to attend the meetings of NASBE as appropriate.

**1.3** The law provides for the maximum salary or per diem compensation and allowable expense reimbursement that may be paid to members of State Board (SDCL 4-7-10.4).

**1.4** Board members shall be eligible for per diem for all ~~regular board and other~~ Board meetings, committee assignments or educational events when representing the ~~South Dakota Board of Education~~. The President ~~of the Board~~ must authorize such assignments and attendance at events ~~and must approve travel reimbursement~~. All out-of-state travel requests must be approved in advance by the Secretary of the Department of Education (“Secretary”). Per diem payments shall be made as long as budgetary considerations will allow.

**1.5** The Board shall comply with all open meetings and public records requirements of South Dakota law.

### **Board Officers**

**2.0** The officers of the ~~State Board~~ shall be the President and Vice President. The Secretary ~~of Education~~ shall be the executive officer of the Board.

**2.1** At the meeting prior to December 31 of each year, the members of the Board shall elect from their members a President and Vice President to serve for a term of one year.

**2.2** The Secretary ~~of Education~~ shall chair the meeting during the election of officers.

**2.3** The President shall preside at meetings of the Board. The President shall supervise all

business and affairs of the Board unless otherwise delegated to another member or members or to personnel in the ~~department~~ Department. The President shall sign such instruments as the Board has authorized to be executed and shall perform all other duties as may be prescribed by the Board.

**2.4** The President ~~of the Board~~ or a designee shall be the spokesperson for the Board. The President may direct the Secretary ~~of Education~~ to issue information or press releases on behalf of the Board.

**2.5** A majority (five) of Board members shall be a quorum for the transaction of business, ~~and assent of~~ To take any official action, the affirmative vote of a majority of the members entire membership (five) of the Board shall be required to take any official action.

**2.6** In the absence of the President, or inability or refusal to act, the Vice President shall perform the duties of the President, and when so acting shall have all the powers of the President. In the absence of the President and the Vice President, the members present shall elect an acting president from the members present to conduct the meeting. The Secretary ~~of Education~~ shall preside over the election.

**2.7** In the event that an officer cannot serve or is removed from office, the following actions shall occur to assure continuity of leadership of the Board:

- a. In the event of a vacancy in the Board presidency, the Vice President fills the unexpired term.
- b. In the event of a vacancy in the Board vice-presidency, an election is held at the next meeting of the Board to fill the unexpired term.
- c. In the event of vacancies in both the presidency and vice-presidency, the Board shall elect officers at the next meeting to fill the unexpired terms of those offices.
- d. A two-thirds majority vote of the Board may remove the President, Vice President, or both from office. The office(s) shall be filled in accordance with the provisions of this section.

### **Board Meetings**

**3.0** Meetings of the Board shall be conducted pursuant to Robert's Rules of Order Newly Revised (11<sup>th</sup> ed.) or the most up to date edition, whichever is later, to the extent that these rules are applicable and not inconsistent with Board policies, the classic 1915 edition, Henry M. Robert (1917). ~~Meetings~~ Regular meetings shall be held ~~six no less than four times~~ per calendar year on the third Monday and Tuesday of each meeting month unless different dates are established by the Board. Special meetings may be ~~called~~ held as needed at the call of the President, or in the President's absence a majority of the Board, or at the call of the Secretary. ~~All meetings of the Board are open to the public.~~

a. The President, Vice President, or other such member of the State Board as may be presiding, may discuss any subject and vote on motions. If the presiding officer wishes to place a motion, the officer must relinquish the chair to another member.

b. Every member desiring to speak shall be recognized by the ~~chair~~ presiding officer before speaking.

c. A member, once recognized, may not be interrupted while speaking unless it is to call the member to order. If a member is called to order, that member may not speak until the question of order is determined; if found to be in order, the member may proceed.

d. Members may request to have the reason for their votes entered in the minutes.

e. While the ~~board~~ Board ~~or one of its committees~~ is in session, the members shall preserve order and decorum, and no member shall by conversation or otherwise delay or interrupt the proceedings of the ~~board~~ Board. The members shall observe the rules of procedure specified above.

f. The Secretary ~~of Education~~ or the Secretary's designee shall be the parliamentarian.

g. The above procedures shall apply to all committees of the Board, if any.

~~h. Closed meetings (executive meetings) shall be conducted in accordance with the provisions of SDCL Chapter 1-25.~~

**3.1** The Board year shall begin January 1 and end on December 31. At the last meeting of each year, the Board shall schedule ~~six~~ the regular Board meetings for the coming year. At the first meeting of each year, the Board shall organize by installing officers.

**3.2** All official acts of the Board relative to motions or rules shall become effective at the time of such passage unless otherwise expressly provided therein.

**3.3** The amendment of Board policy requires ~~notice of intent at one meeting and amendment at the next;~~ an affirmative vote of ~~a minimum of~~ at least six Board members ~~is required to amend a policy at the same meeting the notice is given.~~

## **Definitions**

**4.0** Terms used in this rule mean:

a. "Rule," a statement of general applicability that implements, interprets, or prescribes law that has been approved in accordance with the provisions of the South Dakota Administrative Procedures Act.

b. "Policy," a statement or Board action, plan, or course of action approved by the Board giving recommendations to the staff of the department.

c. "Procedure," method of implementation of policies.

d. "Guidelines," A written document issued by the department, which provides local school

systems with information and recommendations.

e. "Resolution," a written statement approved by the Board which expresses approval of a concept or course or action; its position on an educational topic; or a thrust of the Board.

f. "Issue paper," a written statement, accepted by or submitted to the Board, that provides information relating to a specific subject.

g. "Department," South Dakota Department of Education.

h. "Member," South Dakota Board of Education member.

## Executive Officer

~~5.0~~ **4.0** The Secretary of Education shall be the executive officer of the Board, and The Secretary or the Secretary's designee shall keep accurate minutes of all meetings of the Board and maintain all the records necessary to operate and administer the business of the ~~department~~ Board.

~~5.1~~ **4.1** The person responsible for the minutes of the Board meetings shall prepare them in final form within 30 days following a Board meeting and shall distribute them as directed. All minutes of the Board meetings are public documents. The minutes may be approved without reading, if the executive officer has furnished each member with a copy 24 hours prior to the stated business meeting. The Secretary of Education or a the Secretary's designee shall attest to the minutes as a record of the Board meeting.

~~5.2~~ **4.2** Notice of all meetings of the Board shall be made by the Secretary of Education or the Secretary's designee by written ~~notices~~ notice to the media and ~~to~~ other persons who have requested such information.

~~5.3~~ **4.3** The Secretary of Education ~~or his or her~~ or the Secretary's designee shall record all official actions taken at the meetings of the ~~State~~ Board.

~~5.4~~ Special meetings may be called by the president or a majority of the members (SDCL 1-5-6.2) by notification of the members at least 24 hours prior for the meeting.

## Procedure For Preparing The Agenda For State Board Meetings

~~6.0~~ At least 20 days prior to a meeting of the Board, all items for the agenda, with supplementary material, shall be submitted to the Secretary of Education.

~~6.1~~ **5.0** Prior to final preparation of the proposed agenda, items for the agenda and the order of the items on the agenda shall be cleared with the President. The order of the agenda may be rescheduled or added to by action of the Board.

~~6.2~~ **5.1** At least ~~ten~~ seven days prior to the date of the meeting, the proposed agenda, with supplementary material, shall be ~~sent~~ made available to the members of the Board. Nothing herein shall prevent the amendment of the agenda or addition of supplementary materials within the time limits allowed in SDCL Chapters 1-25 and 1-27.