



Associated School Boards of South Dakota
306 E. Capitol Ave
Pierre, SD 57501
605.773.2500
www.asbsd.org

Simplified Executive Session Chart

South Dakota Codified Law 1-25-2 states:

Executive or closed meetings may be held for the sole purposes of:

- (1) Discussing the character, competence, fitness, performance, or qualifications of any current or prospective public officer or employee or prospective public officer or employee, not including any independent contractor;
- (2) Discussing a student's discipline, expulsion, or suspension; assignment or educational program; or eligibility to participate in interscholastic activities provided by the South Dakota High School Activities Association;
- (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 that is owned by the state or any of its political subdivisions, if public discussion may be harmful to the competitive position of the business; or
- (6) Discussing the following information pertaining to the protection of public or private property and any person on or within the property:
 - (a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;
 - (b) Emergency management or response;

Simplified Executive Session Chart (cont.)

- (c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;
 - (d) Communications network schema, computer systems, cybersecurity plans, passwords, or user identification names;
 - (e) Guard schedules;
 - (f) Lock combinations; and
 - (g) Any blueprint, building plan, or infrastructure record regarding any building or facility, which would expose or create vulnerability through disclosure of the configuration location, or security of critical systems of the building or facility;
- (7) Discussing any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; and
- (8) Discussing the location of any:
- (a) Ammunition or weapons;
 - (b) Biological, chemical or nuclear agents; or
 - (c) Other military or law enforcement equipment or personnel.

An executive session or closed meeting may be held only upon a majority vote of the members of the board.

If the vote to enter executive session is not unanimous a roll call vote is required.

The board must state the applicable reason permitted in law for entering executive session in their motion, which also must be reported in the board meeting minutes.

Discussion in executive session is restricted to the applicable reason made in the motion to enter executive session.

Action resulting from the discussion in executive session must be taken at an open official meeting.