

Leola School District 44-2

Official Special Board Meeting Proceedings

January 19, 2013

Chairman Nathan Hoffman called a Special Meeting of the Leola School District Board of Education to order on Saturday, January 19, 2013 at 9:00 am. Roll call showed members Darci Wolff, Patrick Lapka, ReEtta Sieh, and Brian Hoffman present. Others attending were Superintendent Julie Nikolas and HS Principal Technology Director Cynthia Rall, and Attorney Rodney Freeman Jr. Patron in attendance Diane Rood Kiesz.

A quorum was established.

Motion 12-113 by Lapka/Wolff to adopt the agenda.

Attorney Rodney Freeman Jr. conducted the Retreat for the Board and Administrators.

Mr. Freeman began by stating "Boards can only do what is authorized by law, unlike city council or the county commission who can do anything that is not prohibited. Boards can only act or speak on behalf of the board when a majority of the board are all together at a meeting of the board, or if specifically given authority or officially delegated."

Executive Session – The Board can meet in executive session for the following reasons. (1) Qualifications or competence of public officer or employee (2) Expulsion, suspension, discipline of students (3) Consult Legal Counsel about proposed or pending litigation or contractual matters (4) Preparing for contract negotiations or negotiating with teachers or employees (5) Marketing or pricing strategies when planning such as when businesses are owned by state or district.

Key Statute 13-8-39 As provided and limited by law Board of Education has general charge, direction, and management of affairs, sets taxes, employees, etc. NOT day-to-day operations but general charge. The Board of Education makes policy and policy is carried out by administration. You don't go over the head of administration by trying to solve the problem yourself, you go through the administration.

Other points discussed were appoint to fill the vacancy of an open board position by remaining Board of Education, oath of office, legal issues on removal of board members, and reporting to the State Department of Education on legal issues.

Board President duties: (1) Appoint all committees, (2) Preside at the meetings (3) Countersign all checks as authorized by the School Business Official.

Delegation of authority is done by the board as a whole, majority rules.

Due Process – Teachers/Students have right to due process.

Conflict of Interest/Reasons for a board member to recuse themselves:

- (1) Pecuniary Interest (2)Indirect Pecuniary Interest (3) Direct Personal Interest (4) Indirect Personal Interest

If a board member has any of the above conflicts of interest, they cannot vote, discuss, or participate in decisions. Anytime the board knows they could potentially act as judge and jury about any topic, even if at a later date, they should NOT be in a discussion about that topic with anyone.

Discussion was held on topics such as: board members selling services to the school, contracts, bids, evaluations and plans of assistance, terminations and non-renewals for certified and non-certified staff, and continuing contracts, evaluations, and plan of assistance for certified staff.

Chairman Nathan Hoffman called for a recess at 11:45 am.

Chairman Hoffman reconvened the meeting at 11:50 am.

Motion 12-114 by Wolff/Sieh to enter executive session per SDCL1-25.3 (3) for consultation with legal counsel about contractual matters at 11:50 am. Motion carried.

Chairman Nathan Hoffman declared the board out of executive session at 1:13 pm with no action taken.

Board discussion ensued.

Motion 12-115 by Sieh/Wolff to adjourn at 1:51 pm. Motion carried.

Board Chairman

Date

_____*Deb Weiszhaar*_____
Business Manager Date