

## Todd County School District Policy: BCA

### **ETHICAL OBLIGATIONS OF SCHOOL BOARD MEMBERS**

The Todd County School District Board of Education, desiring to operate in the most ethical and conscientious manner possible, adopts the following code of ethics to be followed by each board member. At the first organizational meeting of each operational year or the first meeting attended by a new board member, board members shall execute the Pledge shown herein below. Said written Pledge shall be maintained on file and shall become part of the Board's official record for that meeting.

The Code of Ethics is as follows:

1. Every board member shall view service on the Board as an opportunity to serve the community, state, and nation in support of the principle that public education is the best means to promote the welfare of our people and to preserve effective self government. Each board member shall work to help the people of the community understand the importance of public education.
2. Every board member shall exercise ordinary and reasonable care in the performance of his or her duties, exhibiting honest and good faith, and using the care, skill, common sense and informed judgment that a reasonably prudent person would use in a similar situation. Decisions will be based in terms of the best interests of the students and their parents/guardians, the staff of the District, the advancement of public education, and the taxpayers.
3. Every board member shall refuse to represent special interests or partisan political interests, or to use his/her position for personal gain or for the gain of friends or supporters.
4. Each board member will observe and enforce all applicable state and federal laws and regulations pertaining to public education. Each member understands that he/she is elected to a position of public trust toward the school district, its students, patrons, administrators and staff. Thus, when conducting the business of the school district, every board member must avoid and disclose all conflicts of interest and potential conflicts of interest, especially those potential conflicts of interest described in SDCL 6-1-1, 6-1-2, 6-1-17 and SDCL Ch.-23. In that regard:
  - (a) A board member shall not have any direct pecuniary interest in a contract with the school district or furnish directly any labor, equipment or supplies to the district unless the total amount involved within a fiscal year is less than

five thousand dollars (\$5,000) within a fiscal year and approved by the Board.

(b) No board member may participate in discussing or vote on any issue in which the member has an actual or the potential of a conflict of interest in the following circumstances:

- (i) a “direct pecuniary interest, (a matter benefiting the board member's own property or affording a direct financial gain);
- (ii) an “indirect pecuniary interest” (a matter that financially benefits one closely tied to the board member, such as an immediate family member or an employer);
- (iii) a “direct personal interest” (a matter that benefits a blood relative or close friend in a non-financial way);
- (iv) an “indirect personal interest” (a matter in which the board member individual's judgment may be affected because of membership in some organization and a desire to help that organization further its policies); or
- (v) when at least two-thirds of the governing board members vote that there is an identifiable conflict of interest that should prohibit the member from voting on a specific matter.

(c) Pursuant to SDCL 1-25-2(1), the Board of Education may enter into executive session to discuss the performance of an elected school board member, which may include discussing a perceived or alleged violation of this policy. Should the majority of school board members determine that a school board member has violated one or more provisions of this policy, the school board may, in open session, reprimand the school board member for a violation of the School Board Member Code of Ethics.

5. No elective county, municipal or state officer or the holder of any other office, the duties of which are incompatible or inconsistent with the duties of a Board member, shall be eligible to be a school board member.
6. Every board member shall respect the limited intent and scope of executive session, and must respect confidential communications made during executive sessions held pursuant to SDCL 1-25-2 and shall not divulge privileged communications made during executive session held pursuant to SDCL 1-25-2 unless required by law, and shall respect confidential communications related to students and employees, and shall not discuss such confidential information at home, at work or in public.
7. Recognizing that honest differences of opinion are natural and healthy, every board member shall work with other board members in a spirit of harmony and cooperation and in the best interest of the district, in spite of differences that may

arise during the resolution of issues before the Board. Every board member shall respect and graciously abide by the decisions of the Board and shall not undermine decisions reached by a majority of the Board.

8. Every board member shall confine his or her official efforts to board action in the form of policy making, authorizing action by administrators, appraisal, and evaluation; and each board member shall recognize that the superintendent, or the appropriate designee, is responsible for the day-to-day administration of the schools. Every board member shall recognize that it is his/her responsibility not to run the day-to-day operations of the schools, but to work collectively with all board members to see that the schools are well run by the implementation of proper policies and procedures.
9. Every board member shall recognize and adhere to the tenet that authority rests only with the School Board assembled in a meeting, and will make no personal promise nor take any individual action which may compromise the Board or the District. Each Board decision shall be reached after discussing all relevant aspects of the issue with the other board members in a meeting in complete compliance with the South Dakota open meetings laws in effect at the time of the meeting. Individual board members outside of regularly constituted meetings of the Board shall have no authority to make decisions, to commit the Board to actions, to inquire into issues beyond those of which any member of the public may properly inquire, or to supervise or direct school activities.
10. Every board member shall strive to work collectively with the other board members to operate the school district in a way that ensures it will meet the individual educational needs of all children regardless of their ability, race, creed, sex, national origin, or social standing.
11. Every board member shall uphold and enforce all applicable laws, rules, regulations, and court orders affecting the schools, including the official policies of the District.
12. Every board member shall refer all parent, student, patron, or District employee complaints brought to the Board member to the appropriate school administrator consistent with the Board policy "chain of command" within the system to determine if an administrative solution can be obtained. Each board member will refrain from giving an opinion on the merits of the complaint. In the event an administrative solution is not obtained, then the issue may be brought before the Board for resolution as provided by official policy.
13. Every board member shall respect and treat professionally all administrators, staff and employees of the District. No individual board member shall pressure, threaten, or intimidate, directly or indirectly, any administrator, teacher, other

employee, or other board member to do a certain thing or act a certain way. Every board member shall cooperate with the other members to support and protect the administration and staff in the performance of their duties.

14. Every board member shall present information to the school board without distortion and accurately represent facts concerning school district matters in direct or indirect public statements.
15. Every board member shall distinguish between personal views and those of the school board when making public comments regarding school district matters.
16. Every board member shall maintain professional relationships in a manner which are free of vindictiveness, recrimination and harassment.
17. Every board member shall respect, require and contribute to the maintenance of order and decorum in proceedings before the school board;
18. Every board member shall inform the school board president or school district business manager as soon as possible upon learning that he/she will not be in attendance at a school board meeting;
19. Every board member will render a decision as a school board member only after having discussed the matter with other board members in a legal school board meeting, after having reviewed applicable information and data, and after having considered recommendations including but not limited to recommendations from school administration.
20. Every board member shall practice good stewardship of the District's resources.
21. Every board member shall comply with this code of ethics. Failure to abide by this code of ethics is a breach of the public trust.

### Sanctions

If a board member is accused of violating this code of ethics, the Board may investigate said allegation. If the investigation reveals a possible violation, the Board may conduct a hearing in executive session after giving notice to the board member accused of violating said code of ethics. If after such hearing the Board determines that a violation has occurred, the Board shall have the authority to issue a public censure, in open session following the hearing, to the board member who violates the code of ethics, which shall be made a part of the minutes of the board hearing.

The Board shall also have the authority to disavow by official resolution the improper acts or statements by an individual board member, said action to be taken in open

session and placed upon the minutes of the board hearing.

The Board recognizes that removal of a board member may be done only as provided by law, particularly in cases of misfeasance, malfeasance, or other applicable violation of South Dakota law. Violation of this policy, in and of itself, shall not be grounds for removal of a member or for restricting a member's participation in the actions of the Board.

ADOPTED: April 29, 2008  
REVIEWED: August 24, 2015  
REVISED: July 25, 2016  
REVISED: July 24, 2017

PLEDGE

As a board member of the Todd County School District Board of Education, I hereby acknowledge and agree to abide by the official policies of the District, including in particular the policy entitled "Ethical Obligations of School Board Members".

I recognize that this is my responsibility under official policies of the Todd County School District, and that my failure to comply with the policy may amount to a violation of the public trust.

\_\_\_\_\_  
Board Member

\_\_\_\_\_  
Date