STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2020-33

Whereas, An outbreak of the severe respiratory disease, COVID-19, which is caused by the person-to-person spread of the novel coronavirus, started in late 2019 and has currently been detected across the world, including the United States; and,

Whereas, The World Health Organization and the Centers for Disease Control and Prevention ("CDC") have declared the COVID-19 outbreak a public health emergency and pandemic; and,

Whereas, The CDC has issued guidance to all state and local governments and all citizens recommending preparedness, nonessential travel, social distancing, and other mitigation strategies impacting many sectors of daily life to slow the spread and guard against the COVID-19 outbreak; and,

Whereas, South Dakota has confirmed cases of COVID-19, making this a public health emergency posing a danger to public health and safety in all of South Dakota; and,

Whereas, A state of emergency has been declared by Executive Order 2020-04 on March 13, 2020, which has been extended by Executive Orders 2020-15, 2020-26, and 2020-30, and continues to currently exist within the State of South Dakota; and,

Whereas, Due to the COVID-19 state of emergency, many entities, including non-profits, electric cooperatives, and cooperatives, may not be able to hold their meetings in the manner required by law but are able to use technology that allows for the contemporaneous listening and participation in such meetings to conduct business; and,

Whereas, Strict compliance with the statutory requirements for holding such meetings in person at a physical place will prevent, hinder, or delay necessary action to cope with this emergency in all counties of our state; and,

Whereas, Strict compliance with the statutory requirement of evaluating experienced teachers will prevent, hinder, or delay necessary action to cope with this emergency in all counties of our state; and,

Whereas, Strict compliance with the regulatory requirements that schools undergo a comprehensive review scheduled for the 2020-21 school year will prevent, hinder, or delay necessary action to cope with this emergency in all counties of our state; and,

Whereas, Strict compliance with the regulatory requirement that schools conduct evacuation drills as required by a school's safety plan will prevent, hinder, or delay necessary action to cope with this emergency in all counties of our state; and,

Whereas, Strict compliance with the regulatory requirement of evaluating experienced principals will prevent, hinder, or delay necessary action to cope with this emergency in all counties of our state; and,

Whereas, Strict compliance with the statutory requirements of surveying schools for compliance with cardiopulmonary instruction will prevent, hinder, or delay necessary action to cope with this emergency in all counties of our state:

NOW, THEREFORE, I, KRISTI NOEM, Governor of the State of South Dakota, by the authority vested in me by the Constitution and the Laws of this State, including but not limited to SDCL 34-48A, do hereby order and direct the following:

Section 1 Meetings for cooperatives. I temporarily suspend the portion of the following statutory provisions to allow meetings by electronic means: SDCL 47-15-17 requiring the physical presence of members at a meeting; SDCL 47-16-4 requiring a physical place of a meeting; SDCL 47-16-5 requiring the place so stated in a notice to be a physical location; SDCL 47-16-7 requiring the presence in person of members at a meeting; SDCL 47-17-4 requiring the physical presence of members at a meeting; and SDCL 47-17-8 requiring meetings to be held at a physical location.

Section 2 Meetings for electric cooperatives. I temporarily suspend the portion of the following statutory provisions to allow meetings by electronic means: SDCL 47-21-10 requiring meetings to be held at a physical location; SDCL 47-21-53 requiring meetings to be held at a physical location; SDCL 47-21-55 requiring the place so stated in a notice to be a physical location; and SDCL 47-21-56 requiring a quorum or an affirmative vote to be calculated by the members present in person to allow such calculation to include members present by electronic means.

Section 3 Meetings for nonprofits. I temporarily suspend the portion of the following statutory provisions to allow meetings by electronic means: SDCL 47-23-3 requiring a place of a meeting to be stated in the bylaws or else held at the registered office of a corporation in the state; SDCL 47-23-4 requiring that the bylaws need to provide authorization in order for a meeting to be held by electronic communication; SDCL 47-23-7 requiring the place so stated in a notice to be a physical location; SDCL 47-23-9 requiring in person voting and physical presence at a meeting; and SDCL 47-23-12 requiring a quorum or an affirmative vote to be calculated by the members present in person to allow such calculation to include members present by electronic means.

Section 4 Teacher evaluations. I temporarily suspend the statutory provision of SDCL 13-42-34 requiring schools to evaluate the performance of certified teachers in their fourth contract year or beyond to maintain state accreditation; however, schools may choose to continue to evaluate performance.

Section 5 Accreditation review. I temporarily suspend the regulatory requirements of ARSD 24:43:02:05 and 24:43:02:06 requiring comprehensive review of those schools scheduled for review during the 2020-21 school year for continued state accreditation; however, a school may

choose to continue their scheduled reviewed. In that event a school chooses not to be reviewed as scheduled, the Department will review that school in the 2021-22 school year.

Section 6 Safety plans. I temporarily suspend the regulatory requirement of ARSD 24:43:09:01 requiring emergency evacuation drills to be done in accordance with a school safety plan.

Section 7 Principal evaluations. I temporarily suspend the regulatory provision of ARSD 24:58:03:01 requiring schools to evaluate the performance of principals and assistant principals in their fifth year of employment or beyond with the district; however, schools may choose to continue to evaluate performance.

Section 8 Cardiopulmonary instruction. I temporarily suspend the statutory provisions of SDCL 13-3-93 and 13-3-96 requiring the Department of Education to survey schools' compliance with cardiopulmonary instruction requirements.

BE IT FURTHER ORDERED, This Executive Order shall be in effect immediately and shall continue for the duration of the state of emergency, initially declared by Executive Order 2020-04 and extended by subsequent Executive Orders 2020-15, 2020-26, and 2020-30, unless sooner terminated or extended.

Dated in Pierre, South Dakota this 9th day of December, 2020.

Kristi Noem
Governor of South Dakota

ATTEST:

Steve Barnett
Secretary of State