STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
EXECUTIVE ORDER 2020-14

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 prevent 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 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 and currently exists within the State of South Dakota until its expiration on April 12, 2020, unless sooner terminated or extended; and,

Whereas, The state minimum teacher evaluation requirement of assigning a student growth rating based on the attainment of student learning objectives will not be available for 2019-2020 school year, and to require this will prevent, hinder or delay necessary actions to cope with this emergency in all counties of our state; and,

Whereas, Due to CDC recommendations of social distancing, Executive Orders 2020-06 and 2020-09 directing state employees to work remotely if possible, and Executive Order 2020-12 directing local governments to implement CDC guidelines to reduce the spread of the disease and restrict public gatherings of ten people or more if possible, strict compliance with the physical location requirement for public official meetings as provided in SDCL 1-25-1.6 and the requirement of publicly opening bids in the presence of witnesses as provided in SDCL 5-18A-5(4) will prevent, hinder or delay necessary actions to cope with this emergency in all counties of our state; and,

Whereas, Strict compliance with the statutory requirement that the Department of Corrections institute a policy directing that individuals on parole supervision who have a positive urinalysis test for any controlled substance serve a minimum period of incarceration as a sanction will prevent, hinder or delay necessary actions 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-5(4), do hereby order and direct the following:

Section 1 Teacher Evaluations. I temporarily suspend the regulatory provision of ARSD 24:57:01:01(6)(b) governing teacher evaluations.

Section 2 Physical Location. I temporarily suspend a portion of the requirement of SDCL 1-25-1.6, so that no public body, conducting an official meeting by teleconference, needs to "provide one or more places at which the public may listen to and participate in the teleconference meeting" for the duration of the state of emergency; however, no other open meeting law is suspended. The public body must provide arrangements for

the public to listen and participate in the teleconference meeting via telephone or internet. I also temporarily suspend a portion of the requirement of SDCL 5-18A-5(4), so that a bid does not need to be opened in the physical presence of a witness at a physical place, but instead teleconference technology shall be used for the public opening of each bid for the duration of the state of emergency.

Section 3 Sanctions for Parole Violations. I temporarily suspend part of the statutory provision of SDCL 16-22-28 requiring the Department of Corrections' policy to mandate a minimum period of incarceration for individuals on parole supervision who have a positive urinalysis test for a controlled substance, and allow the department to institute a policy that reflects the nature of responding and mitigating to the emergency in the best interests the health and safety of the state's institutions and inmates, which may include an alternative sanction or deferment of the sanction.

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

Dated in Pierre, South Dakota this 7th day of April, 2020.

Kristi Noem
Governor of South Dakota

ATTEST:

Steve Barnett
Secretary of State