

**MAY**  
**2022**

# e-Dition



INDIANA SCHOOL BOARDS  
ASSOCIATION

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## Springing forward with purpose

By **Terry Spradlin**, Executive Director, [tspradlin@isba-ind.org](mailto:tspradlin@isba-ind.org)

I am especially fond of springtime. It signifies to me a time of renewal. The warmth and sunshine of spring have finally arrived. Flowers are blooming. I can enjoy outdoor recreation with family and friends. For many Hoosier families and students, this is an exciting time with promotions and graduations—the end of one chapter and the dawn of a new one! Best wishes to you and your administrators and staff for a successful conclusion to the semester.



### Spring Regional Meetings Recap

#### *Exemplary Governance Awards*

Thank you to the more than 900 school board members, school administrators, and ISBA Service Members who attended one of the 10 Spring Region Meetings. It was wonderful to have the opportunity to convene in-person, see so many of our members, and recognize 179 school board members as our 2021 Exemplary Governance Award (EGA) recipients. This recognition included school board members who advanced to one of the four levels in the EGA program, as follows: 82 Commendable, 48 Advanced, 24 Distinguished, and 25 Exemplary school board members.

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On behalf of ISBA, I commend these school board members for their dedication to the children and school communities they represent and for actively engaging with the Association's programs and services. A list of our distinguished EGA award recipients can be found at <https://www.isba-ind.org/ega-awards.html>.

### *Meeting Enhancements*

Thank you, too, to the attendees who completed the meeting evaluations. We have reviewed your feedback and appreciate the good suggestions regarding the program, facilities, and food. Haley Crnarich, ISBA Events & Promotions Specialist, is working with our venues to implement your suggestions for the Fall Region Meetings.

### *Toolkit of Resources to Support Public Participation*

It was good to have about a dozen legislators attend these meetings. You are an informed membership. You have a good understanding of the outcomes of the 2022 legislative session and the new K-12 education laws, of which most take effect on July 1.

Of most importance of these laws is your duty to implement House Enrolled Act 1130 and Senate Enrolled Act 83 regarding mandatory public comment at school board meetings. ISBA has developed a number of resources to guide and support your implementation of these laws, including a webinar, best practices memo, FAQ, and more, which are available at <https://www.isba-ind.org/public-participation-resources.html>.

### **Enhancing Communication with Policymakers**

As we look ahead to the next session, a budget session, we can use the summer and fall wisely and to our advantage with preemptive measures and proactive messaging. Share the "good news" of the school year and your efforts to provide an exemplary education to Hoosier students with your legislators. Detail the many ways you embrace and facilitate parental engagement. Share how parents are involved with curriculum review and textbook adoption. Invite legislators to visit schools and engage them with cordial conversation to share the successes happening in our classrooms every day.

### **Celebrating the Good News in K-12 Public Education**

As the school year nears completion, please be intentional to share the good news about the Graduating Class of 2022—their academic achievements, certifications, awards and scholarship news, and their post-graduation plans for employment, military enlistment, or enrollment in postsecondary education. During the summer, share news of the many ways you continue to support students and their families and provide community access to school facilities. Then, plan to promote more positive news with the excitement that will come with the start of the next school year.

Please enjoy the rest of your spring, and thank you for your dedicated public service!

# State laws on hiring school employees

By **Lisa Tanselle**, General Counsel, [ltanselle@isba-ind.org](mailto:ltanselle@isba-ind.org)



With the end of the school year approaching, some school administrators may be busy hiring new employees for the upcoming school year. There are no hiring procedures established in statute, but there are some laws that impact the hiring process. Below is a brief summary of some of those laws.

## Duty to Contact Employment References

The General Assembly in 2017 required school boards to adopt a policy that requires school officials to contact employment references and, if applicable, the most recent employer of a prospective employee, before hiring the individual. See [IC 20-26-5-10.5](#). Any administrator with the responsibility of checking employment references should document who was contacted, the date of the contact, and a summary of the information provided.

## Duty to Conduct a Criminal History Background Check

Current Indiana law requires school boards to adopt policies that require school corporations to conduct an expanded criminal history background check on applicants for employment with the school corporation who are likely to have direct, ongoing contact with children within the scope of their employment. See [IC 20-26-5-10](#). The background check must be completed before or not later than 30 days after the start date of the applicant's employment. A school corporation is prohibited from hiring an individual who has been convicted of an offense requiring license revocation, unless the conviction has been reversed, vacated, or set aside on appeal. The list of those offenses can be found at [IC 20-28-5-8\(c\)](#).

Starting July 1, 2022, school corporations *shall consider* whether information obtained through the background check, and specifically whether an individual has been convicted of certain crimes, constitutes grounds to not employ the individual. See [P.L. 125-2022](#), Section 5, which amends [IC 20-26-5-11](#). Currently the law states school corporations “may use” the information obtained. With this change, school officials may want to document that the information in the background check was reviewed and that the information resulted in a decision to employ or not employ the individual.

Administrators should also note that the legislature added the offense of “public indecency” to the list of offenses that could result in an individual not being hired. Again, see P.L. 125-2022, Section 5.

In addition to the requirement to conduct an expanded criminal history background check on a prospective employee who is likely to have direct, ongoing contact with children, a school corporation must conduct an Indiana expanded child protection index check on that individual. The Indiana expanded child protection index check must be completed before or within 60 days after the start date of the individual's employment.

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# Adjunct teachers: Another tool to use to address shortage areas

By **Julie Slavens**, Senior Counsel/Director of Policy Services, [jslavens@isba-ind.org](mailto:jslavens@isba-ind.org)



The 2022 Indiana General Assembly passed legislation giving school boards a new option for staffing classrooms beginning July 1 – adjunct teachers. The law allows the use of adjuncts on a full- or part-time basis to fill vacant teaching positions, offer a new program or class, or supplement a current program. This column reviews the statutory parameters found at [IC 20-28-5-27](#) for the employment of adjunct teachers.

School boards may issue an adjunct teacher permit to a person who meets the minimum statutory requirements, i.e., the person must have at least four years of experience in the content area the person will teach and must not have a felony conviction for a crime listed in [IC 20-28-5-8](#). School boards may establish stricter requirements than required by the law. An adjunct teacher is prohibited from providing special education instruction.

The statutory requirements with respect to employment of an adjunct teacher are:

- Discuss the use of adjunct teachers with the exclusive representative of the teachers.
- Post adjunct teacher position vacancies on the IDOE online portal for adjunct teachers.
- Announce adjunct teacher position vacancies at school board meetings.
- Conduct an expanded criminal history check and an expanded child protection index check.
- Assign a teacher mentor.
- Provide training within 90 days of employment on bullying, child abuse and neglect, youth suicide and prevention, and human trafficking.
- Report to the IDOE the number of adjunct teacher permit holders by grade level, the subject area taught, and other related information.

An adjunct teacher may be placed on an employment agreement (contract) but not on a regular teacher's contract. The law requires the following if a school board uses an employment agreement or contract to employ an adjunct teacher:

- o Be in writing.
- o Contain the salary and other compensation to be paid to the adjunct teacher.
- o The method and frequency of payments.
- o The number of classes the adjunct teacher will teach.
- o The classes and/or subject matter the adjunct teacher will be teaching.
- o An expiration date of the contract that is no later than the last day of the school year.

An adjunct teacher is specifically excluded from the definition of "school employee" in the collective bargaining law, and thus is not subject to the collective bargaining agreement. In addition, an adjunct teacher is not subject to the salary compensation plan statute. This gives the school board flexibility to set the compensation of the adjunct teacher outside of the statutory and bargaining agreement restrictions for licensed teachers.

In the near future, ISBA will provide additional information and resources relating to this law, including a sample adjunct teaching permit and employment agreement/contract.



# Embracing and elevating evaluation

By **Steve Horton**, Director of Board Services, [shorton@isba-ind.org](mailto:shorton@isba-ind.org)



Throughout my time working with school boards, a consistent question and struggle has been about evaluation. Too often it is a task that is done in haste, or in some cases, not at all. Allow me to explain why you shouldn't make the mistake of overlooking this important opportunity for board and superintendent growth.

The legislature does not prescribe a specific tool, which leaves the decision about how to evaluate to the local board. The mandate is that you must evaluate your superintendent on an annual basis, using a method that provides a designation of highly effective, effective, or needs improvement [IC 20-28-11.5](#).

Start by looking at the big picture of why evaluations are a part of the employer/employee relationship. After all, couldn't we just do our jobs without them? Technically, yes, we could just make sure we get our stuff done without the additional work and complication of evaluation, but that is really missing the point. An evaluation at it's best should be about reflection, feedback, and professional growth. Yet for many employees, it is merely a means to determine whether they receive a raise, and how much.

## Moving Past the Minutiae

So how do you move past the minutiae to something that is truly indispensable? Perhaps the most important step is to treat the evaluation as a continuous process rather than an annual event. That way, the final record produced at the end of the year becomes a reflection of the work you (that is the board) and your superintendent have been doing all along. If done well, the evaluation process opens lines of communication and strengthens the connection between the board members and the superintendent.

The key to success, like so many things, is planning. Bring the team together in the summer when teachers and students are out of the classroom, and there is an opportunity to slow down a little bit. Use this time to collaborate on the goals and objectives for the next school year. You should be establishing priorities and focus for both governance and administration.

Keep in mind that goals are great, but if they are going to be effective, they need to be measurable. They must allow for evidence of success, and they must be timebound. A goal without a specified target is just a great idea that is never really accomplished.

Once the goals and objectives are set, spend time communicating about the progress being made throughout the school year. The work of the superintendent is to present evidence of the ongoing progress, which allows the board the opportunity to evaluate the success of the work being done. If the foundation is laid well, the process of evaluation can truly be a tool for collaboration, communication, and continuous improvement.

## Upcoming Webinar on Conducting Superintendent Evaluations

For a more in-depth look at superintendent evaluation strategies and tools, join me for a free one-hour webinar on May 25 at 11:30 a.m. or on May 26 at 6:30 p.m. You can register at <https://web.isba-ind.org/events>.

## School Board Changes

Smith-Green Community Schools selected **Brian E. Clark** of Churubusco to fill the vacancy on the Board of Education following the resignation of **Jane Elliot**. Clark completed a Transition to Teaching program in elementary education and is currently a trainer with the State of Indiana's IMPACT program, which provides employment services to residents who receive welfare benefits.

Lafayette School Corporation named **Allison McKay** to the Board of Trustees. She replaces **Rebecca Sprague**, who resigned after 20 years of board service.

North Putnam Community School Corporation Board of Education member **Rachel Mandeville** has stepped down. She served on the board since January 2021.

Culver Community Schools Corporation School Board member **Karen Lee** announced that she will be leaving the board at the end of May after a little more than four years.

## In Memorial

Salem Community Schools Board of Schools Trustee **Richard Trueblood**, 76, died on April 8 in the Palliative Care Unit of Baptist Health Louisville. In addition to his school board service, he taught art in the Salem schools for 50 years.

## State laws on hiring school employees, continued from page 3 . . .

### Recommendation to the School Board

Indiana law requires the superintendent and/or the principal to recommend to the school board the employment of all employees necessary to the operation of the school corporation. The school board must approve the employment recommendation. See [IC 20-26-5-4.5](#).

### Entering into a Written Contract

Indiana law requires teachers (excluding substitute teachers) to be employed by a written contract. See [IC 20-28-6-4](#). School boards have the discretion to employ noncertified employees as at-will employees or by a written contract. All employment contracts must be approved by a majority of the members of the school board.

## ISBA Board of Directors

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Region 9 — Travis Nolcox, North Gibson School Corporation

Region 10 — Lee Ann Wiseheart, New Albany-Floyd County Consolidated School Corporation

### Upcoming Webinar

*“How Am I Doing? Strategies for Building a Strong Superintendent Evaluation”*

Wednesday, May 25, 11:30 a.m. - 12:30 p.m. & Thursday, May 26, 6:30 p.m. - 7:30 p.m.

*Registration links provided in the calendar below*

## Reading List

- » [\*\*Legislative session ends with 35 education bills enacted\*\*](#) - Terre Haute Tribune-Star
- » [\*\*Indiana voters pass most local tax increases\*\*](#) - Chalkbeat
- » [\*\*Diligent announces next-generation meeting management solution\*\*](#) - Diligent

## Fast Fact

The number of high school seniors earning the Indiana College Core jumped from 384 in 2016 to 2,057 in 2021. The Indiana College Core is a set of 30 college credits that transfer seamlessly among all Indiana public colleges and universities and some private institutions.

## 2022 Calendar of Members-Only Events

*Use the links below to register*

<a href="#"><u>May 25</u></a> and <a href="#"><u>May 26</u></a>	Superintendent Evaluation Webinar
<a href="#"><u>June 1</u></a>	School Law Seminar (Ivy Tech Conf Center)
<a href="#"><u>June 15</u></a>	Budget/Finance Seminar (Ivy Tech Conf Center)
August 19	Collective Bargaining Seminar (Ivy Tech Conf Center)
October 3-4	Fall Conference (Indiana Convention Center)
November 1-17	Fall Regional Meetings
December 9	School Law Seminar (Ivy Tech Conf Center)

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#### **Indiana School Boards Association staff:**

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