

**MARCH  
2022**

# e-Dition



INDIANA SCHOOL BOARDS  
ASSOCIATION

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## Positive momentum for ISBA & K-12 education

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



### 2022 Session Concludes on High Note

The short session of the Indiana General Assembly adjourned *sine die* in the early hours of Wednesday, March 9.

ISBA began the session tracking 140 bills related to K-12 education, school board governance, and child-related legislation. The [final tracking list](#) has 35 bills that will become law, pending final signature or veto of the governor.

While the capstone legislation passed by the legislature was a tax cut package with a reduction in the individual income tax to benefit Hoosiers, this session will be better remembered by the K-12 education community for what did not pass.

The list of controversial proposals that died includes mandatory referendum revenue sharing with charter schools; divisive concepts and curriculum transparency mandates; distribution of harmful materials and removal of legal protections; partisan school board elections; and the reduction or repeal of the business personal property tax (a significant revenue source for local governments).

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These positive outcomes were achieved by the collective efforts of education advocates, educators, parents, the broader public, and K-12 education association members and their association lobbyists.

Thank you to our members for your participation in the ISBA Legislative Action Network (LAN) and your outreach efforts to legislators. We hope you found the LAN resources such as the Advocacy Guide, Weekly Legislative Updates, the Live Legislative Update Webinar, the 4th Annual ISBA State House Day, and the automated Bill Tracking List helpful to you.

Please email me at [tspradlin@isba-ind.org](mailto:tspradlin@isba-ind.org) if you have any suggestions on how we can enhance the Legislative Action Network in the future to support you with grassroots advocacy engagement.

## Spring Regional Meetings Start April 18

ISBA is hitting the road for our annual Spring Regional Meetings! You're invited to join us for dinner and an in-depth program packed with insights on issues of interest.

ISBA Executive Director Terry Spradlin will present on newly enacted legislation affecting schools and school boards, and ISBA General Counsel Lisa Tanselle will speak to legal developments and recent court cases. You'll also hear a brief showcase of services from ISBA's Director of Board Services Steve Horton.

Register today for the Spring Regional Meeting nearest you at <https://web.isba-ind.org/events>

### Spring Regional Meetings

ISBA staff will be criss-crossing the state in April and May for our annual slate of Spring Regional Meetings. Visit [HERE](#) for the full schedule and to register.

Enjoy a good meal with fellow school board members while hearing insightful updates on new laws, the latest court cases, and the future of ISBA's school board services. Everyone who attends will receive a Digest of New Laws. We will also celebrate our Exemplary Governance Award recipients.

Check-in opens at 5:30 p.m., and dinner will be served around 6 p.m. All times are local.

### New Strategic Plan

The ISBA Board of Directors and staff have launched a new strategic planning process with the intent to develop and adopt a new three-year plan for the Association. The plan will help guide the Association in striving to provide programs, services, and resources to optimize your membership experience. We are delighted to be working with Chris Bittinger, CEO/Founder of Open Pivot Consulting, as facilitator.

The plan should be ready for adoption at the June meeting of the Board of Directors. Stay tuned for more exciting news that will provide excellent momentum for ISBA and our members for the rest of 2022 and years to come!

Please enjoy the springtime weather and thank you for your dedicated public service!

# The duty to discuss certain topics

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



While Indiana's collective bargaining law has changed over the years, the law has always required school employers to engage in discussion with the teachers' association on certain subjects. Those subjects include curriculum development and revision, selection of curricular materials, teaching methods, student discipline, class sizes, hiring, evaluating, assigning, and retaining employees, and safety issues for both students and employees in the workplace. The complete list of subjects of discussion may be found at [IC 20-29-6-7](#).

As a general rule, school administrators, as opposed to school board members, fulfill the duty to discuss by meeting with teachers who have been appointed by the teachers' association to serve on the discussion committee. The duty to discuss is triggered whenever the administration is proposing a new policy or procedure or is proposing changes to an existing policy or procedure that touches upon one of the mandatory subjects of discussion.

The Indiana Court of Appeals ruled many years ago that the law requires discussion of overall policies and procedures that impact teachers as a whole. Thus, the duty to discuss is not implicated in scenarios that affect individual teachers, such as where one teacher is being transferred or one teacher is being terminated. See Indiana Education Employment Relations Board v. Carroll Consolidated School Corporation, 439 N.E.2d 737 (Ind. Ct. App. 1982).

The bargaining statute defines the word "discuss" as "the performance of the mutual obligation of the school corporation through its superintendent and the exclusive representative to meet at reasonable times to discuss, provide meaningful input, or exchange points of view ... ." See [IC 20-29-2-7](#). Both statute and case law make it clear that the duty to discuss does not require the parties to come to an agreement on any proposed policies or revisions. But, depending on the complexity of the subject or the nature of the proposed changes, and in order for there to be "meaningful discussion," the discussion process may require multiple meetings and an exchange of several proposals in order to meet the discussion obligation.

So what is the board's role in the discussion process? School board members should understand what subjects must be discussed with the teachers' association because the board may be asked to adopt a new or revised policy that relates to the mandatory subjects of discussion. Before adopting any such policy, school board members should verify with the administration that it has been properly discussed with the association.

As spring approaches, school boards will likely be acting on such items as student discipline rules, adoption of curricular materials, changes to remote learning/virtual instruction methods, and/or employee hiring policies. Each of these subjects is considered a mandatory subject of discussion and therefore, before the board takes any action, the board should ensure the discussion obligations set forth in statute have been met.

# Virtual participation in board meetings, post-public health emergency

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



With the discontinuation of the public health emergency, school boards may no longer meet virtually unless the school board adopts and follows a policy addressing the parameters for remote school board member meeting attendance as set out in [IC 5-14-1.5-3.5](#). Following is a summary of the board policy requirements from the 2021 law.

Board members may participate in a meeting of the school board by an electronic means of communication allowing all participating members of the governing body to simultaneously communicate with each other **and** the public to simultaneously attend and observe the meeting. Board members who participate electronically may be considered present for purposes of establishing a quorum and may vote **only** if the means of electronic communication allows the board members to be seen and heard.

Additional requirements for meetings where board members participate electronically include:

1. At least 50% of the members of the governing body must be physically present;
2. All votes taken must be by roll call; and
3. The meeting minutes must identify the members who participated by electronic means and the electronic means that were utilized for said purpose.

Restrictions on remote participation in board meetings include: 1) a board member may not attend more than 50% of the board's meetings in a calendar year by electronic means and may not attend more than two consecutive meetings by electronic means, unless the board member is participating electronically due to military service, illness or other medical condition, death of a relative, or an emergency that involves actual or threatened injury to persons or property; and 2) a board member may not participate by electronic means if the board intends to vote on adoption of a budget, personnel reduction, initiation of a referendum, establishment or increase of a fee, use of eminent domain, or establishment of, raise in, or renewal of a tax.

The law requires school boards to adopt a policy on electronic participation in school board meetings that addresses how an individual school board member would notify the board of the need to participate by electronic means, the person to whom notification would be given, and the timeframe within which to file such notice.

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## *Comprehensive Policy Management Services*

The Indiana School Boards Association can help you create, revise, and update policies to fit your district's needs.

Learn more at [www.isba-ind.org/cpms.html](http://www.isba-ind.org/cpms.html).

**“** School corporations are complex organizations with **many moving parts**. Corporations must have clear policies to guide the day to day operations in order to operate effectively. Rossville Schools have been fortunate to team up with ISBA and utilize their Comprehensive Policy Management Services (CPMS). CPMS has been instrumental in guiding Rossville School's policy development to ensure policies are up-to-date, on point, and necessary. I have been extremely pleased with the service and hold it in high regard.”

- Dr. James Hanna, Superintendent  
Rossville Consolidated Schools

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# The power of school board protocol

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

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It is difficult to meet expectations if they are not clearly stated. Often there is frustration around working with great responsibility—feeling the weight of the position you hold, but not fully understanding what the expectations are for how you do your work and make the decisions for which you are held accountable.

That is the situation for many new board members, and an ongoing struggle for many veteran board members, too. The lack of “rules of engagement” as it were, can make board interaction seem like a moving target. A wise board member once said to me years ago when I was new to the work that those things that are not written down are left to personal interpretation. Among a group as diverse in thought and ideologies as a typical school board, the absence of clarity can prove discouraging.

All of this is to say that there is great value in creating a board protocol document. That is a set of mutually accepted rules for how you do your work together. This should not be something that one person writes and hands to the rest of the team—although that is not a bad starting point. Ideally, this should be co-created with the input of the entire team. The process is an exercise in good consensus building. Start with a task, receive input from all members of the team, use that input to inform a final solution, and work with the necessary give-and-take to arrive at a final solution that all the members can live with.

As you are doing your work, consider the definition of boardmanship: the attributes of service exhibited by an individual who serves on a board, including ethical principles, concepts, and ideas. Boardmanship also includes the collective traits that emerge through the board’s interpersonal interactions.

The protocol document should reflect the point where ethics and interpersonal interactions intersect. It is a declaration of the way you agree to work together. Bringing your board together, having a conversation, and developing a shared understanding of your work and individual relationships is a useful activity for every school board.

For inspiration, consider taking the time to review ISBA’s [Code of Ethics](#), which many school boards post on their websites and other places. Starting with the tenants of effective boardmanship and honing that to reflect the work of your board should be the desired outcome.

In the end, be prepared to stand by your document. It is meaningful when all members sign it and take official action in a public meeting to adopt the final version. Publicly post it on your website and in your board room. It is a clear statement to your school corporation and community that you take your work together seriously and are willing to commit to your stated operating protocol. As one of the required elements for obtaining ISBA’s highest board honor, [The Exemplary Governance Award](#), you will be one step closer as a result of your work.

## Congratulations to Bill Wilson



From left to right: ISBA General Counsel Lisa Tanselle, ISBA Senior Counsel/Director of Policy Services Julie Slavens, Bill Wilson, and ISBA Region 10 Director and New Albany-Floyd County school board member Lee Ann Wiseheart.

Bill Wilson received the prestigious Sagamore of the Wabash for his many contributions to public education and the children of Indiana at a ceremony March 15 during the monthly meeting of the Clarksville Community School Corporation Board of School Trustees. Wilson has served on the Clarksville school board for more than 20 years (the majority as president) and on the Indiana School Boards Association Board of Directors for more than ten years, including as ISBA president in 2016. He is also a retired social studies teacher of 40 years. The Sagamore of the Wabash is bestowed by the Governor of Indiana to individuals who have contributed distinguished service to the state.

## ISBA Board of Directors

President — Tom Simpson, Yorktown Community Schools

First Vice President — Rebecca Gardenour, New Albany-Floyd County Consolidated School Corporation

Second Vice President — Steve Corona, Fort Wayne Community Schools

Past President — Bob Stwalley, Lafayette School Corporation

Region 1 — Thomas Hoffman, Crown Point Community School Corporation

Region 2 — Becky Linnemeier, Wawasee Community School Corporation

Region 3 — Tim Ehlerding, North Adams Community Schools

Region 4 — Milt Hess, Logansport Community School Corporation

Region 5 — Layla Spanenberg, Carmel Clay Schools

Region 6 — Wade Beatty, Charles A. Beard Memorial School Corporation

Region 7 — John Preble, Linton-Stockton School Corporation

Region 8 — Jack Russell, Center Grove Community School Corporation

Region 9 — Travis Nolcox, North Gibson School Corporation

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

## School Board Changes

The Oregon-Davis School Board appointed **Terry Minix**, former longtime girls' head basketball coach for the Oregon-Davis High School Bobcats, to fill the school board seat vacated by **Chris Lawrence**, who resigned.

The Maconaquah School Corporation Board of School Trustees named **Jennifer Miller**, who spent a decade working in the administrative office of the Kokomo School Corporation, to the school board after **Kathryn Kintner** resigned to become Maconaquah's director of building and grounds.

The Southwestern Consolidated School District of Shelby County appointed **Derrek Tennell**, a firefighter, to the school board seat left open by the resignation of **Michael Burbrink**.

## Meet ISBA's New Events & Promotions Specialist



The Indiana School Boards Association is excited to announce the hiring of Ms. **Haley Crnarich** as Events & Promotions Specialist. The Portage native joins ISBA from the Town of Winfield (in Lake County) where she has been serving as Office and Events Coordinator, helping with meeting management and board preparation for the Town Council, Sewer Board, Stormwater Board, and Planning Commission. In addition, she has been responsible for planning town events, including the Annual Harvest Festival, summer outdoor movie series, sunset yoga, recycling and shred days, and more. The Saint Mary's College graduate also has work experience with the Chicago Blackhawks and the Windy City Thunderbolts. You can reach her at [hcrnarich@isba-ind.org](mailto:hcrnarich@isba-ind.org).

## Transition to Teaching Programs Expanding

The Indiana State Board of Education will hold a [public hearing](#) on March 31 at 2:00 p.m. in the Indiana Government Center South on changes to the Indiana Administrative Code related to alternative pathways to special education licensure. The State Board gave initial approval to the rule changes in [October](#). In [December](#), the Board approved three new Transition to Teaching programs in special education at the University of Indianapolis, Purdue Fort Wayne, and IU Northwest. The three approvals were significant because T2T programs have historically been based on grade spans, not content areas.

Meanwhile, [XR Technologies](#) is seeking state approval for a new Transition to Teaching program uniquely structured as a competency-based system of digital badges. XR Technologies currently operates outsourced math classrooms for about 15 Indiana schools through its "math department as a service" model. XR Tech presented the proposed XR Academy for Teachers to an IDOE committee earlier this month, and the State Board of Education could vote on the application in May.

Transition to Teaching programs provide a pathway into the teaching profession for individuals who already possess a bachelor's degree and content knowledge. More than 25 institutions of higher education, as well as five non-higher education institutions, are currently approved to provide Transition to Teaching programs in the State of Indiana.

## Reading List

- » [Indiana school board public comment bill signed into law](#) - Associated Press
- » [How Indiana's anti-CRT bill failed](#) - Chalkbeat
- » [Anderson schools unveils initial Diversity, Equity, Inclusion Plan](#) - Anderson Herald Bulletin
- » [Fort Wayne school board member filling in as substitute teacher](#) - Fort Wayne Journal Gazette
- » [Clarksville school board member is Sagamore of the Wabash](#) - News and Tribune

## FAST FACTS:

In Fall 2021, 74,862 Hoosier students used open enrollment to attend a public school corporation outside their legal settlement, up from 70,394 in Fall 2020 and 66,044 in Fall 2019.

## 2022 Calendar of ISBA Events

April 6 and 11	Public Comment Webinar
April 18-May 4	Spring Regional Meetings
June 1	School Law Seminar (Ivy Tech Conf Center)
June 15	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:

Terry Spradlin - Executive Director  
Lisa Tanselle, Esq. - General Counsel  
Julie Slavens, Esq. - Senior Counsel/Dir. of Policy Services  
Steve Horton - Director of Board Services  
Rae Anne Motsinger - Comptroller/Office Manager  
Talia Bynm - Administrative Assistant  
Adam VanOsdol - Communications Specialist/Content Strategist  
Haley Crnarich - Events and Promotions Specialist

