

**FEBRUARY
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e-Dition



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View from the Capitol

By **Terry Spradlin**, Executive Director, tspradlin@isba-ind.org



4th Annual ISBA State House Day

It was good to see so many of our members at the 4th Annual ISBA State House Day on Tuesday, February 15. In total, we had nearly 200 people in attendance, with approximately 150 school board members and about 45 legislators.

In addition to a session briefing, the audience heard from legislative leaders about key bills before the Indiana General Assembly during the 2022 short session.

Luncheon table conversations were cordial and engaging. Following the luncheon, many school board members went to the State House for direct meetings with legislators who were unable to attend the luncheon and to observe the House and Senate sessions that began at 1:30 p.m.

This was by far our biggest and best State House Day event since launching the program in 2019 – thank you to all who attended!

2022 Session Update

The short session of the state legislature is nearing an end, with approximately three weeks left before adjournment *sine die*.

Continued on next page . . .

The final day of session is anticipated to be Friday, March 11, although the General Assembly has until Monday, March 14 to complete its work.

Out of the 140 bills that ISBA began tracking when the session began, 45 are still active in the bill process. You can view the latest bill tracking list [HERE](#).

Committee report deadlines for bills in the second chamber are February 22 in the House and February 24 in the Senate, so we expect the bill tracking list will soon be reduced even further.

Priority Bill On Full Funding For Quarantined Students Advances

ISBA is most appreciative of the support for [SB 2](#), which ensures that if a student was not virtual for more than 50% of the fall semester, the tuition support formula will provide 100% funding for the student.

In particular, the bill calls for the Indiana Department of Education to review the attendance of each student on each school day from the school corporation's first day of school until the school corporation's last day of school of the 2021 fall semester.

We thank Senator Jeff Rantz (the bill's author), legislative leaders in both chambers, and Secretary of Education Dr. Katie Jenner for bringing this bill forward to provide a solution for the significant number of student quarantines and isolations that transpired in the first semester that would have negatively impacted K-12 tuition support funding.

Less Than One Month To Go

ISBA continues to work with legislators to help shape positive amendments. Many of the changes to HB 1134 that were adopted by the Senate Education and Career Development Committee on February 16 were recommendations brought forth by ISBA.

Your help is essential in ensuring that lawmakers understand the potential impacts of legislation on school boards and school districts.

Please speak up and share your perspectives by emailing, writing, and calling your area legislators. Now is the time to be heard!

In the closing weeks of session, be sure to monitor [HB 1130](#) on mandatory public comments at school board meetings; [HB 1134](#) on divisive concepts and curriculum transparency; and [HB 1072](#) on referendum revenue sharing with charter schools.

As a reminder, ISBA sends out Weekly Legislative Updates every Friday during session. If you've missed an update or need to refer back to one, you can always view them [HERE](#) via the Legislative Services page on the ISBA website.



Are school board committees subject to the Open Door Law?

By **Lisa Tanselle**, General Counsel, ltanselle@isba-ind.org

On at least three occasions in 2021, Indiana’s Public Access Counselor was asked whether committees created by school boards are required to advertise their meetings and allow the public to attend. In each of the opinions, the PAC took note of the definition of “governing body” in statute and concluded that the committees were subject to the Open Door Law.

The [latest opinion](#) on school board committees involved the formation of an advisory committee by the Board of Trustees of the Manchester Community Schools. The committee’s task was to review and recommend changes to the district’s COVID reentry plan. The membership of the committee was recommended by the school board, but the board did not directly appoint any of the members of the committee. The committee met five times in September 2021, privately, without providing public notice or creating any minutes. The Board of Trustees subsequently adopted the committee’s recommendations at a public meeting. A patron later filed a complaint.

Noting first that a governing body includes “a board, commission, council, or other body of a public agency which takes official action upon public business,” the PAC concluded the advisory committee was unquestionably a deliberative assembly akin to a board, commission, council, or other body. He found that the committee made recommendations to the board, which constituted taking official action, and that the corporation’s COVID reentry plan met the definition of public business.

The PAC went on to consider whether the committee constituted a governing body under the provision that refers to committees appointed directly by the governing body. The PAC asserted “[t]here exists a great fiction in the Open Door Law interpretation that direct appointment of committee members is the operative trigger for qualification.” The counselor noted two appellate court opinions wherein the courts focused on the relationship of the committee with the governing body and not the roster of the committee. Thus, in his opinion, if a committee is appointed to take action, specifically to advise the governing body on public business, the committee is a governing body and is subject to the Open Door Law requirements. To conclude otherwise would allow a governing body to “outsource its work to a third-party group of designees as an end-around to the Open Door Law.”

Historically, the issue of the appointment of the committee members was used to distinguish a board committee from an administrative committee. But it is clear from these recent opinions that the duties and subject matter assigned to the committee will be paramount.

If a committee is created to study an issue on behalf of the school board, or to make recommendations to the school board, irrespective of who appoints the committee members, the PAC will likely conclude the committee is subject to the Open Door Law.

Supreme Court issues opinion on disclosure of employee discipline



By **Julie Slavens**, Senior Counsel/Director of Policy Services, jslavens@isba-ind.org

Recently the Indiana Supreme Court **ruled** on the scope of the provision in the Access to Public Records law that requires the disclosure of the factual basis for a disciplinary action resulting in an employee’s suspension, demotion, or dismissal.

In this case, a school corporation suspended a teacher/coach without pay for five days. The local TV station requested the factual basis for the unpaid suspension. The school corporation responded with a written compilation stating that the teacher/coach was suspended “due to not implementing instructions for classroom management strategies consistent with [board policy].”

The local TV station sued the school corporation claiming the response did not comply with the requirement in IC 5-14-3-4(b)(8) to provide a factual basis for the suspension. The lawsuit also requested the release of supporting documents from the employee’s personnel file.

The Court ruled that the school corporation did not provide sufficient facts to determine what the employee did to merit being disciplined.

The Court focused on the term “factual basis” in the statute. The statute does not define this term, so the Court referred to the dictionary definition and adopted the plain meaning of the term as a “fact-based account of what led to the discipline.”

For guidance as to what meets this definition, the Court looked at other state laws requiring a factual basis for an action, namely the criminal code. The Court after reviewing what is required for a factual basis in a criminal case determined for employee discipline it means facts “sufficient for a reasonable person to understand what an employee did to deserve discipline.”

According to the unanimous opinion written by Justice Mark Massa, a school corporation does not have to provide “every intricate detail about what caused it to discipline an employee, but it must provide some facts about the employee’s actions.”

The Court went on to rule that a school corporation cannot satisfy the “factual basis” standard by providing “bald conclusions,” which the Court concluded that the school corporation did in this case.

The opinion also found that a school corporation is not required to provide documents from an employee’s personnel file, only specific information. A school corporation may compile the requested information in a new document and provide it to the requester of the information.

The case is *WTHR v. Hamilton Southeastern Schools*, 178 N.E.3d 1187 (Ind. 2022).



Focus on your goals, not obstacles

By **Steve Horton**, Director of Board Services, shorton@isba-ind.org

One of my favorite quotes is “obstacles are those frightening things you see when you take your eyes off your goal.” It is attributed to Henry Ford, and I find the thought very helpful in difficult times. Consider the nature and meaning of that comment. It is true that we are most effective and productive when we are focused on that which we strive for but have not yet attained. How often do we fret over things we ultimately have no control over, or when examined as part of the “big picture,” really do not amount to the stress they cause?

It is arguably true that we are in a time that presents more obstacles for school boards, superintendents, and all others devoted to public education than ever before. I have heard from board members that with all they are facing politically and socially right now, that it is impossible to focus on broader goals and strategic plans, but I would submit that now is the time to focus on your greater strategic direction. Ford’s words ring as true today as ever. The things we allow to consume our immediate focus can easily become overwhelming in a much greater way than they should.

Certainly, attempts to disrupt your work are real. However, you face the danger that the attention given to the issues of the moment are diverting your attention from that which is most important, the children in your schools.

The best solution is to set your primary attention on broad goals for your district – the big goals that encompass your vision for the future; the goals that are not immediately attainable this semester nor this school year. They provide an overarching umbrella for all the work being done in your schools. If you are doing your job well as a leadership team for your school corporation, your administration can align both the existing work and innovation and growth for the future to your goals. Research clearly shows that ineffective boards have little to no connection to a strategic plan for their organization.

So, what can you do to avoid the kind of obstacles that Ford warned about? First, intentionally refocus on your strategic plan. Spend time with your superintendent and his or her administrative team critically examining the objectives and action plans in place and the related data that measures actual progress and growth. Remind yourself that your vision, mission, and core values are important guiding statements for the work you are doing. Continue to look to the future and dream big.

If you are a board member for a corporation that does not have a strategic plan (that you know of), it’s time to get busy.

The bottom line: your success as a school board member depends on your capacity to remain laser-focused on your strategic goals without letting the loudest voices in the room at any given moment throw you off your course.

ISBA State House Day 2022



The Indiana School Boards Association hosted its fourth annual State House Day on February 15. The event offered school board members a special opportunity to connect with their representatives and senators, an in-depth briefing on current education bills, and panel discussions with top lawmakers.

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 Greenfield-Central School Board appointed Dr. **Lori Wean**, a pediatrician, to fill the school board seat vacated by **Kathy Dowling**, who passed away late last year.

The Tippecanoe School Corporation Board of School Trustees appointed **Brad Anderson**, a paramedic, to the school board following the retirement of **Steve Chidalek**.

Smith-Green Community Schools Board member **Jane Elliott** announced her resignation from the board after one year in office.

The Lewis Cass School Board appointed **Becky Comoglio**, a retired school nurse, to fill the seat that opened with the resignation of **Amy Miller**.

Ross Grimes was named to the Monroe County Community School Corporation Board of Trustees after **Jacinda Townsend Gides** resigned to join the faculty at the University of Michigan.

The Board of Trustees of the Southwestern Consolidated School District (Shelby County) interviewed eight candidates for the seat left open by the resignation of **Michael Burbrink**.

Jentry Pendleton joined the Board of Education for the Rossville Consolidated School District, replacing **Nathan McCullough**, who resigned.

Beatty appointed to State School Bus Committee

Secretary of Education **Katie Jenner** has appointed **Wade Beatty** as the Indiana School Boards Association representative to the State School Bus Committee, based on the association's recommendation. Beatty is president of the board of trustees for the Charles A. Beard Memorial School Corporation and the Region 6 Director for the ISBA Board of Directors. He replaces **Terry Butler**, who stepped down from the committee in December after serving since March 2017.

Terry Butler was an important member of the State School Bus Committee, says Committee Chair **Mike Mentzel**. "The past few years we, as a committee, have had many vendors approach us with regards to improving student safety. This became more evident given the tragic loss of life while students were attempting to board a school bus in our State. Terry has been a voice of reason and concern in all of our meetings as we discussed many items and options," Mentzel says.

In Memorial

Meredith Kincaid, president of ISBA in 1986 and 1987 and a former school board member for the Danville Community School Corporation, passed away February 4. He was 87.

Gary Community School Corporation Board member **Norman Bailey** died January 14. He was 60.

ISBA in the News

- » [Witnesses testify against partisan school board races](#) - Terre Haute Tribune-Star
- » [Senate Ed Committee hears bill requiring public comment at school board meetings](#) - Gary Post-Tribune
- » [Educators warn bills to give parents more power could push teachers out](#) - Pew
- » [No partisan school board elections for now](#) - IN School Matters
- » [Lawmakers respond to criticisms of curriculum bill with sweeping changes](#) - Public Broadcasting

FAST FACTS:

Indiana school districts reported a record \$30.6 million in Summer School costs in 2021, according to the Indiana Department of Education.

2022 Calendar of ISBA Events

January-February	School Board Leadership Seminars
February 15	State House Day (Indianapolis Marriott Downtown)
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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