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e-Dition



INDIANA SCHOOL BOARDS
ASSOCIATION

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News You Can Use

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



I commend you not only for your dedicated board service locally, but for your efforts to stay informed of state-level K-12 education news, including the regular communication from ISBA. We've sent you a lot lately, and I will revisit some of the information shared through email with you here to keep you in the ISBA loop.

IREAD-3 95% Pass Goal Resolution

While IREAD-3 pass rates were up slightly from the prior year, learning gaps remain from the detrimental impact of the global coronavirus pandemic. The Indiana Department of Education has set a goal of reaching and exceeding a 95% passage rate statewide on the IREAD-3 assessment by 2027. As your school board considers student attainment goals for your school corporation, would you please consider setting this as a high priority? ISBA has worked with IDOE to provide you with [THIS RESOLUTION](#) to consider adopting at an upcoming board meeting.

Our Public Schools Work

ISBA is proud to be a founding member of Our Public Schools Work, a new collaborative effort to showcase the strengths of Indiana's public school system. The goal is to launch this initiative at the ISBA/IAPSS Annual Fall Conference October 3-4.

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To celebrate all the reasons our public schools are the pillars of our democracy and among the best in the world, we need examples that illustrate that **our public schools work**. We know that you are telling your stories, so please take a minute to send video clips you have already created or make a 30-60 second clip like these [examples](#). Submissions and releases should be sent this week to [Dropbox](#).

Provided for your use are the appropriate [student](#) and [adult](#) releases that are required, a brief [tutorial](#) on easy-to-create smart phone videos, and [prompts](#) that you may want to use with your spokespersons. All responses should be illustrative of and, if possible, include a reference to this fact, “our public schools work.”

Let us be intentional to celebrate the great things happening in Hoosier classrooms every day!

VideoAsk and Focus Groups Tied to ISBA 2022-2025 Strategic Plan

As shared in my column in the summer edition of The Journal, we are kicking off our 2022-2025 Strategic Plan, and we want to hear from you! To achieve our ambitious goals, it is important that we focus on what our members want and need. Please take a moment to view the following video and respond to these two questions:

- *It is the year 2025, and you are asked what ISBA does. What are the 3-4 words you would use to describe the organization and why?*
- *What is the greatest challenge facing school boards today and why?*

Please respond to the **VideoAsk** [HERE](#) no later than by 12 p.m. on September 21.

The **VideoAsk** tool provides you with the opportunity to share your feedback via video, text, or audio, so please share in whichever format feels most comfortable for you. We look forward to incorporating your thoughts into the implementation of our strategic plan!

Fall Conference

We hope to see you on October 3rd & 4th at the 2022 ISBA/IAPSS Fall Conference! There are many new conference features and an excellent [AGENDA](#) to experience. The Indiana Department of Education will provide three “IDOE Super Sessions” that will feature updates on programs, grants, and state agency initiatives, including school safety, literacy, ESSER spending, graduation pathways, and virtual learning.

Great speakers, professional development, networking, and collaboration at Indiana’s premier education forum! [REGISTER HERE](#)

Delegate Assembly

The 2022 ISBA Delegate Assembly will be held in Rooms 236-239 of the Indiana Convention Center on Monday, October 3, at 8 a.m. Each school board is asked to designate a representative to serve as the board’s delegate. This designation can be signified on the Fall Conference registration form or by emailing Talia Bynm, Administrative Assistant, at: tbynm@isba-ind.org

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Restrictions on the Superintendent's Contract

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



While school boards have the authority and responsibility to employ a superintendent, there are several laws that impact the contractual relationship between the board and the superintendent. For instance, current Indiana law limits the term of a superintendent's contract to no more than three years and limits the number of years that the contract may be extended. See [IC 20-28-8-6](#). Additionally, Indiana law requires a school board to publicize the proposed terms and conditions of its contract with the superintendent and allow the public the opportunity to comment on the proposed contract before the board may enter into the contract. See [IC 20-26-5-4.3](#) for the specific provisions of this statutory requirement.

Recent Legislation

Indiana law also allows the school board and the superintendent to alter, modify, or rescind an existing contract in favor of a new contract "at any time" by the mutual consent of both parties. See [IC 20-28-8-2](#).

However, a fairly new law, one passed in 2020, now restricts that authority for school boards whose members are elected. Specifically, IC 20-28-8-6 states that a school board may not enter into a contract with the superintendent "after the date of the election for one (1) or more members of the governing body until January 1 of the year immediately following the election." With school board elections occurring this November, and this being the first year that this law impacts school boards, it is important for school boards to understand this limitation.

Thus, for any school board that has one or more new persons joining the board on January 1, 2023, as a result of the November 2022 elections, that board may not enter into a new contract or modify an existing contract with the superintendent until after the newly elected members begin their term of office. If there is no change in the membership of the school board as a result of the 2022 general election, the school board is free to exercise its authority to enter into a contract with the superintendent or to modify an existing contract.

Implications

When this language was being considered by the General Assembly, it was likely their intent to prohibit outgoing school board members from increasing the superintendent's salary or adding another year of employment to the current superintendent's contract before the newly elected individuals take office.

However, interpreted literally, this statute may be problematic for a school board that is in the midst of a superintendent search and preparing to enter into a contract with a superintendent for the first time. Presumably, the legislature did not intend to interfere with the board's authority to hire a superintendent at any time during the school year in cases where a vacancy in the position exists. For any board that is in this scenario, the board should consult with local counsel to determine the impact of this statute on the hiring process. But, for other boards that may have a change in their membership as a result of school board elections, this law clearly applies and prohibits the current board from modifying the current superintendent's contract until after the start of the new calendar year.

How Does the ‘Holdover Provision’ Apply to School Board Elections?

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



The state constitution provision concerning the holding of an office applies in most cases when no one files to run for an office in a general election. This provision is found in the Indiana state constitution in Article 15, section 3 and reads as follows:

Whenever it is provided in this Constitution, or in any law which may be hereafter passed, that any officer, other than a member of the General Assembly, shall hold his office for any given term, the same shall be construed to mean, that such officer shall hold his office for such term, and until his successor shall have been elected and qualified.

Indiana courts have interpreted this provision to mean when no one files to run for election for an office, which includes a school board seat, the person holding the office at the time of the election continues in the office until the next general election in which a person is elected and qualifies for the office. The Indiana Court of Appeals has ruled qualifying for an office means the elected person has taken post-election actions to qualify for the office such as taking the oath of office. (See, *Campbell v. Board of School Commissioners of the City of Indianapolis*, 908 N.E.2d 1234 (Ind.App. 2009). The Indiana Supreme Court has ruled this constitutional provision applies when a person has been appointed to fill a vacancy, but no one filed to run for the office at the end of the term for which the appointee filled. (See, *State ex rel. Culbert v. Linkhauer*, 41 N.E. 325 (Ind. 1895).

Under the constitutional provision, a person must be both elected **and** qualified for the office, i.e., have taken the oath of office for a school board member in order for the current school board to be off of the school board. So even if someone were elected to the school board but did not to take the oath of office, the person did not qualify for the office and the current office holder would continue to hold the school board seat.

This situation does not create a vacancy on the school board. The “holdover” office holder keeps the office until the successor is “elected and qualified.” The office holder has the option to stay in the office for four years, to resign the seat, or to move out of the school corporation’s boundaries thereby creating a vacancy for the school board to fill.

The remaining school board members must fill the vacancy created by the “holdover” member. The board fills this vacancy by appointing a person who qualifies for the vacant seat. There is no statutory process a board is required to follow to fill the vacancy except it must do so within 30 days of the vacancy. The board may discuss applications for the vacancy and/or reduce the number of applicants to no less than three candidates in executive session. The board may interview the candidates but must do so in a public meeting. The board must vote on the candidate to fill the vacancy in a public meeting.

Building the Puzzle

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



What was a good thing that happened for you during the great pandemic lockdown? Everyone I have talked to can come up with at least one thing they started doing or rediscovered in their lives. One of the things I started doing again was jigsaw puzzles. I enjoy building puzzles, but what makes it most fun for me is the collaboration the activity fosters. A puzzle on a table is an open invitation to anyone who chooses work on it. There are no special rules, no prescribed process, or step-by-step instructions other than put the puzzle together.

The big picture is crucial

The beauty of a puzzle as a group activity is that there is a very clear picture — a result that is visualized by everyone involved in the work. When you have a clear objective, you can work as a team to figure out a way to get there. Have you ever tried to put a puzzle together without the complete picture on the box as a reference? It certainly makes the task more difficult.

Small steps

There are many ways to solve a jigsaw puzzle. Most people start by separating the boundary pieces. Later, you may find it helpful to separate the pieces by like colors. Seeing the pieces come together one-by-one along the way is motivating. It is helpful to see progress to know you are on the right track. Without these small successes, you may lose focus and momentum.

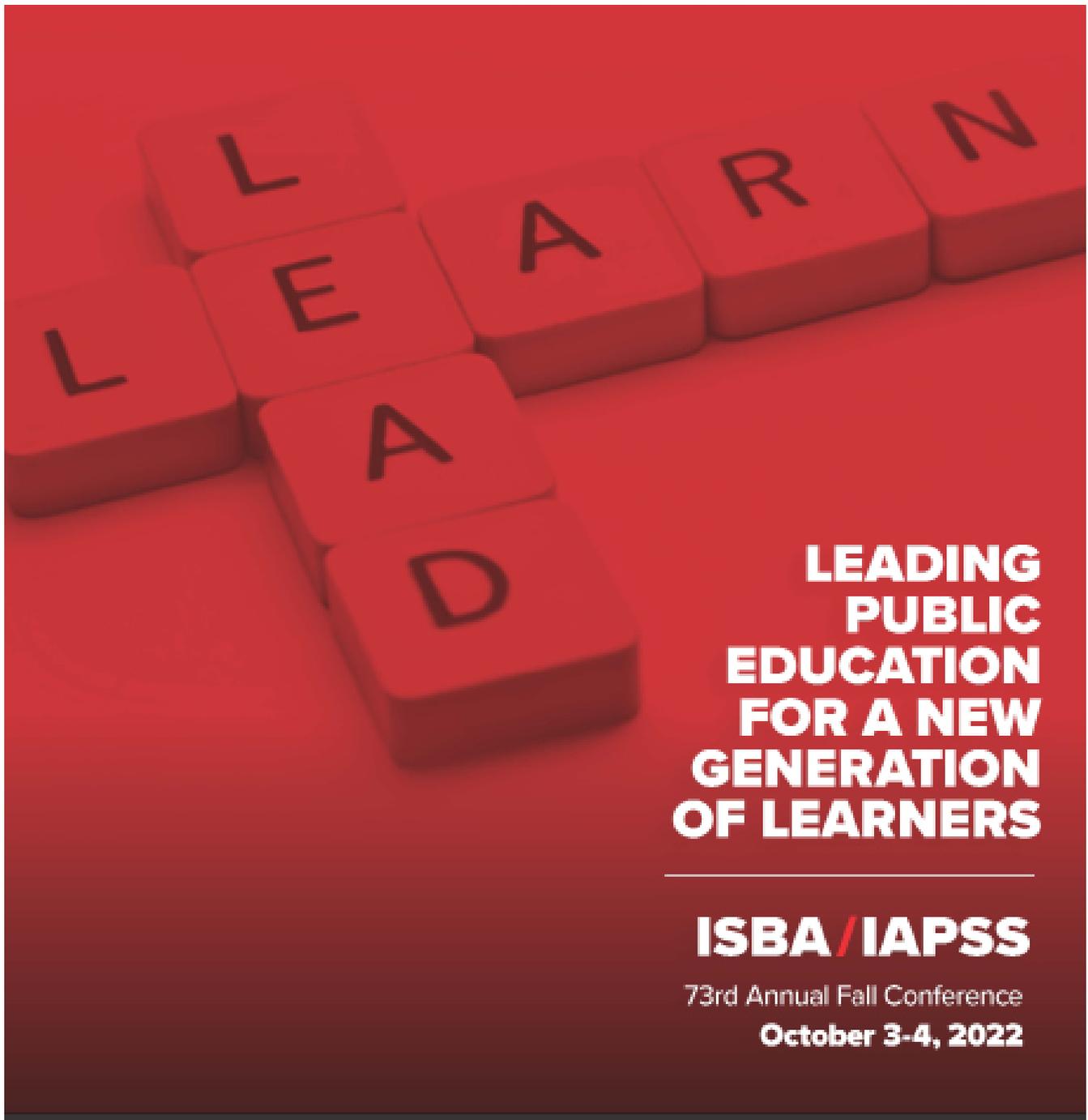
For any team approaching a big project, small steps are critical to success. It is easy to look at the big goal and feel overwhelmed. If the work is hard, and there is little collaboration and no sense of accomplishment, it is entirely possible the project can collapse under its own weight and die an untimely death. Breaking down small action steps aimed at getting to the goal is easily overlooked or seen as a waste of time, but it is vital to making the work accessible and providing measurable wins.

Know when to pause and refocus

Another vitally important aspect of the work is focus. Team effort requires a balance between the need for meticulous work and the need to see the big picture, which can be lost when you're focusing on details. Sometimes finding that one puzzle piece demands too much time and effort. The strategic leader must identify these moments and help the team "get on the balcony," restoring perspective and realigning the team's focus. I am amazed how often walking away, regaining perspective, and returning to the work can spark significant progress.

Remember, in the end, it is less about putting that last piece in place and more about the journey to that piece. The beauty of the puzzle-building experience is the way in which it brings unlikely collaborators together. When the task is defined and the end result is clear, people will work together in unexpected ways. Challenges will present themselves, but those on the project will work through them and find success if they have a good idea of what success looks like.

Like any puzzle, your projects may begin as a pile of random pieces but eventually – step by step – become a beautiful picture.



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PUBLIC
EDUCATION
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GENERATION
OF LEARNERS**

ISBA / IAPSS

73rd Annual Fall Conference

October 3-4, 2022



School Board Member Updates

- The Marion Community Schools selected **Chuck Griffin** to fill a vacancy on the Board of School Trustees. He is a retired Journeyman for IBEW in Kokomo. This is his second stint on the Marion school board.
- The Plainfield Community School Corporation appointed **Travis Smith** to the School Board to replace **Mike Allen**, who resigned. Travis Smith is currently completing his doctorate in Education at Indiana University. He is a self-employed qualitative researcher focusing on the intersection of sports and education.
- **Glenn Johnson** resigns from the Lake Ridge Board of Education due to moving out of state.
- The Baugo Community Schools Board of School Trustees appointed **Bill Gletty** to fill the seat left open by the resignation of **Troy Bontrager**.

ISBA welcomes these newly appointed school board members to the Association and thanks the outgoing school board members for their service to their communities and to public education.

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The agenda for the ISBA Delegate Assembly will not only include election of Board of Director officers and region directors and adoption of the Legislative Priorities and Foundational Statements, but also include presentation and adoption of the 2023 budget for ISBA, and a State of the Association report from me. Every school board's participation via a delegate is requested and needed to complete this essential work for the Association.

Regional Meetings

Registration is now open [HERE](#) for the ISBA Fall Regional Meetings that begin November 1. We hope to see you and your fellow board members there!

As always, thank you for your dedicated public service, commitment to children, and in support of your ISBA!

ISBA Board of Directors

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Region 5 — Layla Spanenberg, Carmel Clay Schools

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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

Recommended Readings

- » [How one Indiana district became a leader for dual language immersion](#) - Indianapolis Star
- » [The number of high schools providing access to the Indiana College Core has surged this Fall](#) - Indiana Capital Chronicle
- » [Dual enrollment programs are expanding but do they reach the students who need them most?](#) - Education Week
- » [Indiana allocates highest-ever single year investment in school safety](#) - IDHS

NOTE ON SCHOOL BOARD ELECTIONS

The increased interest in school board meetings that occurred last year amid debates about mask mandates and the teaching of controversial subjects appears to have carried over to the ballot this fall. ISBA counted 1,346 candidates who filed for school board this year, a 17% increase from four years ago. Roughly 808 school board seats are up for election this November.

MAJOR MILESTONES

ISBA would like to take this opportunity to commemorate three school board members with significant service milestones who are not running for re-election. **Linda Day** of the Tippecanoe School Corporation and **John Gambill** of the M.S.D. of Shakamak will have served on their local school boards for 25 years. **Ron Felger** of the Northwest Allen County Schools, and past president of ISBA, will retire upon the completion of a remarkable 41 years on the NACS school board.

Fast Fact

101 Indiana public schools celebrated at least 95% of test takers passing the IREAD-3 exam in 2022, and 19 Indiana public schools achieved a perfect 100% IREAD-3 pass rate.

Calendar of Upcoming ISBA Events

October 3-4	<u>Annual Fall Conference</u> (Indiana Convention Center)
October 26 & November 1	Student Speech Webinar
November 1-17	<u>Fall Regional Meetings</u> (multiple locations)
December 9	School Law Seminar (Ivy Tech Conference Center, Indpls.)

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