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INDIANA SCHOOL BOARDS ASSOCIATION

# e-Dition

MAY 2023

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## Advocacy Powers School Funding Boost

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



The 2023 Legislative Session is in the books, and in its aftermath, we have 48 new laws pertaining to K-12 education, school corporation governance, or children.

We are hard at work on compiling a *Digest of New Laws* to be released in the coming weeks that will contain the public law numbers, summaries and commentary, and effective dates. We hope the document will help your school corporation plan ahead for the many changes that are coming, largely beginning July 1.

Your engagement with the ISBA Legislative Action Network, combined with the efforts of our K-12 education association partners and their members, positively impacted the trajectory of several key bills at pivotal points in the legislative process.

Most importantly, your rapid and significant response to the final call-to-action alert on the biennial state budget proved decisive in convincing lawmakers to add another \$312 million in funding to the K-12 tuition support formula. Successes like this are why we established the award-winning Legislative Action Network five years ago. Advocacy works!

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Overall, the [two-year state budget](#) signed into law by Governor Holcomb on May 4 increases state funding for school corporations by \$913 million over the next two years and provides a 7.1% increase over the biennium in the foundation amount that school corporations receive per pupil.

Let's strive to do all we can to use these resources effectively by accelerating and enhancing student achievement outcomes to prepare students for postsecondary enrollment, military enlistment, or employment in high-wage, high-demand jobs.

### Spring Regional Meetings

It was a great pleasure to be on the road to visit with you, our members, for the Spring Regional Meetings. Attendance was excellent, with approximately 1,000 members attending one of the 10 dinner meetings. We hope you found the legislative recap to be informative and insightful.

Thank you for allowing us to dedicate a few minutes at each Spring Regional Meeting to recognizing our Exemplary Governance Award winners. This year we were thrilled to honor a total of 106 school boards and 197 school board members. Please see pages 42-48 of the spring issue of The Journal for a complete listing of award recipients. Each board member on the list is to be commended for their dedication and commitment to professional development, training, and model board governance!



**PURSUING EXCELLENT  
OUTCOMES FOR ALL CHILDREN**

**ISBA**  
INDIANA SCHOOL BOARDS  
ASSOCIATION

**IAPSS**  
Indiana Association of  
Public School Superintendents

**SEPT. 25-26, 2023**

**ISBA/IAPSS**  
74th Annual Fall Conference

### Summer Seminars and Fall Conference

Registration is now live for the semi-annual [School Law Seminar](#) on June 1 and the annual [ISBA-IAPSS-IASBO School Budgeting and Finance Seminar](#) on June 13. We have outstanding agendas with expert speakers identified for each. Both will be held at the Ivy Tech Conference Center in Indianapolis.

Registration opens in June for the annual ISBA-IAPSS Collective Bargaining Seminar scheduled for August 13 and the Annual Fall Conference, which will take place September 25-26.

The theme for this year's Fall Conference is "Pursuing Excellent Outcomes for All Children." We are busy at work planning an exciting and motivational conference for attendees with new features to enjoy. Please save the dates for this can't-miss event!

As you can see, there is a lot going on for you to engage and connect with to customize your membership experience in your ISBA! Please never hesitate to reach out to let us know how we can assist you.

# Major Changes to Provisions Impacting the Hiring of Employees Who Have Ongoing Contact with Children



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

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The statute requiring school corporations to conduct criminal history background checks on applicants for employment who are likely to have direct, ongoing contact with children has been in place since 1997. Since that time, school boards have been given the authority to consider the information presented in the background check when making a determination to hire an applicant.

But, as a result of the passage of [SEA 342](#), starting July 1, 2023, individuals who have been convicted of certain offenses will no longer be able to be employed by a school corporation if they are likely to have direct, ongoing contact with children within the scope of their employment. Applicants who have been convicted of other specified offenses may still be employed, but only if the school board approves of the employment recommendation at a public meeting.

## Offenses That Preclude Employment

The new law identifies 10 offenses that, if an applicant for employment with a school corporation has been convicted of, will result in the denial of employment with the school corporation if the individual is likely to have direct, ongoing contact with children within the scope of employment. Those offenses include murder, aggravated battery, sex offenses, certain act of public indecency, and an offense related to material or a performance that is harmful to minors or obscene. This prohibition also applies to an individual with whom the school corporation contracts for services.

## Offenses That Allow Employment

SEA 342 lists nine offenses that may result in employment, but only if a majority of the members of the school board approves the employment “as a separate, special agenda item,” include an offense related to operating a vehicle while intoxicated, battery, domestic battery, contributing to the delinquency of a minor, offenses involving weapons, and offenses related to controlled substances other than an offense involving marijuana or paraphernalia used to consume marijuana. This language also applies to an individual with whom the school corporation contracts for services.

## Other Misconduct

The new law also adds language regarding employing or contracting with (1) individuals who are required to wear an ankle monitor as the result of a criminal conviction, (2) individuals who entered into a settlement agreement with an educational entity to settle an allegation of misconduct “related to the health, safety, or well-being of a student” (as defined in the new law), and (3) individuals who, in an academic environment, engaged in conduct with a child “that is intended to prepare or condition the child for sexual activity.” The statute permits the employment of or contracting with these individuals, but again only if a majority of the members of the school board approves the employment “as a separate, special agenda item.”

Feel free to contact ISBA Legal Services for further information about these new requirements.

# Public Records Retention Re-scheduled

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



Indiana law requires governmental entities to retain public documents pertaining to the “informational, communicative, or decision-making process of state and local government ... made or received ... in connection with the transaction of public business or government functions,” in accordance with retention schedules adopted by the [Oversight Committee on Public Records](#) as recommended by the Indiana Archives and Records Administration (IARA). See IC 5-15-6; IC 5-15-5.11(o).

For the past year, the IARA has worked with a task force to review, revise, and improve the public records retention schedule for school corporations, which had not been updated since 2016. The task force included representatives of education-related associations including the Indiana School Boards Association and the Indiana Association of Public School Superintendents.

The work of the task force resulted in a streamlined retention schedule for public records maintained by school corporations. The Oversight Committee on Public Records approved the revised school records retention schedule, along with a revised local government retention schedule, at a public meeting held on April 26, 2023, which became the effective date of the revised retention schedules.

The goal of the task force was to update and streamline the schedule. Many of the records in the previous school schedule were duplicated in the local government schedule. Many of these documents were removed from the school corporation retention schedule. In addition, the task force reviewed the remaining documents to determine if those records currently exist or are maintained by school corporations. Those records which no longer exist were removed from the schedule. In addition, some of the records were combined into more general records in the schedule for ease of retention.

## Removal or Destruction

When school officials are considering removal or destruction of public records, they should look first to the school corporation retention schedule. If the record is not on this retention schedule, the school official should look at the local government retention schedule. If the record is not listed on either retention schedule, then the retention period for the record by statutory default is three years, unless the record is in frequent use. See, [IC 5-15-6-4](#).

The school corporation public records retention schedule may be found [here](#); this retention schedule is also referred to as the Educational Institutions Retention Schedule (ED). At the end of this schedule is Appendix 1 (page 7 of the schedule) which contains a table indicating where records are currently located in the revised schedules.

The local government public records retention schedule may be found [here](#); this retention schedule is also referred to as the County/Local General Retention Schedule (GED). At the beginning of each schedule is an explanation of the retention periods and the process for destroying and preserving public records.

Both schedules may also be found in the ISBA Resource Library at <https://www.isba-ind.org/public-records-retention-schedules.html>.

# Five Approaches to Support an Effective Superintendent Evaluation

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



Superintendent evaluation can be a daunting task, and unfortunately, it causes stress for many superintendents. If the process and the performance expectations are not clearly defined, then the evaluation, regardless of the tool used, is not set up for success. Here are five points to consider to strengthen your superintendent evaluation.

## 1. Consider the purpose of the evaluation

Indiana's superintendent evaluation statute, found at IC 20-28-11.5-4, requires the school board to annually judge the performance of the superintendent using one of four designations: Highly Effective, Effective, Improvement Necessary, or Ineffective. Beyond that, the purpose of the evaluation is a philosophical and foundational consideration for the board.

Communication is fundamental to understanding the priorities, needs, and outcomes of the district, and the evaluation, if done well, should be a powerful communication tool for the leadership team. The evaluation should be an opportunity for continuous improvement. It helps answer important questions like where are we being successful, where are we struggling, and are we doing what we said we were going to do?

## 2. Focus on evidence and data

In a world where unsubstantiated statements on social media become "fact," understanding and using data to inform decisions could not be more crucial to the work we are doing for our children. For an evaluation to be effective, it cannot be based on anecdotal evidence, hearsay, or individual grievances. It is critical for the superintendent to provide the board with evidence and data that substantiates the work being done.

## 3. There must be measurable objectives

The evaluation should be based on measurable progress toward clearly stated objectives aligned to the goals of the strategic plan. These are not edicts handed down from the board to the superintendent; rather, they are the result of a collaborative dialogue and careful consideration of the needs and opportunities for continued success.

## 4. Connect to the performance indicators

I have heard that the IAPSS/ISBA evaluation rubric is difficult for boards to use. Yes, it is a highly developed tool, but if approached in a systematic way, it need not be overwhelming. Whenever reporting to the board, the superintendent should be directed to connect the work being done to each of the indicators in the evaluation tool.

## 5. Evaluation is not an annual event

Boards struggle to complete a fair and objective evaluation when they have too little information or when they receive an overwhelming dump of information all at once. Make time throughout the year to analyze the superintendent's performance, at least quarterly.

The IAPSS/ISBA evaluation tool and manual can be found at <https://www.isba-ind.org/superintendent-evaluation.html>.

## BOARD MEMBER CHANGES

- **Megan Inman** has been appointed to the Greencastle Community School Board. She replaces Vice President **Russell Harvey**, who resigned to accept an appointment on the Greencastle City Council.
- **David Hughes** resigned April 17 from the Lakeland Board of School Trustees.
- Perry Township School Board Vice President **Scott Heller** resigned from the board.
- The Portage Township School Board selected **Jeff Smith** to fill the seat that opened when Secretary **Troy Williams** moved to Florida. Smith is a former teacher, athletic director, and dean of students who currently works for Luke Oil.
- **Jesse Adducci** joined the Griffith School Board to replace **Jennifer Gooldy**, who resigned with more than three years left in her term.
- Linton-Stockton School Board President **Katie Elliott** announced her resignation from the board, effective May 31.
- **Shawn Ensign** resigned from the M.S.D. of Boone Township School Board.
- The Michigan City Area School Board appointed **Phyllis Stark**, retired teacher, to an at-large vacancy.
- **Tom Schnabel** resigned from the Duneland School Board, effective May 15. He is moving out of state.
- Westview School Board Vice President **Dave Mehas** is resigning, effective June 9. He has served since 2001.
- **Grant Reeves** resigned from the Franklin County School Board.
- **Sherry Shei** has been appointed to the South Central Community School Board. She works for Chester, Inc.
- The Valparaiso City Council appointed **Karl Cender** to serve on the Valparaiso Community School Board. He previously served 12 years on the school board from July 2010-July 2022.
- **Jason Roney** resigned his seat on the Madison Consolidated School Board.



Three school boards have earned ISBA's most coveted distinction, the **Exemplary School Board Award**, for 2022. Congratulations to the Avon Community School Corporation Board of School Trustees (top left), the MSD of Warren Township School Board (bottom left), and the Warrick County School Board (above).

## RECOMMENDED READINGS

- » [Chaotic, twelfth-hour push nets \\$312M increase for traditional K-12](#) - Indiana Capital Chronicle
- » [IN becomes 19th state to guarantee personal finance for HS grads](#) - Next Gen Personal Finance
- » [Supreme Court to decide case on school board members and social media](#) - Washington Post
- » [Three new laws aim to help Hoosier students reach college](#) - Chalkbeat
- » [8 ways education funding changes in Indiana's new state budget](#) - WFYI
- » [Bartholomew CSC School Board approves team structure at high schools](#) - Columbus Republic
- » [Superintendent turnover is increasing and gender gaps are barely budging, but accurately assessing the consequences remains a challenge](#) - The Conversation

## CALENDAR OF ISBA EVENTS

June 1	<a href="#">School Law Seminar</a>
June 13	<a href="#">ISBA/IAPSS/IASBO Budget/Finance Seminar</a>
August 18	ISBA/IAPSS Collective Bargaining Seminar
September 25-26	Annual Fall Conference
November 1-20	Fall Regional Meetings
December 8	School Law Seminar

### Indiana School Boards Association

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#### 2023 Management Survey Published

ISBA's annual Management Survey is now available through our online [Resource Library](#) for members to download. You'll need your member username and password to access the file. The 2023 Management Survey contains administrator salary data and contract days for approximately 200 school corporations. You can sort the data by assessed valuation and enrollment to build your own custom comparisons.

#### Voters OK 7 out of 10 Referendums

Five school funding referendums slated to expire at the end of the calendar year were renewed at the same level through 2031. Another existing school funding referendum was extended, but at a higher level. These six "operating" referendums will collectively generate more than \$250M over the next eight years. The other winner was a \$410M construction project, by far the largest facility referendum ever approved.