

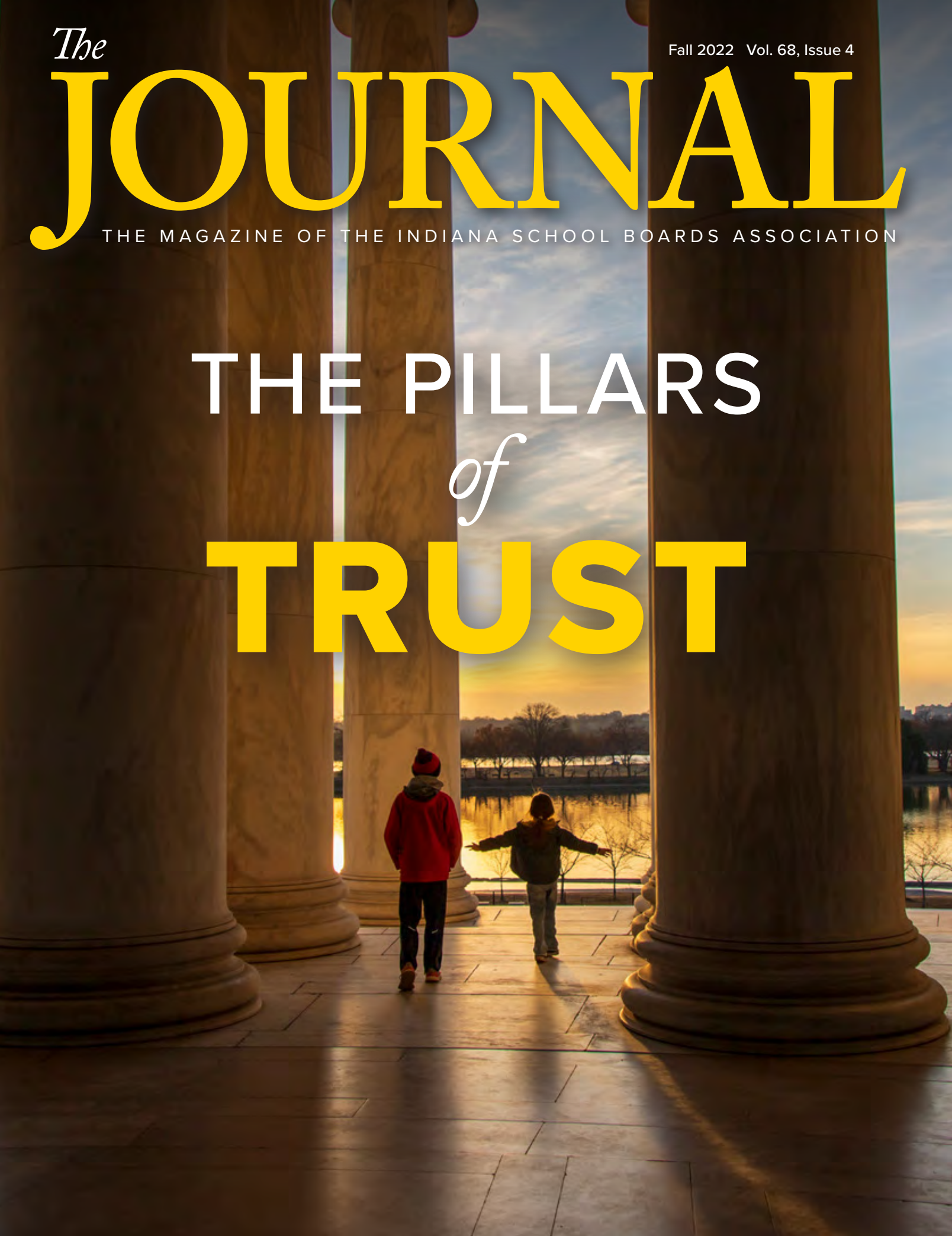
*The*

Fall 2022 Vol. 68, Issue 4

# JOURNAL

THE MAGAZINE OF THE INDIANA SCHOOL BOARDS ASSOCIATION

## THE PILLARS *of* TRUST



# THANK YOU

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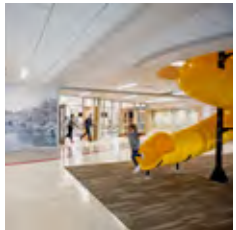
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## CONNECT

220 N College Ave.  
Indianapolis, IN 46202

**Terry Lancer** | 317.797.6595

tlancer@lancerbeebe.com

**Mark Beebe** | 317.750.5373

mbeebe@lancerbeebe.com

**lancerbeebe.com**

**LANCER + BEEBE, LLC**  
ARCHITECTURE | PLANNING | INTERIORS

## ISBA OFFICERS

## PRESIDENT



**Tom Simpson**  
601 Greenland Lane  
Yorktown, IN 47396  
Yorktown

## FIRST VICE PRESIDENT



**Rebecca Gardenour**  
503 Captain Frank Rd.  
New Albany, IN 47150  
New Albany-Floyd Co.

## SECOND VICE PRESIDENT



**Steve Corona**  
428 W. Sherwood Terrace  
Fort Wayne, IN 46807  
Fort Wayne

## PAST PRESIDENT



**Dr. Robert M. Stwalley, III**  
30 Thise Court  
Lafayette, IN 47905  
Lafayette

## DIRECTORS

## REGION 1



**Thomas K. Hoffman**  
2115 W. Lincoln Hwy  
Merrillville, IN 46410  
Crown Point

## REGION 2



**Rebecca Linnemeier**  
12359 North Camelot Trail  
Milford, IN 46542  
Wawasee

## REGION 3



**Tim Ehlerding**  
1718 West Monroe St.  
Decatur, IN 46733  
North Adams

## REGION 4



**Milton Hess**  
822 Lakeview Dr.  
Logansport, IN 46947  
Logansport CSC

## REGION 5



**Layla Spanenberg**  
931 Twelve Oaks  
Carmel, IN 46032  
Carmel-Clay

## REGION 6



**Wade Beatty**  
11725 N State Road 140  
Knightstown, IN 46148  
Charles A. Beard

## REGION 7



**John Preble**  
1748 Spruce Drive  
Linton, IN 47441  
Linton-Stockton

## REGION 8



**Jack Russell**  
1713 Pathway Dr. South  
Greenwood, IN 46143  
Center Grove

## REGION 9



**Travis Nolcox**  
1930 E 350 S  
Princeton, IN 47670  
North Gibson

## REGION 10



**Lee Ann Wiseheart**  
1573 Meadow Lane  
New Albany, IN 47150  
New Albany-Floyd Co.

## STAFF

Terry Spradlin, *Executive Director*

Lisa F. Tanselle, Esq., *General Counsel*

Julie M. Slavens, Esq., *Senior Counsel/Director of Policy Services*

Steve Horton, *Director of Board Services*

Adam VanOsdol, *Communications Specialist/Content Strategist*

Rae Anne Motsinger, *Comptroller*

Haley Crnarich, *Events and Promotions Specialist*

Talia Bynm, *Administrative Assistant*

## The JOURNAL

ISBA Journal Editor – Adam VanOsdol

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FALL 2022 VOL. 68, ISSUE 4



## FEATURE

## 32 SCHOOL DISTRICT SPOTLIGHT

Clarksville Community School Corporation

# SETTING THE EXAMPLE

## for Wellness and Continuous Improvement

by Haley Querbach

## GUEST FEATURES

## 40 11 Destructive Things Said During Referendums

by Scott Flood, School Board Member, Plainfield Community School Corporation

## 45 Inflation and the Labor Market – Interconnected and Significant Pressures Facing School Districts

by Matt Bubness, Director, Baker Tilly

## DEPARTMENTS

## 6 President's Bulletin

Leading in Earnest...

It's A Matter of Trust

by Tom Simpson

## 10 Executive Director's Bulletin

2023 Legislative Priorities

Adopted by the ISBA Delegate

Assembly

by Terry Spradlin

## 18 Board Services Update

New Member Orientation is

Critical to Your Success

by Steve Horton

## 22 General Counsel Update

Indiana Federal Courts Weigh

In On the Rights of Students

by Lisa F. Tanselle, Esq.

## 26 Policy Advisor

A Review of A School

Employee's Prayer Case

by Julie M. Slavens, Esq.

## 38 2022 Power of Membership

## 50 Service &amp; Associate Members Directory





# Leading in Earnest...

## IT'S A MATTER OF TRUST

*By Tom Simpson, ISBA President*



**T**hroughout my professional career and personal life, I've always been a strong believer in investing in relationships. When we commit emotional capital and time with a willing partner, relationships typically flourish and grow. Conversely, without that intentional investment they usually wither and die.

If you research the topic of “healthy relationships”, you’ll find literally hundreds of thousands of resources at your fingertips including surveys, articles, books, blogs, and videos. One of the most cited and universally common factors of relational success is Trust. Without trust, none of the other foundational pillars can gain a foothold. But trust is rarely given freely or immediately in most relationships – it must first be earned. With a new school year just begun, it is a good time to remember that trust is a critical expectation from parents to all schools and school leaders. Here are some fundamentals we probably know but are worth revisiting:

### ELECTION

For the vast majority of our school boards, the election process is where we first earn the trust of patrons and parents. We meet with parents and teachers, immerse ourselves in our children’s activities, attend school board meetings, and ultimately share our reasons and ideas for why we are the best person for the job. Hopefully, we demonstrate not just a willingness to serve but a sincere commitment to learn and apply our skills to the betterment of all students in our districts.

### GOVERNANCE

School board members, like all elected officials, are entrusted with very important and specific responsibilities. Among those are safeguarding the fiscal well-being of the district, developing meaningful policies that create a structure by which staff and students can perform to the best of their ability, employing the best superintendent possible for our district, and working proactively to develop a strategic plan that will maximize the performance and potential of every child

### SAFETY

Ask any parent what they consider the most basic responsibility of their public school and you’ll likely hear the word safety. Especially in today’s climate of increased school violence, there is no bigger or more critical area of trust. Parents trust their children will be safe on the bus, in the classroom, on the playground, and everywhere they are left in our care. Additionally, we’re entrusted with providing healthy food, safe drinking water, optimal air quality, and temperature control, along with an optimum learning environment.

### EMOTIONAL & SOCIAL

Although the definition and depth may have changed, public schools have always bore a heavy responsibility for dealing with the social and emotional needs of school children. What adult would not cite a teacher, coach, principal, or school counselor as a role model for helping to shape their life or get them through school? Parents entrust their public school to help provide that guidance and support. Public schools today provide an even broader array of support services to meet the rising tide of students in emotional crisis.

## EDUCATION AND LIFE PREPARATION

Our ultimate job as school board members, the end-product if you will, is educating students and ensuring they are prepared to be successful in the next phase of their life. Whether that “next step” is higher education, vocational training, the military, or going directly into the work force, it is the culmination of our trust pact with parents. Board members are typically not “in the trenches” when it comes to classroom instruction and curriculum and for good reason, as the vast majority of us are not educators. However, it is our trusted responsibility to make certain we are involved in the strategic planning and oversight of curriculum and the use of data, analytics, and instructional tools to ensure students are achieving and growing.

## COMMUNICATION & TRANSPARENCY

To achieve all of the aforementioned responsibilities and be a high-functioning board, mutual trust among your board members and superintendent must be the golden rule. Every board room wall should have a sign that says “No Surprises”. That includes no surprises between individual board members and none to or from your superintendent. We are a team, and without this commitment, you will never achieve the full potential of your district.

In addition, despite the paradox, transparency and confidentiality are two sides of the same coin. There are times when board discussions and opinions must be held in

confidence especially when dealing with staff or student issues. Conversations in executive session and any other one-on-one board communication should be considered private unless mutually agreed otherwise.

Transparency is also a critical element of good relationships, especially with your patrons and parents. Too many boards operate in a vacuum with little to no input on topics that are far too important to not solicit community involvement. Many of the divisive and incendiary issues that have arisen in the past two years causing angry parents to demand change in their schools and on their school boards have a direct correlation to lack of transparency and communication. Trust is earned and kept through open and transparent discussion even on topics we know will be hard. We are public school systems, and the trust we earned on election day cannot dissipate when the subject matter or the questions are difficult to address.

In closing, whether you are a new board member in your first term or a grizzled veteran with a decade or more of service, governing in earnest must always be at the forefront of our mind. The responsibilities we bear for the children of our communities come with the very highest expectations. It's a job with very few perks and not much pay, but that's not why any school board member runs for office or seeks an appointment. We all trust we can make a difference, and the stakes are too high to leave our children's future to chance. Let's make sure we keep earning that trust every day. 🍀







# COMPREHENSIVE POLICY MANAGEMENT SERVICES

## **ISBA MAKES POLICY MANUAL UPDATES EASY WITH COMPREHENSIVE POLICY MANAGEMENT SERVICES (CPMS).** CPMS is a more robust service beyond the policy advisories from ISBA that are provided to all members.

Policy-making is a top priority of any school board's governance responsibility. The policies put in place should comply with current Indiana and federal laws and reflect the educational values of the school corporation and the community.

ISBA is your resource for Indiana public school policy development and management. Through a yearly subscription, ISBA's legal team can provide your school corporation with:

### **POLICY EVALUATION, CUSTOMIZATION, & MANUAL CODING**

Review and evaluation of your current policies, full customization of policies to ensure your school corporation meets required legal mandates, and receive the ISBA policy code, tables of content, and index for organizing your local policy manual.

### **FOCUSED CONSULTATION**

Quarterly Zoom video conferencing meetings to talk with corporation representatives about the CPMS Quarterly Report.

### **QUARTERLY POLICY UPDATES REPORT**

Receive in depth information on policy topics and sample policies on individual topics through the Quarterly Report.

### **SAMPLE POLICIES AND POLICY LISTS**

Receive the Required policy list & sample policies along with Essential and Discretionary policy lists as well.

### **POLICY TRAINING**

Ensure your board and administrators are knowledgeable on current policies with policy training sessions.

**“ 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

**“ We are very thankful to ISBA for their continued support through their policy service. Our board greatly appreciates their ability to adapt legal requirements and policy to fit the individual needs of our school district. Their customer support and availability are remarkable and set their service apart from others.”**

- Scot D. Croner, PhD, Superintendent  
Wa-Nee Community Schools

LEARN MORE ABOUT CPMS ON OUR WEBSITE AT: <https://www.isba-ind.org/cpms.html>  
OR E-MAIL: [CPMS@isba-ind.org](mailto:CPMS@isba-ind.org)



# 2023 LEGISLATIVE PRIORITIES

Adopted by the ISBA  
Delegate Assembly

*By Terry Spradlin, Executive Director*





**T**he Indiana School Boards Association (ISBA) is dedicated to supporting and improving the quality of education provided to Hoosier children in every classroom throughout the state. ISBA recognizes the leadership role of the General Assembly in enacting legislation that impacts K-12 public education and is committed to representing the interests of its school board members when addressing legislative initiatives. Legislative Services is one of four core services areas provided by ISBA to support our members.

In recognition of the importance of member engagement in grassroots advocacy, the new 2022-2025 ISBA Strategic Plan establishes a goal to “take ISBA advocacy to the next level.”

#### **THE OBJECTIVES OF THIS GOAL AREA ARE:**

- ▶ Inform, influence and shape sound governance policy for K-12 public education
- ▶ Increase members’ overall knowledge of legislative process
- ▶ Equip members with effective techniques, strategies, and processes for grassroots advocacy and campaigns
- ▶ Enhance relationships with state government leaders (e.g., legislators, State Board of Education, IDOE, Office of the Governor, DUAB, DLGF, etc.)

The success of ISBA in fulfilling this goal and the objectives will hinge on our ability to elevate school board member participation in the Legislative Action Network (LAN). School board members have clout with an important message to deliver to area legislators, the media, and local community. We want to help you with the right message at the right time to effectively engage in the advocacy process. Stay tuned for further communication on advocacy training webinars and the release of the sixth edition of the Advocacy Guide. We will announce the date of the Fifth Annual ISBA State House Day later this fall.

Let’s first commence this important work by introducing to you, and moving forward with a focus on, ISBA’s 2023 Legislative Priorities. The 2023 session will be here before we know it and it is an all-important “budget session” that begins in January (and will conclude by the end of April). We anticipate another session with a high volume of K-12 education legislation. During the 2022 session, ISBA tracked 140 bills at the start of session, 28 of which became law that were ultimately relevant to school governance or K-12 public education. In 2023, there will be both opportunities to advance the ISBA agenda as well as challenges to our ideology of public education as the pillar of democracy and engine of opportunity for the citizens of the state. We need to be ready to be a strong voice and united champion for K-12 public education and to advocate for the ISBA 2023 Legislative Priorities.

To develop the legislative priorities and foundational statements to support public education, the ISBA Legislative Committee met for several hours on July 15, 2022. Work continued on these documents through the remainder of August and into early September. We thank the 20 school board members from across that state that serve on this committee and contributed their valuable time and input (see the list of committee members in Table 1). Once the committee adopted both, these core documents were presented to the ISBA Delegate Assembly on October 3, 2022. The Foundational Statements and 2023 Legislative Priorities were adopted by separate motions and are available for viewing at: <https://www.isba-ind.org/legislative-priorities-and-foundational-statements.html>

I want to highlight ISBA’s legislative priorities for 2023. We will be talking about these issues in more detail during the Fall Regional Meetings occurring November 1-17, 2022.

#### **1. STATE BUDGET/TUITION SUPPORT**

Economic conditions are stretching resources and increasing budgetary challenges for school



corporations. The cost of classroom instruction and business operations are escalating. Consider:

- ✓ The purchasing power of state tuition support is being eroded by inflation. The CPI is currently hovering around 9%, which is at a 40-year high. As a result, school officials are reporting price escalations for goods, equipment, and services
- ✓ Funding required to restore inflation-adjusted purchasing power would be \$500 million in FY 2022 and \$800 million in FY 2023 (Dr. Larry DeBoer, Professor Emeritus, Purdue University, June 15, 2022)
- ✓ Staffing shortages are interfering with schools' ability to deliver optimal education, transportation, cafeteria, and other critical services to students
- ✓ The ability to generate tax dollars is being diminished by rising homestead values that trigger an increase in circuit breaker credits

**The 2023-2025 school funding priorities of ISBA include:**

**i. Tuition Support**

- An annual increase in Tuition Support at a percentage matching or surpassing the rate of inflation. The Indiana General Assembly is asked to continue its recent

significant effort (during the 2019-2021 and 2021-2023 biennia) to boost state tuition support to help fund increases in teacher compensation and classroom operational expenses

**ii. Prekindergarten Program Expansion**

- Modify program eligibility based on the child's family household income from 185% to up to 300% of the federal poverty level. ISBA supports increasing state funding for the On My Way Pre-K grant program to accommodate this change with the goal to significantly expand opportunities for early childhood learning and supports that meet rigorous PATHS to Quality standards
- According to 2021 research conducted by the Center for Early Learning at Purdue University, On My Way Pre-K children performed better than comparison children on general school readiness skills, such as identifying shapes, colors and numbers and language and literacy skills in kindergarten. The On My Way Pre-K students also tended to have higher performance on ILEARN English/Language Arts tests than the comparison children in grades 3 and 4. (See study summary at: <https://www.in.gov/fssa/carefinder/files/OMWPK-2-Study-Summary-Report-0122.pdf>)



2022 Legislative Committee

### iii. Complexity Index

- Increase Complexity Index funding to support school corporations, both rural and urban, that have high concentrations of students living in poverty. The Complexity Index is sound in principle, but an insufficient amount of money has been included in the formula in recent years to be impactful in “leveling the playing field” to close achievement gaps.

### iv. English Language Learners (ELL)

- ELL categorical grant dollars increased by \$5 million to \$27.5 million annually in current biennial budget and ISBA calls for another \$5 million increase annually during the 2023-2025 biennium

### v. Special Education Categorical Funding

- Special education funding increased significantly for severe, moderate, and preschool categories by 5% in FY '22 and 10% in FY '23. ISBA supports an additional increase of comparable amounts for these categories in the next budget

### vi. Teacher Mentor Stipends

- ISBA calls for the re-establishment of a state grant program that existed for many years prior to 2001 that supported teachers entering the profession and provided master teachers with a stipend for their mentorship of the new teachers. Approximately 3,000 first-year, full-time teachers are hired in Indiana each year. Providing 3,000 mentor teachers with a \$1,000 annual stipend would cost the state \$3 million per year

### vii. Attaining Teacher Pay Goals

- Inclusion of all collective bargaining unit members and all employee costs (benefits, FICA, social security, pension) in the teacher compensation requirement (45% threshold)
- Add any school corporation expenditures for salary and wages for the employment of adjunct teachers in the teacher compensation requirement (45% threshold)

### viii. ADM Count for Early Graduates

- Count all seniors, even those graduating after the fall semester, in the spring ADM count (this language was included in HB 1204 during the 2021 session). This policy will ensure school corporations are not penalized for the notable achievement of seniors who want to

## 2022 LEGISLATIVE COMMITTEE

Region	Member	School Corporation
1	Jim Arnold	La Porte Community School Corporation
	Steve Lesko	East Porter County School Corporation
2	Angela Layman	School City of Mishawaka
	Allan Kauffman	Goshen Community Schools
3	Heather Krebs	DeKalb County Central United School District
	Mike Murray	M.S.D of Bluffton Harrison
4	Amy Austin	West Lafayette Community School Corporation
	Karen Sutton	Community Schools of Frankfort
5	Robert Savage	Elwood Community School Corporation
	Doug Ozolins	Hamilton Heights School Corporation
6	Jon Madison	Blue River Valley School Corporation
	Leslie Jacobs	Fayette County School Corporation
7	Cathy Fuentes-Rohwer	Monroe County Community School Corporation
	Stacy Killion	Vigo County School Corporation
8	Susan Collins	Indianapolis Public Schools
	David Finkel	Shelbyville Central Schools
9	Alex Knepp	Barr-Reeve Community Schools
	Stephanie Gerhardt	Warrick County School Corporation
10	Amy Oliver	Brown County Schools
	Joe Basham	Silver Creek School Corporation

start college or careers early by graduating after the fall semester. Under current law, school corporations are not provided with adequate flexibility to reduce personnel and operating costs mid-year

## 2. INDIANA SECURED SCHOOLS SAFETY GRANT

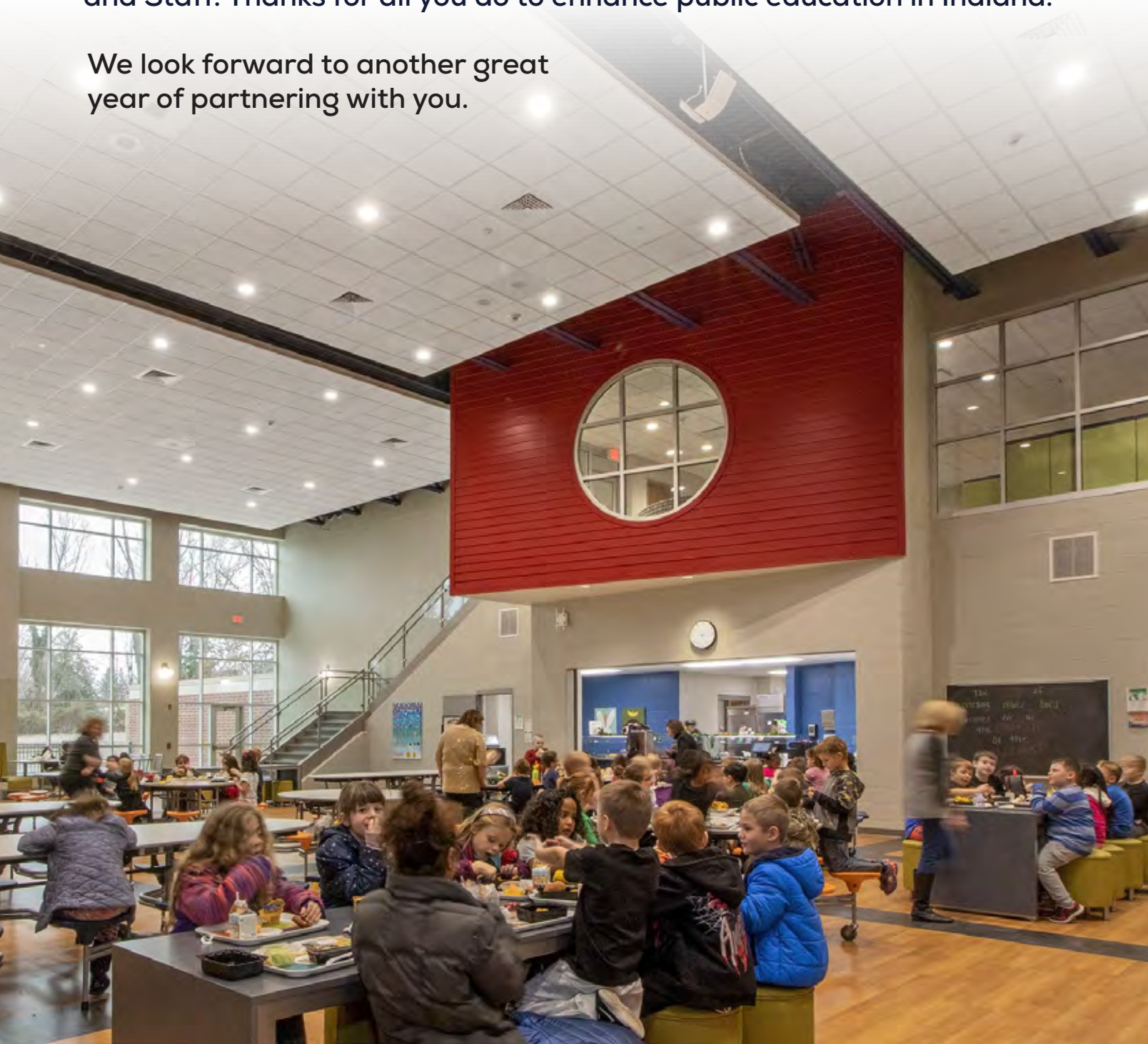
ISBA supports a significant appropriation increase from \$19 million to \$30 million annually for this grant program. This increase will offset funding shortfalls of unfunded requests in the 2022 grant award cycle. Ensuring safe, secure, and supportive classroom learning environments has escalated in urgency and priority given the rash of tragic school shootings across the nation. Since establishment in 2013, the Indiana Secured School Safety Grant (SSSG) Program has served as a critical resource to help ensure Hoosier schools are safe and secure. This increased funding will also help provide additional resources for student and parent supports to enable school corporations to hire additional school counselors, social workers, school psychologists, and therapists.



# Thanks for all you do.

As we kick off 2022, we're celebrating School Boards, Administrators, and Staff. Thanks for all you do to enhance public education in Indiana.

We look forward to another great year of partnering with you.





### 3. STUDENT MENTAL HEALTH SUPPORT SERVICES

ISBA supports dedicated state funding for student social, emotional, and behavioral services. As reported in an U.S. Census Bureau survey and cited in the 2021 Indiana Kids Count Data Book published by the Indiana Youth Institute (IYI), the onset of COVID-19 increased children and youth having anxiety, depression, low self-esteem, and distress due to social isolation and economic conditions. In addition, the IYI report cites that nearly 13% of Hoosier youth cope with severe major depression. Suicide ideation has increased as well according to various reports. These circumstances are troubling and require time and attention from classroom teachers to support their students' emotional wellbeing, lessening time devoted to teaching and learning. Dedicated funding for trained mental health professionals would ease the burden of classroom teachers. The funding will support a staff that is trained and certified in those areas of student care. These supports will lead to higher teacher retention and better student academic, social, and behavioral outcomes.

### 4. REFERENDUM ISSUES

#### A. Clarifying Referendum Tax Rate Information

HEA 1271 (Public Law 38-2021) revised the local public question for Controlled Projects, Operations, and school safety referenda of school corporations to include the "estimated average percentage of property tax increase" on residential and business property. This new language replaced the prior long-standing language that provided the proposed property tax rate increase per \$100 assessed valuation to the property taxpayer. This new language is ambiguous and could misinform a taxpayer who would pay significantly less, or more, than the average percentage of property tax increase. ISBA supports changing the ballot language to include the property tax to be paid annually by voters/residents for an average value (median) residence in that community and what the property tax paid annually would be for a business property per \$100,000 of net assessed value.

#### B. Adding Capital Referendum (Controlled Project) Net Tax Rate Ballot Language

ISBA proposes allowing school corporations to adjust the referendum ballot question to include a net average on a resident and business after deducting any retirement of debt scheduled during the lifespan of an approved referendum. Due to the cost of the project, the net tax rate impact is an additional piece of information needed so that taxpayers/voters can understand the

long-term cost impact to them. Inclusion of this information on the ballot will provide a more accurate depiction of the tax rates and levies of the school corporation.

### 5. 15% EDUCATION FUND TRANSFER LIMIT 1-YR "HOLD HARMLESS" WAIVER

ISBA supports a 1-year hold-harmless waiver to be granted through the Indiana Department of Education (IDOE) for excess fund transfers by school corporations from the Education Fund to the Operations Fund above the target threshold not to exceed 15%. This waiver would address inflation spikes and the significant increases in transportation expenses (school bus pricing and fuel costs). No waiver process is available presently in IC 20-40-2. The school corporation reports the amount transferred to the IDOE. The IDOE must post each school corporation's report.

### 6. REVIEWING LOCAL GOVERNMENT FINANCING MATTERS

ISBA supports a review of local government finance matters by the legislature to consider changing the maximum levy growth quotient (MLGQ) to adjust for circuit breaker tax cap losses. In addition, ISBA would support eliminating Controlled Project thresholds to move to a maximum referendum property tax rate mechanism. In addition, ISBA supports continued analysis of the financial impact of TIF districts on other units of government, including school corporations.

### 7. ELIMINATING A-F SCHOOL ACCOUNTABILITY GRADES AND REPLACING WITH DATA DASHBOARD SYSTEM

ISBA supports eliminating the current state A-F accountability system and favors the use of the new data dashboard system as a means of accountability to provide the public with multiple measures, including opportunity gap indicators, beyond test scores for which to judge the quality of all schools that receive state tuition support. Given the four consecutive years of "hold harmless" provisions in use of ILEARN test scores to compute accountability grades, this system has become obsolete and has diminished credibility and importance with stakeholders.

### 8. MEDICAID REIMBURSEMENTS FOR SCHOOL-BASED HEALTH SERVICES

ISBA supports continued efforts through legislation to expand school-based health services that are eligible for Medicaid

reimbursement.

- Presently, school psychologists with independent practice endorsements (IPEs) can bill Medicaid but only for services provided under the supervision of a physician or an HSPP (Health Service Provider in Psychology). IDOE issues the IPEs once the additional requirements to obtain the IPE are met. School psychologists with IPEs under the supervision of a physician or an HSPP would be considered a qualified health professional, but only the services they provide per a special education student's IEP (individualized education program) would be reimbursable, the salaries would not be
- While a current Medicaid provision provides for school psychologists to bill for testing, the barriers of providing proof of meeting Medicaid qualified practitioner criteria are often a hindrance for schools
- ISBA supports the Indiana School Psychologists Association proposal to either authorize school psychologists to direct bill without the necessity of oversight and signature from

a physician or HSPP psychologist, or serve as the signing authority for school-based psychological services

## 9. STOP ARM VIOLATION FINE AND PENALTY ENFORCEMENT

Enhanced efforts are needed to enforce school bus stop arm violation penalties and fines to better protect students in school bus zones. Legislation introduced in the 2021 and 2022 sessions proposed that a registered owner of a motor vehicle commits an infraction if the owner's vehicle is used to violate the school bus stop arm law. Passage of this legislation would lessen the burden of proof to identify the driver of the vehicle.

## 10. SCHOOL BOARD MEMBER PER DIEM PROCEDURE

Current law allows school board members to receive up to \$2,000 a year for their service as well as a per diem for attending board meetings. The maximum per diem rate for all school board members in the state is established by the Board of School Trustees of the Indianapolis Public Schools, whose determination is restricted by the rates established by the Indianapolis City-County Council. Having per diem rates for school board meetings tied to the per diem rates for city-county council meetings is flawed since the governmental entities operate differently. The ISBA proposes to authorize the Indiana State Board of Education to set the maximum per diem rate for all school board members in every school corporation.

## CONCLUSION

Please take time to acquaint yourself with the full details of the ISBA Foundational Statements and 2023 Legislative Priorities. ISBA staff will follow up with members soon to update our board legislative liaison contact list. Through the ISBA Legislative Action Network we intend to continue to strive to elevate ISBA's advocacy efforts. Together we are better when we stand with a unified voice. Your local engagement and leadership are paramount to our success. Thank you for your ongoing contributions and response to the call to action to support K-12 public education in Indiana! ➡



## 2022 CALENDAR AT-A-GLANCE

**OCTOBER 26 & NOVEMBER 1**  
Student Speech Seminar

**NOVEMBER 1-17**  
Fall Regional Meetings  
*Statewide*

**DECEMBER 9**  
School Law Seminar  
*Ivy Tech Conference Center*

*For more information on ISBA meetings and locations  
visit our website at [www.isba-ind.org](http://www.isba-ind.org)*

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## About Us and Our Impact & Reach

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# NEW MEMBER ORIENTATION IS **CRITICAL** TO YOUR SUCCESS

*By Steve Horton, Director of Board Services*



**T**uesday, November 8 is an important day for many school districts across Indiana. That is when you find out who will be sitting at your board table in January. Emotions will vary widely as the election results are finalized. Whether you are elated at the outcome or fearful of what the future will hold is a matter of personal perspective. Keep in mind that how you bring in new members can have a significant impact on the effectiveness of your leadership team. Regardless of how you feel about the outcome of the election, board members and superintendents have a role to play in your future.

### **A TALE OF TWO JOBS**

I think back on my initiation to two different jobs I have held and the effect those had on me as the “new guy.” At one point in my life, I needed a job, so I applied for a position for which I did not feel particularly qualified. I knew some people at that company and a former employer suggested that I apply – so I did. I was surprised to get an interview, and I was even more surprised when the manager that interviewed me offered the position that day. Despite my excitement for the new job, the way I was brought into the position did little to inspire my confidence in the work or the company. After being thrown into something with little to no introduction, I went to work doing what I thought was best. I was absolutely floored when the “big boss” took me aside to tell me what a great job I was doing. At that point, I wasn’t even sure what the job was.

In contrast, when I began my work with the Ohio School Boards Association almost a decade ago, the first day the director of our division scheduled a meet and greet with everyone in the office and a lunch with me and the other members of the division I was joining. Those events alone were an important time to get to know my new co-workers and allow them to get to know me better. It was a gesture that communicated that I was welcomed and important to the team and set the stage for a much more confident beginning. Following that was a structured itinerary of learning, introductions and inter-departmental tasks aimed at helping me become better acclimated to my new workplace. I was pleased that my start with ISBA was

similar and allowed me to settle in and get comfortable with my new surroundings.

Consider that your newly elected board members are beginning a new job and how they are welcomed in can set the stage for their work as part of your leadership team.

### **BEFORE THE ORGANIZATIONAL MEETING**

My introduction to the board when I was elected was a bit underwhelming. I did have a place at the table with my name plate and some literature on boardmanship for me to take for my personal library. What was missing was a personal connection. This is about more than introductions. It should be about understanding board protocol, chain of command and line of communication. For most if not all newly elected members, this is unlike any other job they have experienced. The interpersonal relationships, and dynamics of board work are easily misunderstood by the general community. The first meeting in January is not an ideal time for a new member to begin learning about the work.

There is ample opportunity between the election and the organizational meeting to schedule time with the newly elected members. Too often things are said during the campaign, and biases and perceptions are created that are dangerous to carry into the new relationship. I caution sitting members about potential preconceived notions before having an opportunity to meet and get to know the new person or people. The danger is that you can create an unwelcoming environment before new people have had a chance to prove themselves. Any opportunity to build trust and relationship can easily be lost.

One approach is to open the door for a relationship, not with statements, rules, and policies, but with questions. Questions allow the other person to share and you to understand. Sincere questions signal that you are more interested in the other person and less interested in yourself. They are the basis for building a working relationship, and they open possibilities for a dialog that may transcend philosophical and ideological differences.

The board president and superintendent should play a crucial role in these early introductions, but also

consider having veteran board members serve as mentors. A mentor can have a positive impact by answering questions and sharing experiences and acquired knowledge. That relationship is another way to say welcome, you are an important part of our team.

## **IT'S ABOUT MORE THAN THE FELLOW BOARD MEMBERS**

Consider that the new board members are going to work with and certainly meet many people in the district. A great place to start is with your district organizational chart. Find out who the new member already knows and what questions he or she has about the chart and the work that the different people in the organization do.

This is also a great time to tie your strategic initiatives to the work of the corporation. It is important for board members to understand how people are connected and how the work aligns through the organization. It is also important to point out how information and communication need to flow and the role that plays in building cohesiveness and trust. This is not an invitation into the weeds for the new members, but rather an introduction to the organizational structure. Don't assume that they already understand how the district works.

## **BRING YOUR PEOPLE INTO THE CONVERSATION**

Superintendents, this is an opportunity for your new board member(s) to connect with your district leaders. Scheduling time for your cabinet members to meet with the new board members is an opportunity for a stronger connection between the board and the district. Often, new board members don't fully understand the depth of the work of your most trusted administrators. It is not unusual for community people to have a misconception of the work directors, coordinators and even principals are doing. When you hear the familiar complaint that the district spends too much money on administrators, it is typically a misunderstanding of the value and need for those positions, and what each of them bring to the operation of a very complex organization.

It is important that you help your people understand that they are sharing the work they are doing and answering questions – not defending their work. Another important point about these meetings is the opportunity to make it a two-way dialog. Yes, your team members need to share the work they are doing, but it is equally important for them to allow the new board members to share.

Encourage your people to ask questions that will allow them to get to know the new board members better. Do they have children in the district? What buildings do they attend? Are they alumni? How long have they lived in the district? What are their aspirations for the district and community? Those types of questions will allow your administrators to get to know the board members better and create a more personal connection.

Keep in mind that new board member meetings with your administrators can be very beneficial but follow up is even more beneficial. Be sure to have a debrief with your team members following their meetings. What did they learn? Did they hear anything that caused concern? What were their overall feelings about the time they spent with the new board member?

## **CONNECT AT THE TOP**

Confirm the chain of command. The newly elected members need a high comfort level of communication with the superintendent, and board president. If your new members are not comfortable picking up the phone and asking you questions, then they will be more likely to pursue other sources. Often, those sources are not appropriate or reliable.

Also, consider who your new members are going to hear from. In many districts, that is the superintendent's executive assistant. Too often, that person is a critical link that is overlooked. If it is the executive assistant who schedules meetings or shares information on your behalf, then she or he needs to establish a connection and high level of communication early. Preferably before the new member takes the oath of office and January. Make sure that the protocols for meeting notifications, scheduling, availability, and agenda distribution are established in understood. The clearer these points are, the better the transition will be not just for the new board member but for your veteran board members as well.

## **PLANNING SHOULD START NOW**

This is a very good time to reevaluate the way you bring new board members into the organization. Your best chance at establishing a strong relationship and effective communication, starts as early as possible in a new board member's first term.

And remember, ISBA will offer a series of trainings and professional development opportunities for your new members beginning in January. Encourage them to participate and develop their boardmanship skills early in their board service. 🐾



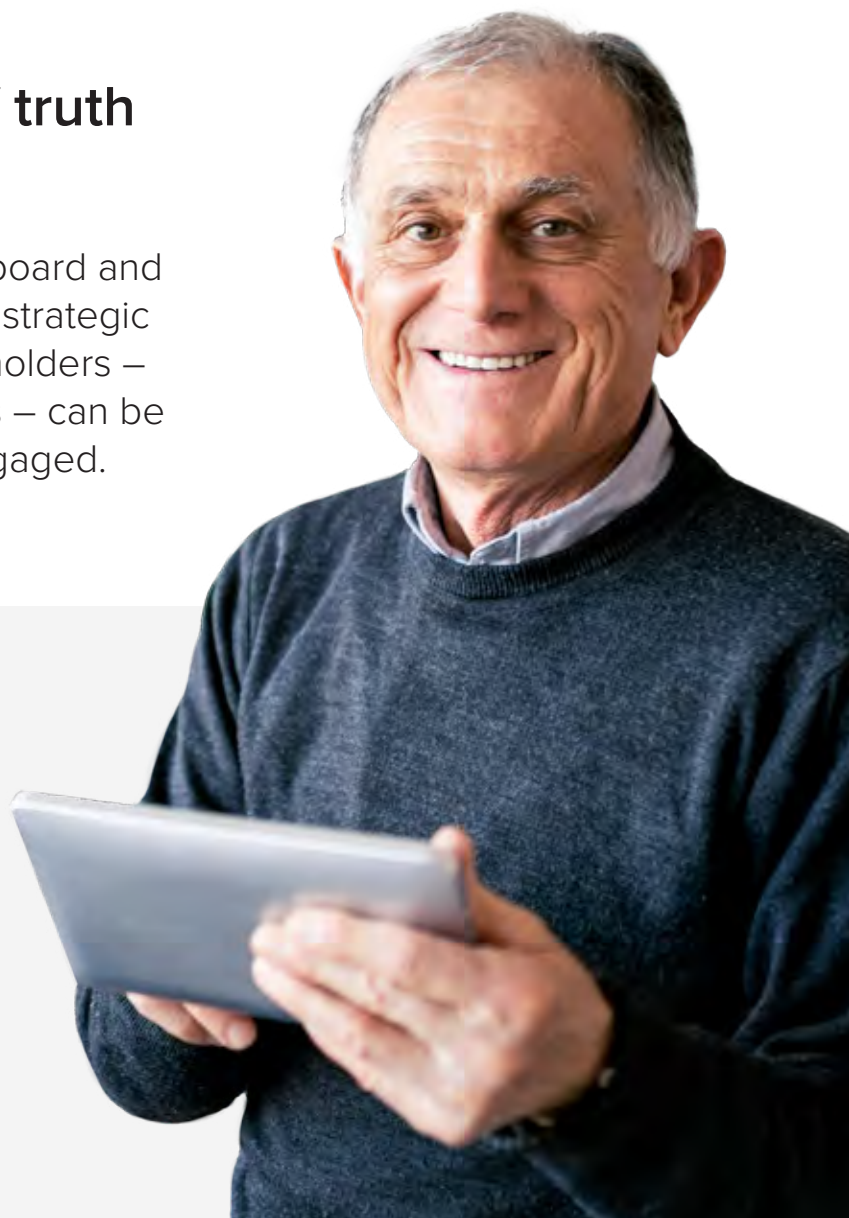
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# INDIANA FEDERAL COURTS WEIGH IN ON THE RIGHTS OF STUDENTS

By Lisa F. Tanselle, Esq., General Counsel



**B**ack in 2017, the Seventh Circuit Court of Appeals unanimously concluded in Whitaker ex rel. Whitaker v. Kenosha Unified School District that transgender students are protected from discrimination under Title IX and the Equal Protection Clause of the Fourteenth Amendment.<sup>1</sup> The court specifically found that “a policy that requires an individual to use a bathroom that does not conform with his or her gender identity punishes that individual

for his or her gender non-conformance, which in turn violates Title IX.”<sup>2</sup> The court further asserted that the policy treated transgender students differently and the school’s arguments in support of the policy did not meet the heightened scrutiny test required of sex-based classifications under the Equal Protection Clause.

In recent litigation before Indiana’s federal district courts, several school corporations argued that the Whitaker decision was no



longer good law and should not be relied upon in determining the rights of transgender students under Title IX and/or the Equal Protection Clause. A summary of these Indiana decisions follows. The issuance of these three decisions makes it clear that, until there is a different decision by the United States Supreme Court, Indiana courts will follow the Whitaker decision and its conclusion that discrimination against transgender students constitutes sex discrimination and therefore is a violation of Title IX and the Equal Protection Clause.

### **A.C. v. M.S.D. of Martinsville**

In this case, A.C., a 13-year-old transgender male student, filed a motion for preliminary injunction in federal district court, seeking to enjoin the Martinsville school district from restricting his use of male restrooms. Although the student had presented evidence of being diagnosed with gender dysphoria, the school district refused to allow him to use the boys' restrooms. The student alleged in his lawsuit that the school was in violation of Title IX and the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution.<sup>3</sup>

In considering the first factor necessary to obtain a preliminary injunction, specifically whether the student was likely to succeed on the merits of his claims, both the student and the school district cited the Whitaker decision and its conclusion that discrimination against a person on the basis of their transgender status constitutes sex discrimination, a violation of both Title IX and the Equal Protection Clause. The student asserted that application of the Whitaker decision in his case results in a conclusion that the school's refusal to allow him to use the boys' restrooms is a violation of Title IX and the Equal Protection Clause. The school district argued that the Whitaker decision should be disregarded for several reasons, including the fact that the Whitaker decision has been criticized for using the wrong standard of review and that the Whitaker court looked to Title VII in making its decision, an analysis that is now in doubt in light of the United States Supreme Court's decision in Bostock v. Clayton County, Georgia.<sup>4</sup> (In Bostock, the Court concluded that sex discrimination under Title VII included discrimination against employees on the basis of sexual orientation and gender identity, and noted that it was only deciding the Title VII issue and not any other issue.)

The district court judge concluded that "the school district has provided no convincing argument that Whitaker does not control and ... remains good law and thus is binding on this court." Given the "controlling precedent from the Seventh Circuit," the judge found that the student established a likelihood of success on the merits of both his Title IX and Equal Protection claims. After considering the remaining factors for granting a preliminary injunction, and noting that the overwhelming majority of federal courts, including the Seventh Circuit, have held that preventing a transgender student from using a school restroom consistent with the student's gender identity violates Title IX, the judge granted the student's motion for preliminary injunction and ordered the



school district to permit the student to use the boys' restrooms within the middle school building.

The school corporation has appealed this decision to the Seventh Circuit.

### **B.E. and S.E. v. Vigo County School Corporation**

In a case with very similar facts, two high school transgender males filed a motion for a preliminary injunction in federal district court when school officials at Terre Haute North Vigo High School refused to allow the students to use the male restroom and locker room. Both students were diagnosed with gender dysphoria and had started testosterone therapy. The students alleged that the school's actions violated both Title IX and the Equal Protection Clause.<sup>5</sup>

The parties' arguments before the judge were also very similar. The students asserted that Whitaker was controlling and therefore they were likely to succeed on the merits of their claims. The school corporation argued that Whitaker was meaningless since the court applied the wrong standard for evaluating whether preliminary injunctive relief was warranted in that case. The school corporation also argued that Bostock's determination that sex discrimination under Title VII includes discrimination on the basis of gender identity and sexual orientation should not apply to Title IX since it expressly permits schools to provide separate toilet, locker, and shower facilities on the basis of sex.

The judge in this case also concluded that it "must follow Whitaker and, to the extent it supports Whitaker as relevant here, Bostock." The judge acknowledged that the Court in Bostock explicitly noted that only Title VII was before it but cited numerous opinions wherein the courts looked to Title VII when interpreting Title IX. The judge further elaborated that the Court's statement in Bostock that it was addressing only Title VII did not sub silentio overrule Whitaker. As to the validity of the Whitaker decision after its subsequent abrogation by the Seventh Circuit, the judge noted several cases wherein courts, including the Seventh Circuit, continued to look to abrogated cases. Lastly, the judge noted two other circuit court opinions that agreed with the Seventh Circuit's assessment of Title IX. Based on these findings, the court concluded the students met their burden of demonstrating a likelihood of success on the merits of their claims. After considering the other necessary factors, the judge granted the students' motion for preliminary injunction.

The school corporation has filed a motion with the Seventh Circuit to consolidate its case with the Martinsville case.

### **A.M. v. Indianapolis Public Schools**

The last case to be filed with an Indiana federal court was one challenging the newly enacted law prohibiting a male, based on the individual's sex at birth, from participating on an athletic team that is designated as being a female, women's, or girls' athletic team.<sup>6</sup> A.M. is a 10-year-old transgender female who has been diagnosed with gender dysphoria, receives medical treatment, and is currently taking a puberty blocker. A.M. played on an IPS girls' softball team last year but was advised by school officials that she would not be able to play on the team this year due to the new law. A.M. filed a motion for preliminary injunction, seeking to enjoin IPS from enforcing the new law so that she can play on the girls' softball team. She alleged that the new law, IC 20-33-13-4, violated Title IX and the Equal Protection Clause of the Fourteenth Amendment. IPS took no position on the issue, but the State of Indiana intervened and opposed the motion.

As with the two cases discussed above, the parties debated the relevance of the Whitaker and Bostock decisions. And again, the judge in this case concluded that both of the decisions were binding on the court. Citing Whitaker, the judge opined that "a law that prohibits an individual from playing on a sports team that does not conform to his or her gender identity 'punishes that individual for his or her gender non-conformance,' which violates the clear language of Title IX." The judge further noted that the new law's prohibition of only transgender females from playing on teams of the sex with which they identify "is unequivocally discrimination on the basis of sex . . . ." Based on the judge's findings that the student was likely to succeed on her claim that the new statute violates Title IX, the judge granted the motion for preliminary injunction and ordered the school district to allow the 10-year-old student to play on the school's volleyball team.

The State of Indiana has appealed this decision to the Seventh Circuit. ➡

### **REFERENCES**

1. Whitaker ex rel. Whitaker v. Kenosha Unified School District, 858 F.3d 1034 (7th Cir. 2017)
2. Id. at 1049
3. A.C. v. Metropolitan School District of Martinsville, 2022 WL 1289352 (S.D. Ind. April 29, 2022)
4. 140 S. Ct. 1731 (2020)
5. B.E. v. Vigo County School Corporation, 2022 WL 2291763 (S.D. Ind. June 24, 2022)
6. A.M. v. Indianapolis Public Schools, 2022 WL 2951430 (S.D. Ind. July 27, 2022)

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# Policy Advisor

*By Julie M. Slavens, Esq., Senior Counsel/Director of Policy Services*



## A REVIEW OF A SCHOOL EMPLOYEE'S PRAYER CASE

In June 2022, the United States Supreme Court (Court) decided a case involving a football coach engaging in the practice of saying a silent prayer alone while kneeling at midfield at the end of football games. The coach was fired at the end of the season for continuing to engage in this activity after being told by the superintendent and high school principal to discontinue praying at midfield alone. The coach sued the school district for violations of his Free Exercise and Free Speech rights. The Court found the school district had violated the coach's rights to free exercise of religion and free speech. The case is Kennedy v. Bremerton School District, 597 U.S. \_\_\_, 142 S.Ct. 2407 (2022).



## THE FACTS OF THE CASE

The relevant facts serving the basis for the Court's opinion follow. Kennedy was a football coach at Bremerton High School beginning in 2008. After every game he would say a prayer of thanksgiving for his team's efforts after players and coaches had shaken hands and left the field by kneeling at the 50-yard line. He said his prayers silently for 30 seconds or less. Some players asked to join him. Kennedy told the players it was their choice to do so but clearly stated to them they were not required to engage in any religious activity related to the team or coaches.

Sometimes players would join him but often they would not. When players did join him after the prayer Kennedy would give short motivational speeches to the players as part of his prayer. Additionally, as part of the team's tradition which was in place before Kennedy was hired, he would participate in team prayers in the locker room before and after each game. Kennedy engaged in these practices for seven years and no one complained about them to the school administration.

The superintendent first heard about these prayers in September 2015 when an employee from a different school positively commented about Kennedy's prayers to the Bremerton High School principal. Two days later the superintendent sent Kennedy a letter directing Kennedy to cease these practices immediately as they required students to engage in religious activities and the school district needed to avoid the "perception of endorsement" of religion. In addition, the letter stated the prayers created a tension with the Establishment Clause and the employee's free exercise rights must "yield so far as necessary to avoid school endorsement of religious activities."

Kennedy agreed to discontinue the tradition of praying with the team before and after the games in the locker room. He did not agree to stop praying by himself at midfield after the games and would do so either during the time the team was singing the fight song or leaving the field. The superintendent sent another letter forbidding Kennedy from engaging in this conduct while on duty as a paid coach for the district, asserting that such conduct would lead to a violation of the Establishment Clause on the part of the school district. When Kennedy prayed alone after the next game, the superintendent sent an email thanking him for not praying with the players present but continued to forbid Kennedy from praying at midfield as other observers could reasonably conclude the school was endorsing a religious practice. It offered to allow Kennedy to pray in a location behind closed doors where the public or students could not observe him doing

so. For the next two football games Kennedy prayed alone at midfield in the same manner he had done at previous games.

After the last game, Kennedy was placed on administrative leave for continuing to pray at the end of the games even though students were not involved in the prayers or on the field at the time he prayed. Kennedy received positive evaluations as coach for the previous years but in 2015 he was given a poor evaluation; the evaluation advised he should not be rehired due to failure to follow directives. Kennedy was not rehired for the 2016 season.

Kennedy filed a lawsuit against the school district claiming it had violated his Free Exercise of Religion rights and his Free Speech rights when it did not rehire him for the coaching position. Both the district court and the court of appeals found for the school district on both counts. Kennedy appealed to the United States Supreme Court, which granted the appeal. The Court reversed the appellate court's decision and found the school district had violated Kennedy's Free Exercise and Free Speech rights, ruling the school district's unsubstantiated "fear" of violating the Establishment Clause was not a compelling interest to justify violating Kennedy's Free Exercise rights nor was it an interest that outweighed Kennedy's interest in his right to free speech.

## THE COURT'S ANALYSIS OF KENNEDY'S CLAIMS

The Court first examined Kennedy's Free Exercise claim. Kennedy was required to show the school district had "burdened his sincerely held religious practice pursuant to a policy that is not neutral or generally applicable." The Court found Kennedy was clearly practicing a religious belief by offering a brief prayer of thanks after a football game. The school district's prohibition clearly focused on his prayer which was a sincerely held belief by Kennedy in that he was not willing to stop praying alone after the football game. The next inquiry is whether the school district's policy on prohibiting Kennedy's prayer was neutral. The Court found it was not as it prohibited Kennedy from any form of prayer or related activity. The school district had admitted as much in its letters to Kennedy stating it was forbidding any religious activity by Kennedy as a coach.

The Court next asked if the policy was generally applicable and found it was not in that while the reason for not rehiring Kennedy was his lack of supervision of his players this related to his religious activity. Other coaches were required to supervise players after the game yet were allowed for a brief period at the

end of games to engage in non-secular activities such as make personal phone calls or visit with friends attending the game without repercussions. The court found the school district conceded in the lower court its directives were focused on Kennedy's religious activity.

The Court then addressed the Free Speech claim. Since Kennedy was an employee of the school, it applied the Pickering-Garcetti framework to determine if Kennedy was speaking as a private citizen or a government employee and if the speech (the prayer) was a matter of public concern. Both parties agreed the prayer was a matter of public concern so the question for the court was whether Kennedy was a private citizen or a government employee when he said the prayer. The Court focused on the Garcetti framework and determined the key is whether the employee was speaking in the course of carrying out his job duties or on behalf of the government (commonly referred to as government speech).

The Court found Kennedy was on duty as a coach when he prayed but the prayer was not related to his job duties as a coach and his speech occurred during a time when he was not required to carry out his duties; it occurred during "down time" or "free time" during his employment. The Court determined this was the case for all coaches as the other coaches had a brief time at the end of the game to talk to family or friends, make a phone call, or attend to other personal matters. Kennedy chose to say a prayer alone in the middle of the football field during his down time. He was not speaking pursuant to a school policy, seeking to convey a school-created message, instructing players, or engaging in any other speech he was required to do as a coach paid by the school district.

Given these factors along with the circumstances and timing of the prayer, the Court concluded Kennedy was not acting within the scope of his duties as a coach when saying his prayer. The Court focused on the practical aspects of an employee's duties when making this determination. The Court pointed out holding a school employee is a government employee at all times while on duty and discounting brief periods of free time or down time treats "everything teachers

and coaches say in the workplace as government speech subject to government control" is contrary to the Court's holdings in Pickering and Garcetti.

The Court next turns to the burden of the school district as Kennedy has met his burden of proof the district violated his Free Exercise and Free Speech rights. Under the Free Exercise Clause, the government's burden is one of strict scrutiny wherein the government must show its restriction on the employee's protected rights served a compelling interest and such restrictions were narrowly tailored to serve the compelling interest. Under the Free Speech Clause the government must only show an intermediate scrutiny wherein it must show its interests outweighs that of the employee's interest in protected speech. The Court found the district did not meet either standard.

The Court found the district's concern about violation of the Establishment Clause was not compelling in that not one person in the community, not a parent, and not a student complained to the school principal or superintendent about Kennedy's religious activity after the football games. The Court also found the Establishment Clause does not trump the Free Exercise Clause and the Free Speech Clause in all cases. The words of the First Amendment give no indication this is the case. The three Clauses are written in one sentence and meant

to be complementary to each other in the pluralistic society the Constitution created.

The Court opined the district based its rationale on the Lemon test and its related endorsement test. The Court ruled the Lemon test was abandoned by the Court years ago, as was the endorsement test. The Court claimed the test to be used in the interpretation of the Establishment Clause is by "references to historical practices and understanding. . . . The line that courts and governments must draw between the permissible and the impermissible has to accord with history and faithfully reflect the understanding of the Founding Fathers."

But the district gives an alternative reasoning for its reliance on the Establishment Clause as that of coercion of the students



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to be involved in prayer or other religious activities. The Court found this rationale flawed as well in there was no evidence to support it. There were no complaints of coercion made to the school about Kennedy's action nor did it bring up its concern of a coercive effect on students in the letters sent to Kennedy. Kennedy stated and the district agreed Kennedy never told or required any player to participate in the prayers in the locker room or with him at midfield after the games. Nor were the prayers recited or broadcast to a captive audience as had occurred in other school prayer cases decided by the Court. Based upon the evidence in the case, the Court ruled the only "meaningful justification the government offered for its reprisal rested on a mistaken view that it has a duty to ferret out and suppress religious observances even as it allows comparable secular speech." The Court further stated the "Constitution neither mandates nor tolerates that kind of discrimination."

## CONSIDERATIONS FOR SCHOOL BOARDS

The Court's decision makes clear school boards no longer can rely on the Lemon or endorsement tests concerning employees' religious activities. However, the Court did not create a definitive burden for school boards to meet when defending itself against Free Exercise claims by employees. In this case, the Court appears to leave a coercion test intact; thus, school boards could rely on this test in its defense of such claims until the Court determines a more definitive burden for school boards to rely upon when considering its policies, procedures, and practices concerning its employees' religious activities when on duty for the school corporation. ➡

*If you have any questions or would like a copy of any document referred to in this article, please contact Julie M. Slavens, Senior Counsel/Director of Policy Services, by phone: 317/639-4362 or by e-mail: [jslavens@isba-ind.org](mailto:jslavens@isba-ind.org).*

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### THE CONSULTANTS:



**Steve Horton**, ISBA Director of Board Services – Served as a local board member and senior consultant with the Ohio School Boards Association with more than eight years' experience leading boards through the search process and dozens of successfully completed searches.



**Dr. Kent DeKoninck**, retired public school superintendent – Celebrated 33 years in Indiana public education, eight of which served as superintendent.





**EDITOR'S NOTE:**

*This is the final article in a year-long series featuring Clarksville Community School Corporation.*





## CLARKSVILLE COMMUNITY SCHOOL CORPORATION

# SETTING THE EXAMPLE

### *for Wellness and Continuous Improvement*

*By Haley Querbach*



Dr. Tina Bennett,  
Superintendent, Clarksville  
Community School Corporation

Research has shown that fostering the overall physical and mental wellbeing of students and school employees has increased teacher effectiveness and academic success. Recently, focusing on wellness became a goal for the Clarksville Community School Corporation (CCSC). After conducting a review of existing policies and practices, and in order to stay compliant with state and federal law, CCSC formed and is maintaining a District Wellness Committee to oversee the development, implementation, and evaluation of a District Wellness Plan.

“While our district’s wellness policy had a strong foundation,” explained Dr. Tina Bennett, Superintendent of Clarksville Community School Corporation, “our Committee members and district leaders felt that it could be more robust. In short, we could do better. We also believe that our goals and strategies should continue to evolve based on the needs of our school community. With this in mind, our district is committed to creating an atmosphere that intertwines nutrition, physical activity, and mental and

physical health in meaningful and impactful ways for all students and staff.”

The southern Indiana school district brought together a wide range of stakeholders to serve on the District Wellness Committee, including employees, parents, and even students, to ensure that a diversity of perspectives were represented.

#### District Wellness Committee members:

- Melissa Pixley - *Food Service Director and Wellness Coordinator*
- Julie Hall - *School Nurse*
- Scott Gardner - *School Safety Specialist*
- Justin Boser - *Physical Education Teacher/Parent*
- Lindsey Howlett - *Art Teacher/Parent*
- Becky Bilsland - *Middle School Counselor*
- Chris Allred - *High School Counselor*
- Gabby Parrish - *High School Student*
- Matt Pait - *High School Assistant Principal/Parent*
- Holly Rupprecht - *Parent*
- Tina Bennett - *Superintendent*

The purpose of the Wellness Committee is to take the time to review and update current policies and practices and set the wellness goals for the corporation. Matt Pait, Clarksville High School Assistant Principal and Clarksville Elementary School parent, shared, “As an administrator, my experience working with the members on the Wellness Committee and then presenting our plan to the school board helped me understand the bigger impact that we, as a school system, can have on our students and our

community. As a parent I appreciate that our district devotes the time and resources toward helping our students lead healthier lives and providing healthy meals and lifestyle choices.”

In order to analyze and assess the district’s existing wellness efforts, the committee needed to conduct a self-audit using a tool called the WellSAT, which consists of six sections that are scored based on policy.

#### The six sections of WellSAT are:

- Nutrition Education
- USDA Standards
- Nutrition standards for competitive and other foods and beverages
- Physical education and physical activity
- Wellness promotion and marketing
- Wellness implementation, evaluation, and communication

In addition to using the WellSAT, CCSC undertook a review of policies from other school corporations. This allowed committee members to incorporate a wide variety of ideas and best practices into the updated policy, while also creating original initiatives of their own. Many of the committee members learned a great deal about overall wellness as it relates to their own personal lives and the well-being of their students and co-workers.

“I have been with Clarksville Schools for 15 years,” said Melissa Pixley, Food Service Director and Wellness Coordinator, “and being a part of the Wellness Committee has given me the opportunity to work directly with fellow committee members to



facilitate not only better nutritional goals but physical and mental well-being goals as well. Many times we get stuck in our own lane or position and forget that we are part of a broader community. This committee has reminded me of that and the impact my department has on that community.”

After review of the WellSAT data, CCSC’s Wellness Committee met several times together to create the perfect plan for year one. They also learned that while the plan and goals will be good for this year, it will always be a work in progress and continue to evolve as they learn more and apply their knowledge of continuous improvement. The members of the Wellness Committee are very excited about the work they have done and are excited to see the positive impact across the school corporation.

## **IMPLEMENTATION OF WELLNESS INITIATIVES AND GOALS**

Implementation of the newly adopted Wellness Policy is underway this school year. The plan strategically addresses the physical and mental health of both students and staff through measures such as a Wellness Studio, new playground equipment, Social Emotional Learning curriculum, new food service goals, and the Sweat Hogs.

### **THE WELLNESS STUDIO**

CCSC built a Wellness Studio as part of Renaissance Academy, the district’s New Tech Center in 2014. Since its inception, the Wellness Studio has been primarily used for student physical fitness classes as well as yoga, aerobics, strength, and circuit training for staff. The goal for the 2022–23 school year is to update and replace existing exercise and fitness equipment and expand opportunities for staff to utilize the Wellness Studio at times that are more accessible and convenient to them, free of charge. This would be an added benefit for all staff and would encourage lifelong fitness.

### **NEW PLAYGROUND EQUIPMENT**

Playground equipment can help students increase their motor skills, hand-eye coordination and help build strong muscles. Students who play on playground equipment often tend to have a lower risk of obesity. CCSC has upgraded its playground equipment to help it meet safety standards and become ADA (Americans with Disabilities Act) compliant. The new equipment enhancements will provide additional cognitive stimulation and support gross motor skill development.



## **SOCIAL EMOTIONAL LEARNING (SEL) CURRICULUM**

Like many districts, CCSC will be introducing Social Emotional Learning (SEL) in classrooms this year. The new SEL curriculum, Navigate360, provides grade level, age appropriate social emotional lessons to students in Grades K–12. Students will engage in lessons on a weekly basis. Teachers have been trained on the curriculum, and school counselors are working directly with principals and teachers to identify needs and specific content at each level. Overall, the goal is to help students better comprehend their emotions, to feel their emotions fully, and to demonstrate empathy for others.

## **NEW FOOD SERVICE GOALS**

The committee worked together to create a few Nutrition Educational Goals. CCSC staff will ensure that nutrition education is included in the curriculum and instruction is sequential, standards-based, and provides students with the knowledge, attitudes, and skills necessary to lead healthy lives. Nutrition education affords opportunities for appropriate student projects related to nutrition, involving, when possible, community agencies and organizations.

The committee also created Nutrition Promotion Goals to help spread the word and better inform students and the school community. Nutrition education resources are distributed to



students, parents/guardians through website links, handouts, school newsletters, presentations, social media, and the student management system (Infinite Campus). Some examples include Friday nutrition and fitness facts, student-led productions, and activity clubs.

Students and staff will receive consistent nutrition messages throughout schools, classrooms, gymnasiums, and cafeterias. Food service staff utilize the cafeteria as a learning lab. Healthy items such as salads and fruits will be displayed prominently in all cafeterias in order to promote and make healthy food choices more appealing.

All Clarksville schools are now Team Nutrition Schools. Schools that participate in the national network agree to a series of actions and values designed to help students develop healthier eating habits and be more physically active.

### SCHOOL-BASED WELLNESS ACTIVITIES

To ensure that activity is taking place all over the district, the committee created school-based activity goals. This will help incorporate and promote wellness programs and incentives available through health insurance providers.

The school nurse spearheads efforts to host additional health clinics, immunizations, and screenings for students, families, and staff. Food and beverages that meet nutrition guidelines as set forth in the policy will be available at school sponsored events such as, but not limited to, athletic events, dances, showcases, family nights, or other school based performances.

### CORPORATION-WIDE WELLNESS ACTIVITIES

The Wellness Committee also set a goal to have CCSC coordinate, plan, and implement a corporation wide fitness fundraising event such as a walkathon in the spring of 2023. In order to promote physical fitness and gear up for the event, each school in the district has committed to implementing a walking club for students and staff. In addition, classroom teachers and administrators will provide short physical activity breaks between lessons and classes as appropriate for grade and age level. Some examples include but are not limited to brain breaks, fit minute, recess, etc.

CCSC will provide a staff and student (when appropriate) wellness facility outside of school hours for activities such as fitness classes that would be available for individual use. There are also plans to create a staff led walking program and/or contest to encourage fitness and healthy eating.

### SWEAT HOGS

This past summer the corporation held an opt-in summer fitness program for all twelve-month employees as a kickstart to the Wellness Initiative called “Operation Let’s Get Moving”. It was based on the honor system to exercise (walk, run, ride the stationary bike, shoot basketball, lift weights, etc.) during two 15 minute blocks each work day. If you didn’t get it in, you had to pay \$1 for each segment missed. The participants labeled themselves as the “Clarksville Sweat Hogs.” In the end, they took the \$204 they collected and got together to celebrate and eat some healthy food.

Judy Tyler, Deputy Treasurer and Payroll/HR Specialist, shared, “Our ‘Let’s Get Moving’ summer initiative was a big help to get me to stop ‘just sitting’ at my desk all day—getting out of the office and walking around the park helped to keep me focused on myself as well as clearing my mind to get my work done. It just made me think and appreciate that I need to continue to stay on top of my overall wellness—mentally and physically—and to take care of myself first and then I can help others in a more positive way!”

### RESULTS

While the results gained by focusing on wellness throughout the corporation will be continuously monitored and the strategies and initiatives will be continuously changing, they do look forward to seeing better mental health among students and staff in the short term. The immediate goal is happier and more energetic students and staff and less absences and sickness across the corporation. In the long run, CCSC is set on becoming more intentional on promoting and modeling wellness as a corporation and school community. 🎓



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THE FOLLOWING IS A SUMMARY OF SERVICE ACCOMPLISHMENTS AND ENGAGEMENT OPPORTUNITIES PROVIDED TO ISBA MEMBERS FROM FALL 2021-FALL 2022

## BOARD SERVICES

- ▶ Led **24** school board development workshops
- ▶ Facilitated **3** school board/administration goal setting retreats
- ▶ Hosted **3** Leadership Academy webinars, **2** “Making the Most out of Public Participation in Your Meetings” webinars, and **2** “Strategies for Building a Strong Superintendent Evaluation” webinars
- ▶ Offered **8** school board candidate workshops
- ▶ Conducted **3** superintendent searches

## POLICY SERVICES

- ▶ Responded to more than **530** requests for policy assistance
- ▶ Created and distributed sample policies on a variety of topics such as Teacher Appreciation Grants, Internet Use and Internet Filters, and Expanded Criminal History Checks
- ▶ Served more than **40** school corporation subscribers during third year of Comprehensive Policy Management Services (CPMS) program

## LEGISLATIVE SERVICES

- ▶ **10** weekly Legislative Updates issued during the 2022 session of the state legislature and numerous Legislative Action Network (LAN) supplemental updates
- ▶ **Fourth** Annual State House Day held February 15, 2022, providing an in-depth briefing on key education bills, informative panel discussions featuring top lawmakers, and opportunities to connect with representatives and senators
- ▶ Tracked and monitored **140** bills related to K-12 education and influenced the outcomes on several bills
- ▶ Hosted **2** grassroots advocacy training webinars and provided members with the fifth edition of the ISBA Advocacy Guide

## LEGAL SERVICES

- ▶ Responded to **2,800** requests from superintendents and school board members for legal advice
- ▶ Hosted **2** school law seminars, **1** collective bargaining seminar, and **1** webinar on school employee termination
- ▶ Published Employee Discharge Manual and the annual School Laws and Rules Book
- ▶ Provided school boards with sample adjunct teacher permit and sample employment agreement
- ▶ Prepared memorandum on school board candidate filing and election procedures
- ▶ Communicated multiple monthly updates on COVID-19 Executive Orders, Quarantine Requirements, and Vaccine Mandates





## EXEMPLARY GOVERNANCE AWARDS

- ▶ **82** school board members and **90** school boards attained Commendable Level
- ▶ **48** school board members reached Advanced Level
- ▶ **24** school board members reached Distinguished Level
- ▶ **25** school board members and **1** school board reached Exemplary Level
- ▶ **234** school board members who earned Exemplary Level status in prior years recognized with Exemplary Honor Roll distinction

## EVENTS

- ▶ Sponsored **35** events in 2022 (**28** in-person events and **7** webinars), with **102** total EGA points and **135** total hours of professional development available
- ▶ Presented **10** Fall Regional Meetings with **795** members in attendance and **10** Spring Regional Meetings with **909** members in attendance
- ▶ Convened **15** School Board Presidents' Roundtables
- ▶ Co-hosted School Budgeting & Finance Seminar with more than **200** attendees
- ▶ Hosted webinar discussion on "Securing Safe and Supporting Classrooms"

## EXTERNAL COMMUNICATIONS

- ▶ **97,000+** page views on the ISBA website
- ▶ **52%** increase in Twitter followers compared to last year
- ▶ **25%** increase in Facebook likes compared to last year
- ▶ **716** mentions of ISBA in the news media
- ▶ **4** quarterly Journals, **8** monthly e-Ditions, **11** monthly Resource Digests, and **195** weekday distributions of School News Daily



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## 11

# DESTRUCTIVE THINGS SAID DURING REFERENDUMS

*By Scott Flood, School Board Member, Plainfield Community School Corporation*



It happens every couple of years in Hoosier communities. Colorful signs pop up in yards, bearing cheery messages about supporting children, schools, and teachers. Committees of loyal PTO officers, classroom volunteers, and school employees become ebullient about what appears to be a sure victory for the good guys.

Then another set of signs appears with claims about excessive taxes or reckless spending. Along with posts in social media chatter sites, the signs direct potential voters to websites spelling out accusations of outright lies or brimming with misinformation. Simple

calculators overstate the likely tax impact and bullet points list allegations of administrative misdeeds. The morning old timers at McDonalds grow animated as they discuss the wasteful spending those idiots are trying to foist upon them. Maybe if those fools were also on fixed incomes, they'd think twice about their stupid plan.

Days before voters go to the polls, the superintendent shares desperate threats in the local newspaper and before Chamber members, saying if the referendum doesn't pass, teachers will be laid off, buses won't be available, the band will lose its trombones, or other unthinkable

outcomes. And Tuesday evening, as the votes are tallied, everyone is stunned to learn the good guys came up short.

Win or lose, referendums are capable of damaging morale within the district and sowing lasting divisions in the community and between previously friendly neighbors. They can derail economic development efforts and drive local politics for years.

I pay attention when Indiana school districts launch referendums. I'll read their local media, browse through websites from both sides, study comment threads in social media, and pay close attention to strategies. But as a longtime board member in the evenings and professional communicator by day, I cringe when I see districts make the same mistakes. Most blame failed referendums on their opponents or the economy, but I'm convinced the true guilty party is usually the face in the bathroom mirror. Districts are often their own worst enemies.

Indiana has used the referendum process for quite some time, and I've learned to spot danger signs in the words of officials. Each time I hear a board member or superintendent utter one of these statements, I mentally reduce their chances of success.

### 1. "JUST LOOK AT ALL THOSE YARD SIGNS!"

They're pretty, but yard signs don't vote. And more than a few of the people who cheerfully post them in their yards will vote against you. Why do they bother putting up a sign? Everyone wants to be seen as a supporter of their local schools. Never let a surplus of signs give you a false sense of security.

### 2. "EVERYONE LOVES OUR SCHOOLS!"

They may cheer for your champion Wild Wombats and love that kindergarten teacher, but they don't know the administration and the board. That's important, because humans distrust people we don't know. Most districts that fail (or barely squeak by) have overestimated the

community's affection for the schools. Build that love for the district long before you need to tap into it.

### 3. "IF IT DOESN'T PASS, WE'LL HAVE TO ELIMINATE WORLD LANGUAGES (OR CHOIR OR ART OR SOMETHING ELSE)."

No, you won't. You've managed to fund them this far and people are smart enough to know you won't make such a politically fraught move. When your referendum fails and you don't carry out the threat, the community will think you're liars. And face it, they'll kind of be correct.

### 4. "PARENTS WILL PROVIDE THE VOTES WE NEED!"

Probably not. In my county, people old enough to join AARP vote at about four times the rate of folks in their 30s and 40s. These empty-nesters and seniors are no longer connected to daily life in your schools, and few districts do much to embrace them other than throw an occasional grandparents event. Plus, they're angry you eliminated shop classes and cursive. (How are kids ever going to be able to read the Declaration?)

### 5. "WE'LL FOCUS ON HOMEOWNERS."

Don't neglect your biggest taxpayers. Business leaders and large landowners may each get only one vote, but their influence is far more significant. Their reputation and status put extra weight behind their words. When they publicly oppose you or just stay neutral, people are going to pay attention. Convince them to enthusiastically support you before you publicly announce your referendum.

### 6. "THE COMMUNITY TRUSTS OUR SCHOOLS COMPLETELY."

Teachers, yes. Principals, somewhat. Central Office, not so much. School board members rate just below used-car dealers

when it comes to trust. If you haven't deliberately worked on building trust for the past several years, a strong publicity push won't create it between now and Election Day. Put another way, the success or failure of your referendum begins long before you launch it.

### 7. "OUR STAFF SUPPORTS EVERYTHING WE DO."

It's tough to admit just how damaging (and common) negative comments from employees can be. If you can't earn their excited support, don't even try for the community's. (By the way, check the county's voting records, and you'll discover many of the people you've hired to prepare students for life in our democracy can't be bothered to vote. So don't count on getting theirs.)

### 8. "THE NEED IS OBVIOUS TO EVERYONE."

You've known your high school needed an overhaul for years, but the voters had no idea. In their hazy memories, it's still a very nice building. So when you spring an unexpected request to rebuild it, they'll think you just want to keep up with the Joneses from that other district. Spend a couple of years laying the groundwork, building a case one meeting at a time, and people are more apt to support you. When was the last time you opened your schools up to the entire community? Local alumni love the chance to see what their old Algebra classroom looks like today, and seniors are eager to point out everything their own schools lacked. (And hey! Those are two critically important constituencies!)

### 9. "WE NEED STATE-OF-THE-ART FACILITIES."

Educators use phrases like state-of-the-art to reference what comparable districts are doing, but to voters and non-voters alike, the phrase conjures images of the newest Olympic Village. Instead of describing your new swimming pool project with fancy adjectives, talk about



how you need a sensibly built facility to make sure your athletes aren't unfairly disadvantaged because they compete for half the season in their inadequate, outdated facility.

**10. "WE'RE TAKING THE HIGH GROUND."**

It's always satisfying to know you occupy the moral high ground and have Truth on your side. So when that opposition group promotes bad data, you vow not to stoop to their level. Failing to respond may be one of the deadliest moves you can make. If your opponents allege something and you don't counter, voters will assume it's the truth. You don't want to get into fistfights, but you do need to stand your ground and counter the opposition's claims. Just do it respectfully, no matter how angry you feel.

**11. "THOSE PEOPLE ARE JUST NOISY WACKOS."**

Opposition to referendums is nearly always mounted by remarkably small groups carried by a handful of highly vocal, often prickly people. Don't make the mistake of trying to demonize them by calling them liars, suggesting they're enemies of education and children, or painting them as wealthy and greedy. Even if you believe those things, don't come out and say it.

My district is fortunate we haven't had to embark on a referendum. Actually, "fortunate" isn't entirely accurate. We've had situations that could easily have prompted referendums, including our decision to build a new high school when school construction costs were grabbing

headlines statewide. How did we avoid petition races and referendum votes? It came down to how we communicated with our staff, parents, and community long before referendums entered Indiana law.

Seems the harder we work, the more fortunate we become. 📌

*Scott Flood has served on the Board of Trustees of the Plainfield Community School Corporation since 2000. He was honored at the ISBA/IAPSS Annual Fall Conference in October 2021 with ISBA's Outstanding Boardmanship award. He can be reached at [sflood@sflwriting.com](mailto:sflood@sflwriting.com).*



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# BOARD SERVICES

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# THE TOP 10 LIST

**1. EFFECTIVE GOVERNANCE –**

Bring the leadership team together for a common understanding of school board governance best practices and strategies for continuous improvement.

**2. LEADERSHIP TEAM COMMUNICATION –**

ISBA will work with you to develop a stronger line of communication and working relationship between board members and superintendent.

**3. CONFLICT RESOLUTION –**

Conflict happens. ISBA can help you work through your differences in a productive way.

**4. GOAL SETTING –** One of the most important things leadership teams can do is spend time together developing common goals and objectives for the next school year. Let ISBA facilitate your next goal setting retreat.

**5. EFFECTIVE MEETING**

**PLANNING** – Meetings are where the community sees you at work. Proper planning, execution, and meeting protocol are essential to the governance of your school corporation.

**6. BOARD SELF-ASSESSMENT –**

How are you doing as a team? ISBA's self-assessment tool will help you analyze where you are doing well, and where you should focus your professional development.

**7. DEVELOPING VALUES/ BELIEFS, MISSION AND VISION STATEMENTS\* –**

Clear values, mission and vision provide a solid foundation for the work of your school corporation. ISBA will guide you through the development of these statements in a series of work sessions.

**8. SUPERINTENDENT**

**EVALUATION\*** – Superintendent evaluation is an important and often undervalued function for the board. ISBA can help you with a process that improves communication and sets you and your superintendent up for success.

**9. STRATEGIC PLANNING\* –**

Ready to go from good to great? ISBA is here to help you with the big work of building a corporation-wide strategic plan. We will work with you to bring a planning team together and build vision and mission statements, core values, and goals that will guide your work for the next 3 to 5 years.

**10. SUPERINTENDENT**

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# INFLATION AND THE LABOR MARKET

## Interconnected and Significant Pressures Facing School Districts

*By Matt Bubness, Director, Baker Tilly*

School districts are facing historic pressures related to their current and future expenditures – both in terms of inflationary increases related to commodities and market demand related to compensation for all staff. These costs pressures are further complicated by the looming expiration of the Elementary and Secondary School Emergency Relief (ESSER) funds provided to assist with the impacts of the pandemic. While the funds are certainly welcome relief, new programs and staff added with ESSER funds may place even more budgetary pressures on districts as the impacts of inflation and increased labor costs continue to grow.

Inflationary increases in commodity prices are impacting

budgets across a number of areas from fuel to food and construction materials. Food prices continue to increase, an area districts will need to keep a close watch on, particularly with the ending of the universal free breakfast and lunch that was enacted due to the pandemic. Districts may have to re-examine how meals are priced and strike a balance with passing along costs versus trying to absorb costs to the best extent possible. Fuel costs will also be a key area of focus for the upcoming school year. Diesel prices are at historic highs, which may place significant pressures on districts with larger fleets and extended routes. Additionally, construction and maintenance projects may be facing two fold pressures – both in increases in the cost of building materials and

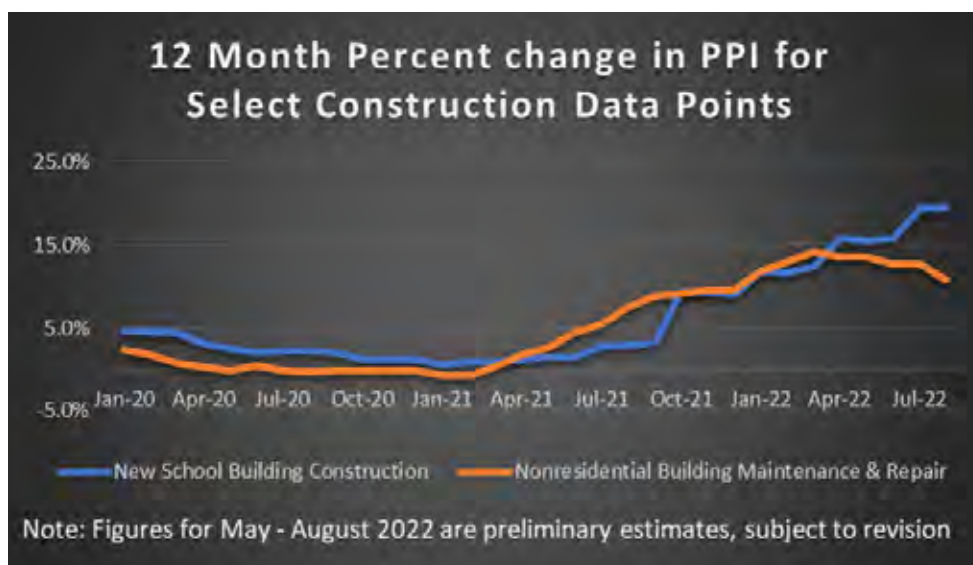


Figure 1.

labor costs. Districts need to be particularly aware of increased construction costs if there is potential to impact completion of project and project budget – regardless of whether the project was debt financed or paid from cash on hand.

Key factors to understand in relation to your district’s exposure to inflation include:

- ▶ **Examine contracts** related to possible pain points, in particular building maintenance, nutrition and transportation, to understand how inflationary costs may be passed on to district (or not).
- ▶ **Analyze potential impact** of the end of universal free breakfast and lunch. Any realized benefits of free meals for all students – easier to administer? Reduction of stigma associated with providing free meals to some students?
- ▶ **Consider plans to reduce inflationary impacts exposure**, such as switching bus fleet to alternative energy source, etc.
- ▶ **Proactively engage with contractors** on construction projects to examine pressures related to material and labor costs. Examine pre-purchasing of certain materials, if possible, to help control costs if further increases are likely.

Consumer Price Index (CPI) data highlights the pressures districts (and for that matter consumers) have been experiencing.

The CPI for motor fuel has increased exponentially since the start of 2021. Food and beverage CPI, while not nearly as high, have seen steady increases, particularly in the last year – but tracking much closer to total CPI. Prices began to stabilize in July and August, a trend that hopefully will continue through the

remainder of the year and beyond.

The Producer Price Index (PPI) is another key metric to keep close watch on as this is a more leading indicator of possible inflationary impacts as opposed to the lagging nature of CPI. PPI focuses on price changes producers of goods, services and construction are facing as opposed to those of the purchaser. The most recent PPI data has shown some continued improvement for August 2022 – with the index decreasing by 0.1% as compared to the prior month – largely attributed to the recent decreases in energy prices.

However, PPI remains relatively high in comparison to August 2021, with prices for producers near 9% higher in August 2022. Given the relatively higher prices facing producers, districts and other purchasers should be prepared and budget for continued higher prices, at least for the near term.

As mentioned above, construction-related costs are an area of potential concern with the magnitude of the construction/capital improvement related expenses and also if debt financing is used. Figure 1 shows the PPI year over year percent change for construction of new school buildings and nonresidential building maintenance and repair.

As with PPI and CPI overall, construction cost prices have seen some recent flattening. Even with this flattening, the August preliminary PPI for new school building construction is 19.5% higher as compared to a year prior. While moderating compared to growth seen in the beginning of 2022, price increases remain at some of the highest levels since prior to the great recession of 2008. For nonresidential building maintenance and repair, PPI has not seen the same level of increases as new school construction and has seen a decrease in the preliminary year over year percent change numbers for August 2022. However, prices still remain high, with the figure for August 2022 being 10.7% higher than August 2021.

Broader pandemic and economic related pressures are also impacting school districts’ largest operating expenses – salary and wages for staff. With the shift in the post-pandemic labor force, school districts are finding themselves in increased competition for prospective employees across all needed areas of staff. Competition seemingly continues to increase between neighboring school districts



to offer competitive compensation packages to attract and retain the most highly qualified staff. This is further compounded by districts needing to compete more than ever before with the private sector for applicants and the ability of private sector companies to generally be more flexible in being able to offer higher/better compensation.

Competition for qualified applicants is just part of the pressure. Districts also face pressure related to demand or likely demand for wage increases from current staff to offset the pressures of inflation that their employees are facing as a part of their personal budgets in their day-to-day life. This could be further compounded if any wage increases were offered during the height of the pandemic and if those increases were one-time or recurring and how those increases may have been paid for.

Key considerations for districts in facing the need to increase salary and wages include:

- ▶ What is your districts compensation philosophy? Does your district want to lead, lag or be average with peer districts/ organizations?
- ▶ How do your salary and wage schedules compare to neighboring districts? What type of increases have neighboring/peer districts offered recently?
- ▶ How have any recent increases been funded? Were reserves or ESSER funds used? Are these sustainable?
- ▶ What nearby businesses/employers do you most compete with for staff and what pay are they offering in comparison?

- ▶ How can you be more creative in offering short-term increases to offset inflation without locking in increases in long-term collective bargaining agreements?

A tightening in total compensation between state and local governments and other employers is apparent from examining the Employment Cost Index (ECI) - a Principal Federal Economic Indicator calculated by the US Bureau of Labor Statistics (BLS). ECI tracks the cost of employees to employers between areas based on ownership (either civilian, private industry or state and local government) on a national basis for wages and benefits - including health insurance, retirement plans and paid time off. Figure 2 shows the index for the three major ownership areas tracked by the BLS with a further breakout of the index specifically for state and local government workers in elementary and secondary schools. Figure 2

Since 2018, growth for civilian and private industry has outpaced state and local government, including elementary and secondary schools. The latest figures produced by the BLS show this trend continuing in June 2022, with a 12 month increase of 5.1% and 5.5% for civilian and private industry workers as compared to 3.4% for state and local government workers.

The potential for an economic slowdown – driven in part by these pressures – continues to rumble across the news and Wall Street. While recessionary impacts on revenues are typically not immediately felt by municipal governments and school districts, entities will nonetheless need to begin positioning themselves to deal with another added challenge. And the potential for impacts

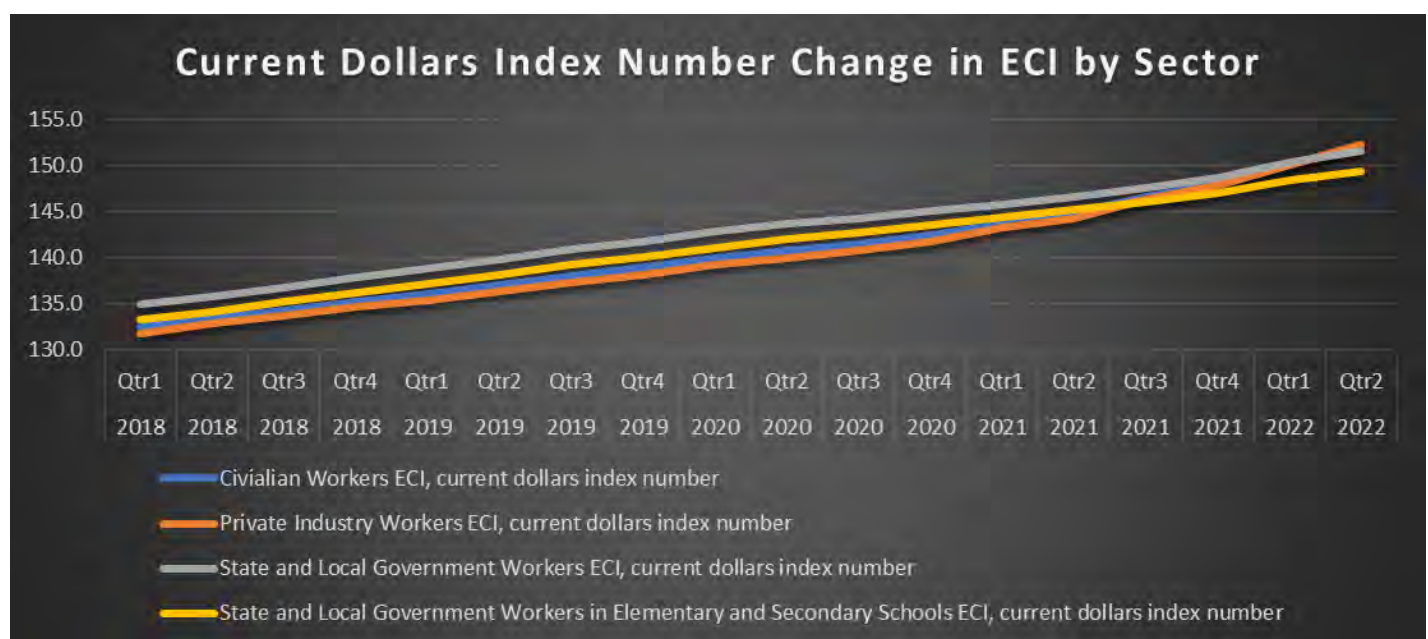


Figure 2.



to districts' revenue streams are likely to further compound and require difficult decisions with the amount of other budgetary pressures facing districts.

All of these pressures will result in the need for an increased and better understanding above and beyond than what is normal to know what are driving the district's costs and also making sure

there is a sound understanding of what our top priorities are fresh for the district and what are the nice to have. Districts need to best prepare themselves for likely needed reductions or at this point even inevitable reductions in order to best balance their budgets as these pressures become more increasingly realized over the next several years. The pressures on the expense alone would necessitate

the need for better analysis and conversations about projected expenses, with the further impacts of potential revenue impacts heightening the need for more robust forecasting of a district's financial trajectory and using these forecasts as the basis for discussions with district's board and senior leadership.

In addition, districts need to better understand their current expense structure and prioritize current programs and service offerings. Being able to distinguish between requirements and necessities versus 'nice to haves' may not make the decision to cut unless painful, but will certainly facilitate better decision making. Forecasts and prioritization are keys to ensuring financial resiliency for districts, but this will need to be done with leadership-wide collaboration to ensure broad input and understanding for necessary actions. 📌

*If you have questions or would like to discuss this topic further, please connect with me:*

*Matt Bubness, MPA,  
Director with Baker Tilly US  
(312) 228 7336  
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**Blue River Career Programs**  
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**Earlywood Educational Services**  
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**Northern Indiana Education Services Center**  
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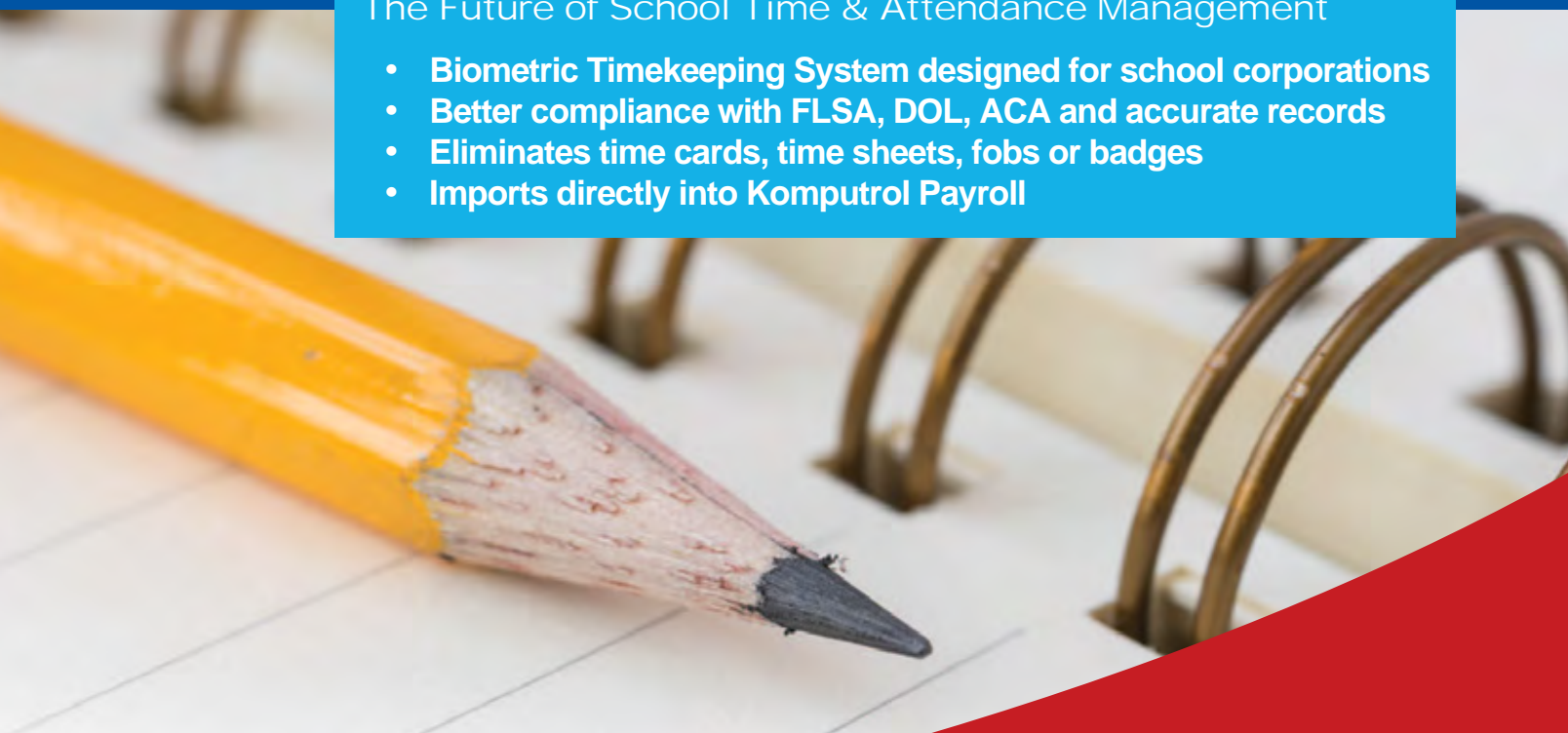
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