



Spring News and Notes from ISBA

by Terry E. Spradlin, ISBA Executive Director (tspradlin@isba-ind.org)

Welcome to the March issue of e-Dition — your membership e-newsletter. You will be receiving the spring edition of ISBA's The Journal in about three weeks that will have more in-depth coverage of timely K-12 education policy and effective board governance topics. Do know that past issues of both publications are available under the "Membership Resources" tab on the ISBA website at: <https://isba-ind.org>

New Board Members

Let me also take this opportunity to welcome our 283 new school board members across the state to the Indiana School Boards Association. We thank you for your commitment to public service and support of K-12 public education! In addition, we commend the approximately 200 new board members that participated in the New Board Member Academy clinic sessions in January and February. All new board members will be able to access the upcoming Academy sessions that will be in a webinar format. For more information about the Academy, please check with Brooke Orner, Events Coordinator, at: borner@isba-ind.org

Legislative Services

The Indiana General Assembly is now in its 12th week of the 2019 budget session. There will be five more weeks left of the session

that will conclude by April 29, 2019. The stakes are high for impacting sound K-12 education policy and adequate funding for public education. We began the session tracking 190 bills and are presently tracking 78 bills. However, there are about 20 bills that are most significant. Please refer to the Legislative Services page on the ISBA website at: <https://www.isba-ind.org/legislative.html> to view the weekly legislative update reports, access the automated bill tracking list, or find contact information for your area legislators.

ISBA thanks all of our members who have responded to the call-to-action alerts that have been sent and your heightened level of engagement in our grassroots advocacy efforts!

Upcoming Events

The Spring ISBA Regional Dinner Meetings will begin May 6th in Lafayette (Region 4) and end on May 21st in Greenwood (Region 8). Please stay tuned for the official announcement and registration that will be coming in your email in-boxes soon. The spring meetings will include the Certificate Awards Program recognitions, a wrap-up of the 2019 legislative session, and a school law update. Other key events to keep in mind include:

- The NSBA Annual Conference on March 29-April 1, Philadelphia, Pennsylvania;
- Note, the NSBA Annual Conference in 2020 will be in Chicago;
- The 2019 ISBA-IAPSS Fall Conference will be September 30-October 1 at the Indiana Convention Center.

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Patience: A Leadership Virtue

by Dr. Michael T. Adamson, ISBA Director of Board Services (madamson@isba-ind.org)

By this time, most board members have had a minimum of three meetings under their belts. Some are just getting a flavor of the intrinsic value to be realized by school board service, while others are wondering what they signed up for! Others have yet to decide whether the sacrifice to serve will be as fulfilling as they thought, or whether it will prove to be more invasive than they imagined. All of these thoughts pass through the consciousness of newly elected board members and only time will prove how their specific circumstances and board experiences will measure against their expectations.

What is true for all first-time members is that at this point you have yet to understand what you do not understand about the job of a board member. That is not an indictment, but it is a pretty fair observation. A board member's job is pretty diverse and there are few positions from which to compare a job

that carries high accountability without the means to directly affect the result. From a position of governance oversight, being accountable for the effect of public education without the ability to affect it directly can be most challenging. Yet, within the parameters of effective governance, a board can establish expectations that ensure excellence from and as a result of the educational opportunities in their local school district.

The most important leadership virtue in these crucial first few months for every new board member is patience. Curbing the desire or belief that somehow you need to know everything about everything will enable you to concentrate on those things that are crucial to know at the moment. Need-to-know information is vital in preparation for the next meeting and then for the next meeting after that and so on. Want-to-know information might be more

exciting and capture your interest more than what is currently on the board's plate, but it is not what is more important in this moment. By concentrating your attention on the next agenda, being as fully prepared as possible to be engaged in the decision-making process and then putting that preparation into action by participating to the best of your ability, you will quickly observe that the want-to-know information will flood in around the lists of must-do items your board must accomplish.

Patience is a virtue that can be most challenging to new members, but it is the one that will yield the greatest dividends. Effective school board service is not a sprint, but rather, it is more like a marathon in a never-ending race by members of previous generations to provide educational opportunities to the current one, building upon the collective knowledge of preceding efforts and combining it with present resource and opportunity. Run your race with patience; no one gets to the future ahead of anyone else. One day you will look behind and be amazed at how far you've run.

Recent Public Access Counselor Opinions

by Lisa F. Tanselle, ISBA General Counsel (ltanselle@isba-ind.org)

Understanding and abiding by the Open Door Law is critically important for school board members. Two opinions recently issued by the Public Access Counselor involved two different school boards in our state and are summarized below.

Formal Complaint No. 19-FC-13: The Public's Right To Attend School Board Meetings

Can a patron be banned from attending school board meetings? The Public Access Counselor suggests a patron may only be removed from a meeting if the patron's conduct is disruptive.

Facts

The school board president informed a patron that, as a result of a confrontation between the patron and the superintendent at a school-sponsored event, the patron was prohibited from being on school property for any reason. The patron filed a complaint with the Public Access Counselor, alleging that

the ban constituted a violation of the Open Door Law because she would not be able to attend school board meetings. In the meantime, the school board notified the patron that she would be permitted to attend school board meetings, even though its original letter failed to state this.

Opinion

The Public Access Counselor concluded that there was no violation of the Open Door Law since the school corporation clarified that the patron was able to be on school property for the purpose of attending public meetings of the school board, and opined that "the intersection of criminal trespass and the ODL [Open Door Law]-if any-is an issue for another day." However, the Counselor further noted that the right to observe and record public meetings is not absolute in that the school board reserves the right to maintain decorum and good order of a public meeting. Thus, patrons may not disrupt, interfere with, or otherwise obstruct the public business before the school board.

Formal Complaint No. 19-FC-4: Use of a Secret Ballot

Can a school board vote by secret ballot? The Public Access Counselor says casting votes in a way that does not allow the public to know an individual board member's vote is a violation of the Open Door Law.

Facts

A school board had five applicants interested in filling a vacancy on the school board. The board created a ballot that listed the names of the five applicants and a space for a write-in candidate. Each board member cast his/her vote on which applicant should fill the vacancy by marking the ballot. The ballots did not include the board members' signatures. The board president announced the name of the applicant who had received the most votes. A patron filed a complaint, alleging that the school board violated the Open Door Law by using the secret ballot.

Possession of CBD Oils by Students

by Julie M. Slavens, ISBA Staff Attorney (jslavens@isba-ind.org)

Last year the Indiana General Assembly passed a law that defined low THC hemp extract products and excluded such products from the controlled substances schedule under Indiana law. The state law, by excluding hemp extract or any product containing the hemp extract from the state controlled substance schedule, relegated these products to being over-the-counter drugs or prescription drugs; thus they are no longer illegal drugs in the state. There was no related change in the federal definition of controlled substances until December 2018, when the United States Congress passed the Farm Bill of 2018 which excluded hemp from the schedule of controlled substances under federal law. With the passage of this federal law, hemp extract-containing products are legal on a national level and can be purchased in retail stores or prescribed by a doctor.

One of the common products containing hemp extract is CBD oil. Some students may be or are using these products as over-the-counter products or may have a medical prescription for CBD oil. Last summer, ISBA advised its members to address the use of such products in its administration of medication policy as this is the policy that covers the use and possession of prescription or over-the-counter drugs by students while at school. ISBA made revisions to its sample policy on the administration of medication and sent it out to its members.

ISBA revised its sample student discipline rule on the possession of marijuana to address the change in state law. The revision indicated the possession of low THC extract products would not violate the rule. The possession of such products would potentially violate the administration of medication policy. The student could be disciplined for violating the administration of medication policy if the school had a discipline rule prohibiting the violation of any board policy or rules, which the ISBA sample discipline rules include as a separate rule.

Some school corporations may want to prohibit the possession of the low THC extract products in a clearer fashion other than by the administration of medication policy alone. This may be done by adding a provision to the student rule prohibiting the possession of controlled substances, even though the hemp extract products are no longer controlled substances. To do so, the following provision, or a similar one, may be added to the student rule prohibiting possession of controlled substances:

Low THC Extract products as defined by state law are included in this rule and/or violations of the school corporation administration of medication policy are included in this rule.

For ease of reference, the ISBA sample rule on prohibiting the possession of controlled substances follows:

Possessing, using, transmitting, or being affected by any controlled substance, prescription drug, narcotic drug, hallucinogenic drug, amphetamine, barbiturate, marijuana, alcoholic beverage, intoxicant or depressant of any kind, or any paraphernalia used in connection with the listed substances. Also prohibited is the consumption of any of the stated substances immediately before attending school or a school function or event.

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Opinion

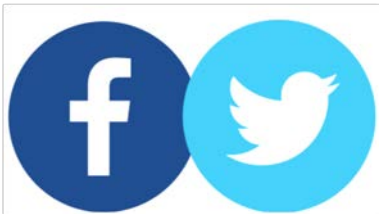
After the complaint had been filed, the board conceded the procedure it used to select the applicant for the board vacancy violated the Open Door Law. At a subsequent meeting, the board made the ballots it originally used public and had each board member identify his/her ballot. In his resolution of the complaint, the Public Access Counselor acknowledged the board's attempt to cure the violation, but still concluded that the board violated the Open Door Law by using the secret ballot.



NSBA Annual Conference

Don't forget to register for the NSBA Annual Conference!

Also, ISBA will be hosting a boxed luncheon for Indiana attendees at the Marriott Philadelphia Downtown on Saturday, March 30, from 12:00 – 2:00pm.



ISBA is on Social Media!

ISBA has joined the Facebook and Twitter worlds! Be sure to follow us, as we'll be posting exclusive content on our pages!

Facebook:
<https://www.facebook.com/IndianaSchoolBoards/>

Twitter:
<https://twitter.com/isbanews>



ISBA's Spring Regional Meetings are quickly approaching—click the picture above to register!

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Next Level Teacher Compensation Commission

On February 13, 2019, Governor Holcomb announced the formation of the Next Level Teacher Compensation Commission to study and make recommendations on competitive teacher compensation in Indiana (and compared to other states). The Commission will be supported by an Advisory Council of education stakeholders that will provide further subject knowledge and expertise. We are pleased to share that Becky Gardenour, school board member for New Albany-Floyd County Schools, and ISBA Region 10 Director, has been appointed to the Advisory Council.

Please do not hesitate to reach out the ISBA Staff whenever we can be of assistance to you. Best wishes to you for a successful conclusion of the spring semester!

ISBA State House Day

by Brooke E. Orner, Coordinator of Conferences (borner@isba-ind.org)

ISBA hosted its first annual State House Day on February 19, 2018. The event began with an introduction of ISBA Legislative Updates and Priorities from Terry Spradlin and Lisa Tanselle, followed by a panel discussion between the attendees and President Pro Tempore Rod Bray; Representative Bob Behning, House Education Chair; and Representative Ed Delaney, member of Education and Ways & Means Committees. After a luncheon with invited legislators, the State House Day attendees traveled over to the Indiana State House to be present at the presentation of the concurrent resolution congratulating ISBA on its 70th Anniversary. Take a look below at some pictures that we grabbed from the day!



Terry Spradlin—Executive Director
Lisa Tanselle, Esq.—General Counsel
Dr. Michael Adamson—Director of Board Services
Julie Slavens, Esq.—Staff Attorney
Brooke Orner—Coordinator of Conferences
Rae Anne Motsinger—Comptroller/Office Manager
Kayla Baldwin—Administrative Assistant



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