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e-Dition



Essential News and Notes for ISBA Members

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

Coronavirus Response and Status of ISBA Service to Members

The last several days has represented a period of great uncertainty and challenges for the K-12 school community as the impact of COVID-19 continues to unfold at the local, state, and national levels in our country as well as globally. ISBA continues to monitor the situation in context of membership services and scheduled events. In an abundance of caution due to the evolving COVID-19 pandemic, and with the health and wellbeing of members in mind, **ISBA has decided to cancel the Spring Regional Meetings.** We will make a determination about other scheduled events later this spring contingent upon the longevity of the pandemic.

In lieu of the in-person meetings, ISBA will share the same updates and resources through a recorded webinar to be released in late April or early May. An end-of-session wrap-up along with guidance on new laws will be shared by Terry Spradlin, ISBA Executive Director. A legal update from Lisa Tanselle, ISBA General Counsel, will also be provided in the webinar. Lisa Tanselle and Julie Slavens will be included to provide an update on legal guidance and compliance for school corporations concerning the coronavirus. The program booklet for our regional meetings will still be provided and will be sent to you via PDF document.

For information about the Coronavirus/COVID-19 pandemic, please visit our website (www.isba-

[ind.org](http://www.isba-ind.org)) for our Coronavirus resource guide and FAQ. We will be updating these documents regularly with a new version of each posted every Wednesday at 2:00 p.m. EDT, so please continue to check back for the latest news, resources, and guidance.

Thank you for your commitment to Hoosier children and dedication as school board members to provide stability and model effective governance at a time it is so desperately needed. Know that ISBA will continue to serve its members throughout this time. Feel free to reach out to ISBA staff by email or phone to let us know how we can assist you in the days and weeks ahead.

2020 Legislative Session Concludes

The second regular session of the 121st Indiana General Assembly adjourned sine die late on Wednesday, March 11. It will take more time to analyze the hundreds of pages of new laws to ensure we are advising you accurately and thoroughly on implementation requirements and effective dates of these laws. ISBA will determine the need for further legislative advisories in the coming days and weeks, but for now [HERE](#) is a summary on the key takeaways of the session.

2020 Session Scorecard

ISBA began tracking 163 of the 903 bills introduced at the start of the short session. The 163 bills had impact on K-12 education policy, school governance, school funding, or child-

related matters. At the conclusion of the session a total of 168 bills made it through the bill process and are eligible for the governor's signature into law. Of the 168 enrolled acts passed, 33 are bills that ISBA tracked this session. This means that 20% percent of all new laws impact K-12 public education. If you are keeping score, that brings the total of new K-12 education laws in just the last three sessions to 108 laws.

You can access the final ISBA Tracking List [HERE](#) for a digest of each of the 33 enrolled acts eligible for Governor Holcomb's signature.

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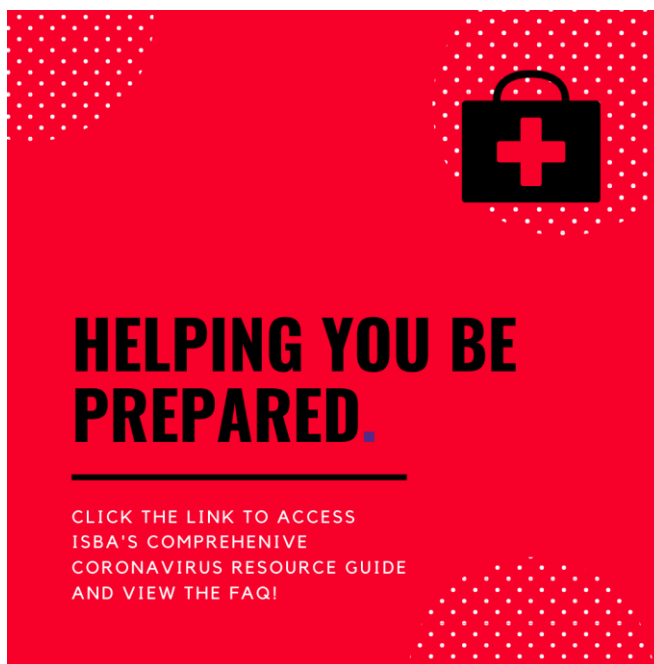
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Promotion of the Decennial Census Remains a Priority

During these difficult times, it is important to keep functioning in as normal a capacity as possible and keep our eye on important goals and targets that were our focus before the pandemic—this includes the 2020 Census. Please continue promote completion of the decennial census so that this situation will not jeopardize future federal funding, including emergency funding, of our schools and our state due to a low response rate. Residents can still fill out the Census by phone, by mail, and online. It is more important than ever to push out the word of the 2020 Census locally through automated phone messages, emails, mailings, and website postings. As a reminder, The Every Hoosier Child Counts! Complete Count Committee has created a resource guide for your use in this endeavor that includes many downloadable resource [HERE](#). Remind staff, students, and parents, that even during our difficult present, we are all continuously working for a better future, and this is an essential step in getting there.

We hope your school year continues to proceed successfully for your school corporation staff and students.



**[CLICK HERE TO ACCESS ISBA'S
CORONAVIRUS RESOURCE GUIDE
AND FAQ!](#)**

Conducting School Board Meetings During This Pandemic

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

On Tuesday of this week, the Governor issued an Executive Order with further orders and directives to protect the health and safety of Hoosiers during this time when the presence of the COVID-19 virus is increasing throughout our State. Two of the orders are particularly significant for school boards: the Governor's statement that Indiana will continue to adhere to the Centers for Disease Control and Prevention (CDC) guidance that suggests there be no in-person events of more than 50 people and the Governor's suggestion that public meetings be held only when necessary for the conduct of essential business. Within the order on public meetings, the Governor further stated that governing bodies could reduce the number of members who are required to be physically present at any meeting to one, thereby allowing all other members to participate in the meeting remotely. Additionally, the Governor is allowing any member of the governing body who participates in the meeting remotely to be counted as present in the minutes of any such meeting, to be counted for the purpose of establishing a quorum, and to vote. The Governor clarified that a governing body does not have to

adopt a policy in order to conduct its meetings in this way. Finally, the Governor is permitting all notices of meetings and agendas to be posted electronically. These temporary "alterations" of the Open Door Law go into effect immediately and apply to all governing bodies of all public agencies, including school boards.

The Public Access Counselor (PAC) issued further guidance to all public agencies consistent with the Governor's Executive Order. His guidance stated that, to adhere to the current recommendation to limit in-person gatherings to 50 or less people, school boards could exclude some members of the public from attending a public meeting. He noted, however, that a portion of those individuals permitted to attend the meeting must include representatives of the media. The PAC's guidance further encouraged public agencies to provide accommodations that would help ensure the public's right to observe and record meetings. A few of his suggestions included:

- Broadcasting or livestreaming public meetings so that the public can attend meetings remotely;

- Utilizing larger venues to reduce attendee density and allow for practicing social distancing;
- Eliminating non-essential agenda items in order to reduce the length of public meetings;
- Reviewing public comment policies and encouraging remote submissions of public comments in cases where an agenda item requires the acceptance of public comments; and
- Delegating authority or items of business to a presiding officer or an employee of the agency when possible, with the understanding that the governing body will ratify those actions when normal meetings resume.

While the relaxation of some of the provisions of the Open Door Law during this health emergency are welcomed and appreciated, it is important to note that all other provisions of the law continue to be in effect. Thus, school boards must still give 48-hours' notice (excluding Saturdays, Sundays, and legal holidays) of any meeting (except an emergency meeting) and school boards must still take notes and memoranda of all its meetings.

A complete copy of the Governor's Executive Order and the PAC's guidance can be found on the ISBA website.

Legal Age for Tobacco and E-Liquids Products Changes to 21 Years Old

by Julie M. Slavens, ISBA Senior Counsel | Dir. of Policy Services
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The 2020 Indiana General Assembly passed a law (SEA 1), which as of March 17, 2020, has not been signed by the Governor but there is no reason to believe the Governor will not sign this bill. The Act amends and adds statutes addressing the sale of tobacco products and e-liquid products, including e-cigarettes and vaping products. The Act is effective on July 1, 2020. The Act raises the legal age to 21 years of age for the purchase, acceptance, and possession of such products. Any person under the age of 21 who purchases, accepts, and/or possesses tobacco, an e-liquid, or an electronic cigarette commits a Class C infraction. The Act also amends the crimes for distribution or sale of such products to prohibit such actions to persons under the age of 21 years old and includes purchasing such products for delivery to a person under the age of 21 years old.

Given the changes made by SEA 1, after July 1, 2020, it will no longer be legal for seniors who are 18 years old to possess tobacco or e-liquid products or give such products to other students. While student discipline rules have banned such conduct for many years, all students, including those who are 18 or older, who violate such rules will now be violating state criminal laws and may be referred to law enforcement for such violations.

Additionally, the Act added a new statute making it a misdemeanor for a tobacco and vaping business to operate within 1000 feet of a public school building. The 1000 feet is measured from the nearest point of the tobacco and vaping business to the nearest point of the school building used for instructional purposes. The law grandfatheres current tobacco and vaping businesses operating within 1000 feet of a public school. A tobacco and vaping business is defined as one in which the primary activity of the business is the sale of e-liquids, e-liquid accessories, electronic cigarettes, tobacco, tobacco products, and/or tobacco accessories, or a combination of the above-listed products. The amendments to the state law by SEA 1 aligns with the federal changes passed by Congress in December 2019, prohibiting the sale of tobacco products to persons less than 21 years of age.



[Click Here to Submit a Proposal to Present at Fall Conference!](#)

ISBA IN THE NEWS

[Op-ed: Legislation would halt educational collaboration needed to serve Hoosier children](#)

[Op-ed: American Institution](#)

[Op-ed: It's time to celebrate our public schools](#)

[Video—Politically Speaking \(WNIT\)](#)

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Board Members and Ethics

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

When speaking of ethics, we are usually referring to normative ethics. Normative ethics is a part of moral philosophy concerned with the criteria of what is morally right or wrong and includes formulating rules that directly imply what human action, institutions, and the way of life should be. Morals and the rules that define human action and interaction can differ between cultures and not surprisingly between organizations; so, it is no wonder we get hung up on ethics, right? Perhaps breaking down normative ethics into categories will help us a little.

Within normative ethics are three major categories, **consequential** ethics, **virtue** ethics, and **deontological** ethics. Rather than lumping all ethical considerations under the major normative heading, the descriptions of these three ethical categories within the normative heading helps us to understand ethics on a practical basis, as well as a personal one.

Consequential ethics is based upon two principles: 1) Whether an act is right or wrong depends upon the results; and, 2) the more good acts a consequence produces, the *more right* the act is. This says that a person should choose actions that maximize good results. The application of this ethical category of anything a person might do at any given time, the morally right choice is the one that will yield the best overall conclusions.

Virtue ethics is person based, rather than action based. It is dependent upon the moral character of the person carrying out the action, rather than ethical duty, rules, or consequence. If a someone is viewed as a morally good person, then what they do is good, regardless of duty or consequence.

Deontological ethics says that the morality of an action is based on whether it is right or wrong under a set of rules, rather than on the consequences. An extreme example explains this very well. Most people would say that taking another person's life is morally wrong; however, taking the life of an intruder to protect your family changes the rule. Protecting the family is seen as the right thing to do and usually outweighs the moral weight of taking the life of the person who would do them immediate harm. Consequently, although taking someone's life, is still not morally good; the moral consequence is outweighed by the morally right thing to do, which is to protect your family.

Understandably, consequential and deontological ethics are the two most common and apparent categories that board members use to guide decision-making. It also is understood that board members' actions and decisions throughout the course of their board tenure are measured against individual ethics and the ethical character of the board collectively. Consequently, it is essential that members understand their board's ethics and ethical boundaries.



EVERY HOOSIER CHILD COUNTS!

Indiana K-12 Complete
Count Committee

It is estimated that for every child aged birth through age 9 missed in the count, Indiana will lose about \$10,000 in federal funds over the next decade.

Each child uncounted may reduce funding for community schooling needs by nearly \$1,000 per year, for a decade. That's approximately \$10,000 per child missed. Depending on the age of the child not counted, this could be their entire public school career!

It is incredibly important that you take the Census survey and encourage others to take it by April 1, 2020 so Every Hoosier Child Counts!

Be sure to adopt our sample board resolution in your local school community and take advantage of all of the resources that we've compiled in our PR Toolkit #2.

Click [HERE](#) to see what ISBA is doing to make sure that **#EveryHoosierChildCounts!**

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FOR MORE INFORMATION

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