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e-Dition



In this e-Dition:

News that You Can Use as a School Corporation Leader
by Terry Spradlin, pages 1-2

Transparency
by Dr. Michael Adamson, page 3

Preparing for Newly Elected Board Members
by Lisa Tanselle, Esq., page 4

HEA 1003 - Waiver of Statutory Provisions and Regulations
by Julie Slavens, Esq., page 5

News that You Can Use as a School Corporation Leader



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

I would imagine there is an overwhelming sense of relief among Indiana School Boards Association (ISBA) members that 2020 is nearing a conclusion. What an unprecedented year marked by COVID-19! School board members, administrators, staff, teachers, students, and parents all deserve deep gratitude for the extraordinary efforts demonstrated this semester to deliver in-classroom, hybrid, and virtual instruction to our more than 1 million K-12 public school students. Collectively, you have had to pivot frequently to manage school governance, calendar, and instructional delivery issues. Please continue to share news of your heroic pandemic-response efforts with your school community, media, and area legislators.

ISBA also continues to pivot to support our members in fulfilling your school board duties during the pandemic. Lead by Lisa Tanselle, General Counsel, and Julie Slavens, Senior Counsel/Director of Policy Services, we have issued 26 weekly, and now bi-weekly, **Coronavirus Resource Guide Updates** that you can find [HERE](#). In addition, we provided a live **Fall Member Meeting Webinar** when our Fall Regional Meetings had to be canceled due to the unfortunate resurgence of COVID-19. If you were unable to attend the meeting, you can watch a recording of the webinar [HERE](#) (enter passcode: mz=xHtQ7).

Continued on next page.

We provided a thorough overview of the 2021 ISBA Legislative Priorities, a legal update on recent school law developments, and a summary of the ISBA programs, services, and events offered to members over the course of this unusual year. You can also access the full **2021 ISBA Legislative Priorities and Foundational Statements** [HERE](#).

We are finishing the year with the popular semi-annual **School Law Webinar** on December 11, 9 a.m. To view the webinar agenda and to register to attend, go [HERE](#). At year's end, **ISBA will have held 35 events (9 in-person/hybrid events and 26 webinars), with 150 total Exemplary Governance Award (EGA) points and 81 total hours of professional development available to ISBA members.** For a full listing of how ISBA programs and services benefit its membership, see the [2019-2020 POWER OF MEMBERSHIP](#).

ISBA Legislative Action Network Grassroots Advocacy Training on December 10

ISBA will continue to elevate the visibility and effectiveness of our legislative advocacy efforts by empowering you, our members, to speak up and out on behalf of K-12 public education at the right time, and with the right message, in communication with legislators. The **ISBA Legislative Action Network (LAN)** is our formal program to unify and mobilize “the voice” of school board members and increase State House visibility through designated legislative liaisons. To achieve these goals, we will be providing an opportunity for legislative liaisons and all board members to participate in LAN training via two live webinars on December 10, from noon to 1:30 p.m. ([REGISTER HERE](#)) and from 6-7:30 p.m. ([REGISTER HERE](#)). The 2021 legislative session will be a budget session, and much is at stake for the foundation of our American Democracy, *K-12 public education!* Thanks for all that you do to lend your voice and your service to your school community!

New ISBA Staff

It is my pleasure to announce the addition of two new staff members at ISBA. **Ms. Talia Bynm** is our new Administrative Assistant, replacing Kayla Baldwin (who is now a new stay-at-home mom). Talia can be reached at: 317-639-3591 or at: tbynm@isba-ind.org. You will start seeing regular email communication from Talia, beginning with the request to update your school board roster and contact information following the general election. In addition, ISBA's team has expanded to better serve you with the creation of a Communications Specialist/Content Strategist. **Mr. Adam VanOsdol** has been hired for this position, and we are fortunate to have him join us from his role as the Senior Editor of the Indiana Education Insight Newsletter. Adam can be reached at: 317-639-0330, ext. 183 or at: avanosdol@isba-ind.org. We are delighted to have both team members on board and please join me in welcoming them to the Indiana School Boards Association.

Have a happy Thanksgiving holiday!



Transparency

By **Dr. Michael Adamson**, Director of Board Services, madamson@isba-ind.org

Transparency is a popular term today and it is not unusual to find this expression frequently used in critical conversations involving local, state, and national governing bodies. Calls for transparency aimed towards school boards are also common, specifically for the information and process they follow to review and make informed decisions. Typically, when considering the subject of transparency in governance, we find it is one of those requisites that is fairly straightforward and its meaning is clearly understood, or is it?

Not altogether surprising is that transparency in school governance occasionally needs to be revisited and the transparency framework for sharing information reiterated. This type of intentional review is not only beneficial for school board members, superintendents, and school administrators, but also for parents and other community members. A common misunderstanding regarding transparency is that it requires disclosing all privileged information. That notion could not be farther from the truth. Instead, transparency in school governance is not about sharing all you know but sharing all you can, both legally and ethically.

School governance transparency, much like government transparency, is primarily defined by honesty, accountability, and openness.

Consequently, if your board has determined to be responsibly transparent, there are at least three questions a conscientious school board member needs to answer before sharing anything. The first question is, Can I answer honestly without embellishing or minimizing the facts? The second question is, Am I compromising my accountability as a board member or jeopardizing the board's reputation and/or advantage by sharing this information? The third question is, Are the processes the board uses for decision-making, policy formulation, and governance oversight defensible and consistently followed? If the answer is "yes" to all three questions, then you can probably consider responding, but if one or more of the answers is "no", then you should reconsider.

The board cannot assume sole responsibility for the education of its constituency regarding public education and local governance. Additionally, attempts to spoon feed information to those without an appetite for it is largely a waste of time. However, when a board can share information, especially to ensure that the right information is being disseminated and/or to dispel rumor and speculation, why not share it? Why wait until the Board is placed in a position of defending its actions when a more proactive approach can minimize or eliminate an issue entirely.

Transparency issues most often arise when the board is entertaining controversial or other high profile issues. During those times, the effective board gets in front of the issue, by sharing whatever information it can in a prepared statement, and then reviews how its members should respond to questions from the community with talking points, or by directing questions to the board's official spokesperson. Occasionally, depending on the issue, the best and only truthful reply may be that you are not at liberty to comment. Even if that is the case, do not stop with that statement, explain why you cannot comment.

Developing a transparency communication strategy for information not covered by executive privilege should be a top priority for your board. If you already have one, how long has it been since you reviewed it? If the pandemic has taught us anything, it is the importance of regular communication to share information, solicit feedback, and to maintain a connection with your constituencies.

Preparing for Newly Elected Board Members



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

With the general election over, some school boards are now preparing for newly elected members to take office on January 1, 2021. While these members cannot take official action (or vote) before then, some boards are taking steps to ensure a smooth transition between the “current” board and the “new” board.

First, newly elected and re-elected board members may choose to take the oath of office at any time after receiving a certificate of election from county election officials. The oath must be administered by a notary public or other qualified individual. See IC 33-42-9-7 for a list of persons authorized to administer oaths. The oath may be administered individually or collectively, in an office or other private setting. If the oath is administered collectively, the oath-taking can occur without advertising a meeting. See IC 5-14-1.5-2(c). A board could also choose to administer the oath at a regularly scheduled school board meeting. Any board member electing to take the oath now must be sure to file the signed oath with the clerk of the circuit court within 30 days of the start of the board member’s term.

Secondly, the current school board can elect to engage in a formal or informal orientation process for the newly elected members. That orientation process can consist of providing members with copies of the school board policy manual, the collective bargaining agreement, and the budget, for example. An orientation can also consist of meeting with the newly elected members in order to share this information and have a dialogue on current issues facing the school corporation. Any meeting of board members, current and newly elected, for the purpose of orientation and informing members as to their roles and responsibilities is not a meeting as defined in the Open Door Law and therefore does not have to be advertised as such. See IC 5-14-1.5-2(c). It is important to remember that no other official action can be taken at any orientation meeting.

Lastly, a school board can also choose to invite newly elected board members to their meetings, including executive sessions. The Open Door Law, in its definition of “executive session,” specifically states that a governing body may also admit an individual who has been elected to the board but not yet sworn in as a member. See IC 5-14-1.5-2(f). If a school board invites newly elected members to their executive session meetings, the new members should be reminded of the importance of maintaining confidentiality with respect to the information they are receiving in the executive session.

In summary, while none of these activities need to take place before school board members-elect take office, a school board may want to consider what would be best for the school corporation for facilitating a smooth transition of power in the new year.

HEA 1003 – Waiver of Statutory Provisions and Regulations



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

The 2020 Indiana General Assembly passed House Enrolled Act (HEA) 1003, which addressed many education-related statutes. One of the areas addressed by HEA 1003 was the Performance-Based Accreditation system. The new law requires the State Board of Education (SBOE) to establish a performance-based accreditation system. The SBOE is in the process of doing so, but the system has not yet been set up. Part of the new law requiring the performance-based accreditation system allows a school or group of schools to apply to the SBOE for a waiver of education statutes or regulations. The law sets out in IC 20-31-4.1-7 the statutes that cannot be waived by the SBOE. At its October and November meetings, the SBOE considered the waiver applications of several school corporations.

The SBOE has not yet formally adopted any procedures or rules as to how a school corporation applies for the waiver. Some preliminary processes have been established such as the waiver application must be submitted through the Accountability Portal on the Indiana Department of Education (IDOE) website. No deadline to apply for a waiver has been established at this time. The SBOE staff will review the application and make a recommendation to the SBOE to grant or deny the waiver of each statute or regulation requested. The application must meet the requirements of the statute, and the staff is looking at whether the goal and/or outcome of the waiver is based on student achievement. Performance benchmarks must be connected to the goals stated in the application. The purpose of the waiver must be grounded in or tie-back to student achievement. The SBOE staff views the waiver as a vehicle to address unique situations that are locally based.

The statute requires the following to be in the waiver application: a list of the specific statutes and rules the school or group of schools is requesting to be waived; the specific goals or outcomes the school corporation intends to achieve by the waiver and how these goals or outcomes will be achieved by the waiver; and a resolution of the school board approving the application of the waiver. The specific goals are listed in the statute as:

(1) Improve student performance and outcomes.

(2) Offer the applicant flexibility in the administration of educational programs or improve the efficiency of school operations.

(3) Promote innovative educational approaches to student learning.

(4) Advance the mission or purpose of the school or group of schools.

If the waiver is approved, it does not have to be used but is available to do so. The SBOE encourages the waiver to be for at least four years, but the waiver applications to date have asked for only one-year waivers. Many of the waivers requested have addressed the current situation with COVID-19 affecting the schools and have asked for flexibility for instructional days to be determined by instructional minutes. Those waivers have been approved by the SBOE, but waivers on school safety issues such as bullying and suicide prevention training have been denied.



2020 ISBA Membership Survey

ISBA would like to ask for your feedback on how we are doing in serving you as we work to enhance our programs and services and plan the calendar of events in 2021. If you are a school board member, or an Associate or Service Member, would you please be so kind to take a few minutes of your day to complete the 2020 ISBA Membership Survey available here: [TAKE SURVEY](#). We value your thoughts and perspectives, and your response will be greatly appreciated!

ISBA in the News

- » [Indiana schools superintendent says school chiefs goals ‘speaks volumes’ on important issues](#)
- » [Racial Equity Now An Issue For Indiana School Board Candidates To Address](#)
- » [Addressing teacher pay, racial equity and more: Commitments Gov. Holcomb made to schools](#)
- » [What you need to know about school boards ahead of Election Day](#)
- » [Holcomb, Myers make rare ‘joint appearance’ in appeal to educators](#)

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