

e-Dition



MAY 2021



Current News & Event Highlights for ISBA Members



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

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Congratulations to our school board members, administrators, teachers, and staff for your heroic efforts to complete the 2020-2021 school year – you did it! You are to be commended for your ability to pivot throughout the school year in response to the relentless COVID-19 pandemic. You have demonstrated great leadership, resolve, determination, and commitment to meet the needs of Hoosier K-12 students. Unfortunately, with the persistence of the pandemic, challenges remain. ISBA will continue to provide regulatory guidance to you as our state officials and agencies issue new health and safety orders or regulations. We all need to be prepared to the greatest extent possible to get students back in the classroom daily next school year.

ISBA Spring Member Meeting Webinar

Thank you to the many members who joined us for the Spring Member Meeting Webinar held virtually on May 12. President

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Robert Stwalley shared timely perspectives on the need to promote and champion the good news in public education, and he recognized our 2020 Exemplary Governance Award recipients; Lisa Tanselle, General Counsel, and I reviewed the outcomes of the 2021 budget session of the Indiana General Assembly and discussed some of the new laws regarding K-12 education; and, Ms. Tanselle spotlighted a few recent court cases during her legal update. If you were unable to attend, please see the email communication from Brooke Orner sent to you on May 13 with the link to the webinar recording. A meeting booklet was also prepared and provided that can be accessed [HERE](#). Please note that it is our intention to resume in-person regional meetings across the state this fall, with the meetings occurring the first three weeks of November. Stay tuned for more information in this regard.

2021 Session Review

As highlighted during the Spring Member Meeting Webinar, a total of 41 new laws were enacted that impact K-12 education policy, school governance, or that were child-related legislation. You can view digests of these new laws [HERE](#). ISBA had an 11-point legislative agenda and succeeded in achieving full or partial fulfillment of seven priorities. You can view this list in the Spring Member Meeting Booklet referenced above.

Upcoming Events

While the 2021 session of the Indiana General Assembly has recessed and the Spring Member Meeting is behind us, ISBA will have a busy summer with three seminars or webinars on the calendar. Please see the list of upcoming events on page 6. In addition, the dates have been set for the 72nd Annual ISBA-IAPSS Fall Conference to occur October 11-12, 2021. Please save these dates on your calendar! We plan to resume with a live, in-person conference to be held at the Indiana Convention Center in downtown Indianapolis.

ISBA Staff Recognition

It is my honor and pleasure to recognize two ISBA staff members for their milestone achievements in reaching significant service anniversaries with the Association. Dr. Michael Adamson, Director of Board Services, reached his 15-year service anniversary with ISBA on January 2. Julie Slavens, Senior Counsel/Director of Policy Services, reached her 30-year service anniversary with ISBA on April 1. Please extend your appreciation and gratitude with them via email at: madamson@isba-ind.org and jslavens@isba-ind.org

As always, we are here to serve you, so please do not hesitate to reach out to us by phone or email with any questions that you have about board governance. Please enjoy your summer, and we hope to see you at an upcoming event soon!

Lessons Learned — Opportunities Born



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

Everyone thought things would get easier once the pandemic began to loosen its grip on our lives. However, just as it impacted our lives in unimaginable ways at the beginning, it is proving itself a worthy adversary as we approach its demise over the next few months. You have dealt with masks, social distancing, virtual learning, cancelling sporting social events. Even now, as restrictions are being loosened, a new set of issues about removing the restrictions altogether and allowing life to resume as it was pre-pandemic are subjects of public outcry. Although the information and instruction we have at this point is far better than when this ordeal began, many boards are feeling the criticism from some of their constituents who still operate from an ill-advised position fueled by misinformation and unvalidated opinions.

The tendency to take a much deserved rest from the events of the past year and a half is understandable and deserved, but I want to encourage each board and superintendent to not rest until you have intentionally reflected on the lessons (both good and bad) that you have realized throughout this ordeal. While reflection is a valuable exercise at various times and for many reasons, it is a particularly important post-pandemic activity. Certainly, lots of these lessons will be invaluable should another health crisis arise, but I am convinced there many lessons to be learned that can benefit the work of school boards and superintendents that are not specific to a health crisis, lessons that will enable boards and superintendents to work more closely, with greater mutual respect and trust.

As important as lessons learned are, I hope you will challenge yourself to see where opportunities reside, opportunities that have presented themselves as a result of pushing the boundaries of the traditional K-12 delivery methods during the pandemic. Many school corporations have discovered and implemented ingenious methods to provide education in a less-than-ideal environment out of necessity, but the opportunity is to explore how the best of those might be implemented to augment the normal delivery methods of instruction when we are free of the health crisis.

I often hear people say how glad they will be when things return to normal, meaning the way things were before the pandemic. I sincerely hope that is not the case. Most assuredly things will never be the way they were and to deny the change that has occurred and how it impacts our strategic vision for the years to come is irresponsible. I trust you will all take note of the hard lessons you have been required to learn, but I am even more excited to hear about the unique opportunities, that were born in this crisis and as a result of the hard work and sacrifice of our educational community, and that have now been repurposed as part of an ongoing strategy for sustaining and improving traditional K-12 public education.

The Use of Temporary Teacher Contracts



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

Many school boards and administrative teams are currently considering how to use the federal monies granted to school corporations to address the coronavirus pandemic experienced in the 2020-2021 school year. While some of the monies must be reserved to address learning loss, schools are otherwise given much discretion to spend the monies on other student and employee needs as well as on facility improvements designed to reduce the risk of virus transmission.

In light of this broad discretion, some school boards may be contemplating hiring additional personnel to meet the needs of students. If so, the board may also want to consider hiring these individuals by using the temporary teacher contract form as opposed to the traditional regular teacher contract form.

The temporary teacher contract form has historically been available to school boards to use when the board was hiring a teacher to serve in the absence of a teacher who had been granted a leave of absence from his/her teaching duties. But in 2011, the General Assembly expanded the use of the temporary teacher contract to include when hiring a “new teacher” to serve in a position “funded by a grant outside the school funding formula for which funding is available only for a specified period or purpose.” The temporary teacher contract may also be used to hire a “new teacher” for a position vacated by a teacher serving under a regular teacher contract and who temporarily accepts a teaching position that is funded by a grant. See IC 20-28-6-6(a)(2). Clearly the funds made available to schools through the Coronavirus Aid, Relief, and Economic Security Act, the Coronavirus Response and Relief Supplemental Appropriations Act, and the American Rescue Plan Act are grant monies that are available for a specified period or purpose. Thus, it is permissible for a board that is hiring a new teacher with these monies to use the temporary teacher contract.

The primary benefit of using the temporary teacher contract is the ability to terminate the contract on its expiration date without having to provide any due process to the teacher. Because Indiana law states that the provisions of the temporary teacher contract may not provide for any “continued tenure of position” and must contain an expiration date, both parties understand that employment for this new teacher is temporary and likely dependent on a demonstrated need for the position and the availability of additional funding. Using this form of contract as opposed to the regular teacher contract gives school boards greater flexibility in addressing the short-term needs of the school corporation while still assessing future or on-going needs.

The temporary teacher contract forms may be found [HERE](#). Please note the three different forms when selecting the one for your specific purpose.

Board Member Electronic Participation in School Board Meetings

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



ISBA sent out earlier in May a [memorandum](#) on the specific requirements for individual school board members to participate in a school board meeting by electronic means when a disaster emergency is not in place. HEA 1437 was the Act amending the Open Door Law and was effective on April 20, 2021. The new law allows school board members to participate in a school board meeting by electronic means but does not require a school board member be allowed to do so. [Note: The law does not require all school board meetings to be conducted with electronic communications available regardless of whether board members are participating by electronic means.]

HEA 1437 also provided for school boards to meet via electronic means while under a declared disaster emergency, which the state is currently under until May 31, 2021, and may be continued by the Governor after that date. School boards may continue to meet as they have been during the public health emergency. However, school boards should also begin to think about what school board meetings will look like after the public health emergency is over under the provisions of HEA 1437, especially in terms of procedures for individual board members to participate electronically in school board meetings. HEA 1437 requires a school board to adopt a policy on such matters.

The requirement to adopt a policy states the policy must address the procedures that apply to an individual school board member's participation in a school board meeting by electronic means. This would include such items as to how the individual school board member would notify the board of the need to participate by electronic means, the person to notify, and the timing required of such notice. The timing of the notice is key for those school boards that do not regularly provide electronic means of communications for its meetings. Time will be needed to set up the electronic communications as the school board member must be able to be seen and heard and to hear the other school board members attending the meeting and the public must be able to attend and observe the meeting.

HEA 1437 allows the school board policy to include other related matters. The additional matters include limiting the number of individual members who can participate by electronic means in one meeting and limiting the total number of meetings during a calendar year that will include electronic communications. This list is not exhaustive; other provisions concerning the use of electronic communications for a school board meeting may be included in the policy as long as the provisions do not violate mandated provisions of the law. The policy may also provide for more restrictive means than the ones set out in the statute.

Since we are still under a disaster emergency, a school board has some time to consider its options and adopt a policy. ISBA will be sending out a sample board policy on this topic in June.

MARK YOUR CALENDARS AND SAVE THE DATE!

June 8--ISBA/IAPSS/IASBO Budget & Finance Seminar

June 17 (P.M.) and June 18 (A.M.)--June School Law Seminar

August 20--ISBA/IAPSS Collective Bargaining Seminar

[CLICK HERE TO REGISTER FOR THESE EVENTS!](#)

ISBA in the News

- » [Vote Near on Indiana Budget](#)
- » [Public funds should focus on funding public schools](#)
- » [Better Indiana outlook brings calls for bigger schools boost](#)
- » [Indiana school voucher expansion rolled back in Senate plan](#)

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Terry Spradlin - Executive Director

Lisa Tanselle, Esq. - General Counsel

Dr. Michael Adamson - Director of Board Services

Julie Slavens, Esq. - Dir. of Policy Services, Senior Counsel

Brooke Orner - Events and Communications Manager

Adam VanOsdol - Communications Specialist/Content Strategist

Rae Anne Motsinger - Comptroller/Office Manager

Talia Bynm - Administrative Assistant

