



INDIANA SCHOOL BOARDS
ASSOCIATION

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Association News for Members

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



72nd Annual ISBA-IAPSS Fall Conference News

The countdown to the 72nd Annual ISBA-IAPSS Fall Conference is underway with less than 30 days to go before the event on October 11-12. We are nearing 700 registrants—a clear indication that school board members and superintendents are looking forward to networking with one another and attending the many timely sessions on the agenda. It's not too late to make plans to attend! Registration information and the detailed agenda can be found [HERE](#). Please see page 7 of this e-newsletter for more information on the conference.

We plan to share news of any health and safety protocols that the Indiana Convention Center may enforce at the time of the conference, but presently there are no restrictions established. Nevertheless, ISBA and IAPSS have taken an extra safety measure to purchase and provide individual hand sanitizer spray and masks (with the associations' logos) for your discretionary use at the conference.

ISBA Delegate Assembly

The Annual Delegate Assembly, the ISBA business meeting, will convene on Monday, October 11, promptly at 8 a.m. (the hall will open at 7:30 a.m.). Board Presidents and superintendents, we ask that you ensure that your school board is represented with designation of a board member as your delegate. Per the ISBA Constitution and Bylaws, each school corporation governing body that is a member of ISBA is entitled to have one delegate representative. Please contact Talia Bynm, ISBA Administrative Assistant at tbynm@isba-ind.org, to ensure the name of your school corporation delegate has been submitted.

Fall Regional Meetings Proceeding

ISBA has decided to move forward with in-person regional meetings this fall. We recognize your decision to attend will be a personal choice based on your comfort in attending social gatherings. The Regional Meetings will begin November 1 and typically draw up to 150 people at each. Please see the bottom of the page for the complete schedule of the meetings, including the name of the event venues. During these meetings, we will share details of the 2022 ISBA Legislative Priorities, talk about other emerging legislation anticipated, discuss COVID-19 pandemic response and governance news, and highlight recent court cases pertaining to school governance matters.

ISBA Board of Directors' News

The Delegate Assembly will elect new ISBA Board of Director Officers on October 11, with the new terms effective upon conclusion of the Fall Conference. We thank Dr. Robert Stwalley, III, for his outstanding service as ISBA President the past two years, and 10 years of service on the Board overall. Locally, Dr. Stwalley is the board president for the Lafayette School Corporation governing body. He will transition to serve as the ISBA Immediate Past President and continue service on the Board of Directors. We also thank Kim Woodward, Immediate Past President for her 11 years of dedicated service on the ISBA Board of Directors. Ms. Woodward serves as the board president for the Avon Community Schools governing body.

ISBA Regional Meeting Dates:

- Region 7 - 11.1.2021 - The Inn at DePauw (2 W. Seminary St., Greencastle, IN 46135)
- Region 3 - 11.2.2021 - Goeglein's (7311 Maysville Road, Ft. Wayne, IN 46215)
- Region 4 - 11.3.2021 - Lebanon Community Room (1810 N. Grant St., Lebanon, IN 46052)
- Region 6 - 11.4.2021 - Willie and Red's (40 E. Main St., Hagerstown, IN 47346)
- Region 9 - 11.8.2021 - Klubhaus 61 (2031 Newton St., Jasper, IN 47546)
- Region 1 - 11.9.2021 - Teibel's (1775 Route 41, Schererville, IN 46375)
- Region 5 - 11.10.2021 - Bel Air Events (3014 S. Webster St., Kokomo, IN 46902)
- Region 8 - 11.11.2021 - The Nest (400 Byrd Way, Greenwood, IN 46143)
- Region 10 - 11.15.2021 - The Pines (4289 N. US Highway 31, Seymour, IN 47274)
- Region 2 - 11.16.2021 - Christo's Banquet Center (830 East Lincolnway, Plymouth, IN 46536)

[REGISTER HERE!](#)

Standing United

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



The delta variant of COVID-19 is wreaking havoc throughout our school systems and the mental and social pressure from dealing with this ever-evolving virus continues to spiral out of control. Parents frustrated by mask mandates and the measures to ensure their safety and the safety of their children that are approved by their local school board and school administration are speaking and acting out at school board meetings and across every major social media platform. School board members, already exhausted from over a year's worth of criticism from frustrated constituents, are wondering whether they will seek reelection, and superintendents, principals, and teachers are beginning to buckle under the stress imposed by dual educational systems that continually see-saw as a result of the spikes in infection rates and subsequent quarantines in their districts.

There is just a lot of crazy out there right now and it does not appear that it is going to subside anytime soon. There are not a lot of people lining up to thank school board members, superintendents, principals, and teachers for staying the course and continuing to do their very best to provide educational opportunities under less than desirable conditions in their local districts. However, rational thoughts and actions must prevail during this time. The truth remains that the virus is killing people and not just the infirmed or individuals with preexisting conditions, but seemingly healthy people that are exposed and then quickly succumb to this ravaging, lung-destroying virus and despite the best medical care that can be provided. No one can predict who will be mildly inconvenienced, who will fall desperately ill, or who may die. But heaven forbid that person is not a child in your school system because preventative measures are not in place or because a few angry parents show up at a school board meeting complaining about mask mandates or social distancing by claiming that the school is circumventing parental choice or authority.

What we have at this time is perhaps the most difficult scenario a governance oversight board experiences, where every decision is seemingly weighed and judged in the court of public opinion. But, of course, criticisms are easily levied without the burden of consequence and it is amazing how that weight of accountability changes personal opinion and lessens the willingness to support actions or causes not supported by reliable information. Even the loudest detractors fall silent when confronted with their own accountability when they are actually held responsible for the welfare of others, especially those outside their households. It is easy to adopt a would have, should have, could have position when you do not actually have to make the decisions. But as a board member, you do not have that luxury because you are accountable for the decisions you make as part of the governing body of your local school district.

Everyone is anxiously looking for an end to quarantines, social distancing, COVID tests, and mask mandates, but the end is still at some point in the future. Until then, stay strong, continue to make decisions that represent your constituents' best interests in public education, do everything you can to keep your students, teachers, administrators, and support staff as safe as you can. Above all, encourage each other to not grow weary in well-doing. Doing the right thing is not always easy but it is always necessary. Hang in there!

Reapportioning School Board District Boundaries



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

Now that the U.S. Census Bureau has released the results of the 2020 Census, we know that Indiana will continue to have nine United States congressional representatives. We also know that the members of the Indiana General Assembly will use the results to redistrict, or draw new boundaries, for both the U.S. House and Indiana House election districts. (Indiana legislative leaders released their proposed maps just this week.)

But did you know that some school boards will have to use the new census data to determine whether school board member district boundaries may also have to be changed?

For those school boards that consist of “electoral” districts, wherein a board member must reside in a particular district and is elected only by the voters of that district, Indiana law requires the school boards to use the decennial census data to ensure that the electoral districts are “as near as practicable equal in population.” See IC 20-23-8-8(a)(4). This review must occur by December 31 of the year next following the year in which a decennial census is taken. The review must also result in the school board adopting a resolution that either changes existing boundaries to make the electoral districts as near as practicable equal in population or recertifies the existing boundaries.

The U.S. Census Bureau released redistricting data in August 2021, with additional information released thereafter on September 16, 2021. While COVID-19 presented numerous challenges to the collection of census information and resulted in delays in releasing the information, school boards with electoral districts should make every effort to review the data and assess the need to change district boundaries as soon as possible in order to meet the December 31, 2021 deadline.

Once a board completes this review, if the board determines that the boundaries of the electoral districts do not need to change, the school board must certify to the circuit court clerk of each county in which the school corporation is located that the electoral districts are as near as practicable equal in population. If the school board determines that the boundaries need to change, then the board must initiate an amendment to the plan by adopting a resolution that identifies the new electoral districts. See IC 20-23-8-8.5. The plan amendment must be published in the newspaper and voters within the school corporation have 120 days to file petitions protesting the plan change or initiating an alternative plan. After completion of this process, the board must file the amended plan and maps of the new electoral district boundaries with the circuit court clerk(s).

According to a recent survey by ISBA, less than 15% of school boards in Indiana have electoral districts. If, however, your board is one that has electoral districts, it is important to secure census data from local government officials to conduct this review. Be sure also to consult with your local attorney on these requirements.

Discussion of COVID Plans in Executive Session

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



Over the past few weeks some school boards have inquired as to whether the local COVID plans relating to mask mandates, close contacts, and quarantine requirements can be discussed in an executive session. In an executive session, school board members would be able to discuss among each other the various issues related to the elements of the plan without members of the public present. The Open Door Law allows the school board to meet in an executive session for various reasons. The statutory reason appropriate to discuss the COVID plan is for the “discussion of the assessment, design, and implementation of school safety and security measures, plans, and systems.” See IC 5-14-1.5-6.1(b)(3).

The Indiana Public Access Counselor wrote an [informal advisory opinion](#) on this issue in October 2020 with respect to school boards drafting their Back-to-School plans for in-person instruction for the 2020-2021 school year. In this informal opinion, the Public Access Counselor states the wording of the law could support a school board meeting in an executive session to discuss its COVID plans but the intent of this provision would not. Thus, the Public Access Counselor takes the position that such plans should not be discussed in executive session.

The Public Access Counselor interprets the Indiana Open Door Law and the Indiana Access to Public Records Law. Opinions written by the Public Access Counselor are not binding on a court of law. Informal opinions are those the Public Access Counselor writes when several persons and/or entities have asked about the same topic. In the informal opinion letter on the topic of discussing back-to-school plans in executive session, the Public Access Counselor explains the basis for its official position that such plans should be discussed in public meetings.

The Public Access Counselor states the general rule of the Open Door Law is to require public agencies to conduct business and take action openly so the public may be informed of the actions of local and state government. The Open Door Law allows for specific topics to be discussed in executive session before taking action in a public meeting. The Public Access Counselor states the “justifications [for executive sessions] are rooted in practicality in regard to the sensitivity of the subject matter being discussed. School safety and security plans may be held in closed door meetings to preserve the integrity and efficacy of the safety program itself. Active threats and responses should indeed be kept in-house to ensure those who intend to visit harm on schoolchildren or staff are not privy to those plans.”

The Public Access Counselor further states the back-to-school plans address the “passive threat” of COVID-19; although it is a threat to the public health, it is not a targeted threat to a child or building as an active shooter is and the intent of the legislature was to address active threats when allowing school boards to meet in executive session to discuss security plans and systems. The Public Access Counselor further supports its position by stating it is “difficult to imagine a scenario wherein those plans ... would be compromised if discussions were held during a public meeting.”

FAST FACT:

228 INDIANA SCHOOL DISTRICTS LOANED OUT MOBILE WI-FI HOTSPOTS FOR STUDENTS TO USE AT HOME DURING THE 2020-2021 SCHOOL YEAR.

ISBA in the News

- » [Indiana School COVID-19 Cases Set New Record As State Pushes For More Testing](#)
- » [Masking Debate Intensifies as COVID Cases Surge](#)
- » [Indiana Schools Get Incentive To Require Classroom Masks](#)
- » [Critical Race Theory Turning School Boards Into GOP Proving Grounds](#)
- » [The Pandemic Modernized School Board Meetings -- Will The Changes Last?](#)

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ISBA / IAPSS

72nd Annual Fall Conference

October 11 & 12, 2021

RE-ENVISIONING, RE-IMAGINING, AND RE-INVENTING PUBLIC EDUCATION IN A NEW ERA

Join fellow school board members and administrators for eye-opening and inventive sessions on topics like:

- School Funding and Budget Optimization
- Expanding Inclusion and Equity Opportunities
- The Crossroads of Wellness, Mental Health, and Safety
- Leveraging Community Engagement and Partnerships for Advocacy
- Governance and Executive Leadership

Monday Morning Keynote:

"The Digital Age and Social Media: The Impact of Misinformation on Children – How Should School Board Members and Educators Respond?"

KEYNOTE SPEAKER



Renee DiResta

*Technical Research Manager at
Stanford Internet Observatory*



For more information, or to register, visit www.isba-ind.org/fall-conference.html