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e-Dition

New K-12 Education Laws & Event Highlights for ISBA Members



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Summertime is here! I hope the arrival of the June issue of ISBA's e-Dition finds you resting, relaxing, and enjoying some sunshine. Meanwhile, I know you, as school officials and leaders, are also busy preparing for the 2021-22 school year that for many will begin in just a handful of weeks. No doubt the planning you are undertaking is to return students to full-time, in-person instruction while maintaining appropriate health and safety standards as the COVID-19 pandemic persists.

As you are aware, Governor Holcomb has declared that his emergency orders will discontinue the mandate of masks for students and staff while in a public school. School boards will have the discretion to adopt mask policies, and it appears that the prevailing choice is "mask-optional" at the discretion of students and families. Some districts have or are implementing incentives to encourage vaccinations for school personnel to ensure that staff will be protected against the coronavirus. The ISBA legal staff will continue to monitor state and federal public health and safety guidelines and apprise you of any changes to current policies and

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practices. We are awaiting news in the next few days whether the governor will extend the public health emergency through the month of July.

New State K-12 Laws

Speaking of July news, many of the 41 new laws impacting K-12 education policy, school governance, or children enacted by the Indiana General Assembly during the 2021 budget session take effect on Thursday, July 1, 2021. You can view digests of these new laws [HERE](#). Of these new laws, [House Enrolled Act 1549](#) (Public Law 216-2021), [House Enrolled Act 1008](#) (Public Law 167-2021), and [House Enrolled Act 1001](#) (Public Law 165-2021) are three gaining public interest.

Of the many provisions of **HEA 1549**, SECTION 16 of this law has become a board topic in some communities through public comments from constituents. This provision changes the process for the adoption of curricular materials. The amendments to statute require the school board to: (1) approve of the procedures established by the superintendent for the adoption of curricular materials; and (2) adopt curricular materials after reviewing the recommendations of the superintendent. This latter change is not significant according to Lisa Tanselle, ISBA General Counsel, since school boards have always had to adopt the curricular materials, but the law appears to stress that the board must “review” the superintendent’s recommendations. School boards have never had to approve of the procedures used by superintendents to establish the recommendations, so the first provision of this section may be considered the more significant change.

Another new law of significance that seems to have the promise of substantial benefit to Hoosier students is **HEA 1008**. This law creates the Student Learning Recovery Grant Program funded at \$150 million to be administered by the Indiana Department of Education (IDOE). This law took effect upon passage. Grant applications were due for the first round of funding on May 12, and the IDOE announced grant recipients and award amounts totaling \$122 million on June 1. Grants were awarded to 110 community partners and schools in 83 of Indiana’s 92 counties. Award recipients are to provide support to students in literacy, math, and college and career readiness this summer and throughout the coming school years via focused tutoring, afterschool programming, and other enhanced learning opportunities. Overall, this program is intentionally established to address learning loss prompted by the pandemic that will be evident when the spring 2021 IREAD and ILEARN scores are released. More information about this grant program from IDOE can be found [HERE](#).

Beside the historic funding levels in the state budget that will provide school corporation tuition support increases near 4% annually, **HEA 1001** has garnered much interest for the teacher compensation goals it establishes, including setting beginning teacher pay at \$40,000 per year and spending at least 45% of the school corporation’s tuition support on teacher pay (excluding benefits). School officials have many questions and are seeking guidance on fulfilling the teacher pay goals, as was evident during the IDOE panel on this matter at the ISBA-IASBO-IAPSS Budget and Finance Seminar held on June 8, 2021. Please be aware that both IEERB and IDOE staff have accepted invitations to participate in the ISBA-IAPSS Collective Bargaining Seminar to be held on August 20. These agencies plan to provide further guidance during the seminar that will prove helpful for the next round of collective bargaining negotiations. Registration for this event will open soon.

Regaining Balance



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

You have just weathered one of the roughest school years in recent history and you deserve a pat on the back for navigating those uncharted waters. No one had a pandemic playbook to pull off the shelf with instructions for dealing with the harsh realities the pandemic brought to bear on public education. Regardless, with the leadership of dedicated school board members and administrators, along with devoted and steadfast teachers and support personnel, the 2020-21 school year is over. It was not a perfect year, but in hindsight, it could have been much worse, logistically, and academically. Anyone with any knowledge of the hard work and sacrifice that was necessary to survive the year and still remain sane knows that it took a series of extraordinary feats to see us through this past school year. My hat is off to you!

Now, as we shift into the summer, district preparations are already well underway for the start of the 2021-22 school year. It should be a year we will remember equally as much as the year we have just left because, hopefully, it will be the year we return to something that resembles what we remember as normal. Budget planning has begun, staffing needs for this fall are being considered, facilities are being made ready for the start of another school year. Everyone is cautiously, but optimistically breathing a little easier, at least with respect to the issues and edicts from COVID-19.

It is a good time for all school board members to restore your governance oversight equilibrium as you transition away from operating in crisis mode. Finding your balance after teetering on the edges of multiple issues throughout last year will enable you to realistically assess where you have been, what lessons you can add to your leadership arsenal, and how best to move forward in a post-pandemic reality. Having leadership tested in a crisis can be a rewarding experience, but more so in retrospect. Most importantly, crisis leadership is the best course of action . . . in a crisis. Calmer waters require a different leadership approach to be effective, one that is more calculated and methodical rather than reactionary. The first step is to recognize your own crisis leadership and strategic leadership styles.

Restoring balance may not be as easy as flipping a switch, but take a deep breath, review where you have been and then revisit where you want to go. Concentrating on your strategic initiatives, the things you may have had to postpone during the events of this past year, can help to reestablish and reenergize your board-superintendent team. Our new normal may not look exactly like our old normal did, but regaining balance will help ensure you reground your leadership focus.

Deducting Union Dues for Teachers

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



Indiana law currently requires a school employer to deduct from teacher paychecks dues owed to the local teacher association if specific requirements are met. Those requirements include having written authorization from the teacher to make the deduction, understanding that the authorization can be revoked at any time by the employee, and having at least 20% of all teachers employed by the school corporation requesting the deduction. (If less than 20% of the teachers request the deduction, then the employer has the discretion to make the deduction.) See I.C. 20-28-9-18 and I.C. 20-29-5-6.

The General Assembly amended this law this past session to require the Attorney General to prepare a written authorization form for school employees to use to authorize a deduction from their pay for union dues. The authorization must contain statements that the teacher understands his/her right to refrain from joining and paying dues to a union, that membership and payment of dues are voluntary, and that the employee may revoke the authorization to deduct union dues at any time. Additionally, the General Assembly added language specifying that authorizations for deductions for union dues may not exceed one year and must be renewed annually. The changes to the dues deduction law took effect upon passage. See P.L. 98-2021.

To implement these changes, the law specifies that any authorization for a deduction for union dues submitted by a teacher before July 1, 2021, expires on July 1, 2021. Any future authorization for a union dues deduction must meet the requirements of the new law. Additionally, before July 1, 2021, the Attorney General is required to notify all school employers of the new provisions and include the new authorization form. School employees must then complete the form and submit it to the school employer. The school employer must confirm receipt of the authorization form by sending an electronic mail message to the teacher (at the teacher's work electronic mail address) and wait for confirmation of the authorization to deduct the dues by the teacher before making any deduction.

Because teachers will have to annually renew the required authorization to deduct union dues, the school employer will also have to annually provide notice to its teachers of their right to cease payment of union dues and to withdraw from the organization. This notice must also include the authorization form created by the Attorney General and the amount of dues owed to the exclusive representative. The school employer has the discretion to determine when this notice will be provided to its teachers.

It is important to note that these changes affect only deductions for teacher union dues and not deductions for other purposes, which was a point of contention when the bill was being heard by the General Assembly. Additionally, three local teacher associations recently filed a lawsuit against the General Assembly, challenging the legality of this new process. But until any decision by a court, all parties will have to abide by this new process.

Sudden Cardiac Arrest - Students in Athletic Activities

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



HEA 1040, P.L. 56-2021, which was effective upon passage, April 15, 2021, amended the laws addressing sudden cardiac arrest in student athletes. See IC 20-34-8. The Act adds a definition to the law – applicable student, which means a student who competes in an athletic activity. This definition was added as the Act also amended the definition of athletic activity by adding marching band and other extracurricular activities in which students have an increased risk of sudden cardiac arrest. These other extracurricular activities will be determined by the Indiana Department of Education (IDOE) in consultation with organizations that specialize in preventing sudden cardiac arrest.

The law requires the IDOE to send guidelines, information sheets, and forms to every school corporation on the nature and risk of sudden cardiac arrest. School corporations are required to disseminate the materials to its schools for coaches, marching band leaders, applicable students, and their parents to review for educational purposes. The amended law requires the materials distributed by IDOE to include information on the nature and warning signs of sudden cardiac arrest, including the risks associated with continuing to play or practice after experiencing one or more symptoms of sudden cardiac arrest which include fainting, difficulty breathing, chest pains, dizziness, and abnormal racing heart rate and information about electrocardiogram testing including the potential risks, benefits, and evidentiary basis behind the testing. IDOE may distribute the materials electronically to school corporations, but IDOE must post these materials on the IDOE website. See IC 20-34-8-5.

The law requires schools every year before the first practice of an athletic activity to give the materials received to all applicable students and their parents. The applicable students and their parents must sign forms acknowledging the receipt and review of the materials and return the form to the coach, marching band leader, or other official designated by the school. The completed forms are required to be maintained by the coach, marching band leader, or other designated school official. See IC 20-34-8-6.

The Act added a new section to the law requiring the training of coaches, marching band leaders, or leaders of IDOE-designated extracurricular activities on sudden cardiac arrest, which is provided by an entity approved the IDOE. An individual may not coach, lead marching band, or lead an athletic activity until the required training is completed. The provider of the training is required to provide the school with a certificate of completion for every individual who completes the required training course on sudden cardiac arrest. School corporations are required to maintain all certificates of completion. Individuals who complete the training are not personally liable for damages as a result of a sudden cardiac arrest incurred in an athletic activity if the leader acted in good faith and was not grossly negligent or engaged in willful or wanton misconduct.

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Upcoming Events

In addition to the Collective Bargaining Seminar, 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! Registration should open in mid-July, and ISBA and IAPSS will be offering an early bird pricing discount for the first 30 days of the registration window. The preliminary agenda will be released with the opening of registration, and we are pleased to have selected 25 outstanding concurrent sessions to offer to you. For more information on the Fall Conference, see page 7.

ISBA in the News

- » [Muncie School Board Approves \\$1.3M in Teacher Pay Increases](#)
- » [Western to boost social-emotional learning with COVID Funds](#)
- » [Elkhart School Board OKs Transportation Cuts](#)
- » [School Efficiency Law concerns Associations, Directors](#)
- » [Logansport keeping close watch on rising construction costs](#)
- » [South Bend, PHM, Mishawaka, prepare for record summer school enrollment](#)

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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