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e-Dition

Governor Holcomb Leads on School Safety Issues

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

Given what appears to be an increasing prevalence of school security threat issues across the U.S., enhancing school safety policies, procedures, and facilities have taken on enhanced significance. ISBA commends Governor Eric Holcomb and state agency leaders for their recent flurry of actions to address this elevated priority. Here is a list of timely updates in this policy area for board members to be aware of as you embark on another school year.

Governor's Taskforce on School Safety Recommendations

This spring, Governor Holcomb assembled a working group tasked with conducting research on school safety and presenting recommendations to inform his administration in preparation for the 2019 budget session. The taskforce collected data and more than 400 stakeholder responses to assemble 18 recommendations organized into three categories: enhanced mental health services; safety equipment, technology, and training; and policy or legislative considerations. These recommendations ([link](#)) were issued publicly on August 4, 2018. Governor Holcomb and the taskforce members are to be commended for their thorough work and the sound recommendations offered. ISBA supports the recommendations of the report, especially those

pertaining to expanding resources for professional mental health support services for students.

Handheld Metal Detectors

In July, Governor Holcomb announced a program to offer free handheld metal detectors (1 per 250 students) to any school or school corporation upon request. As a result, a total of 94% of school corporations requested the devices and more than 3,200 devices were provided. Julie Slavens, ISBA Staff Attorney, issued guidance from ISBA on policies and procedures for school boards and administrators to consider in use of the devices. See her guidance correspondence sent on July 18 here: ([MetalDetectorSearches2018](#))

IDOE School Safety Audits

As a result of the school safety legislation passed earlier this year (HEA 1230), the Indiana Department of Education is required to conduct school safety audits of every school in the state this school year. The IDOE is in the process of selecting and training a partner contractor(s) to help fulfill this requirement. Audits should begin in October and must be completed by March 31, 2019. More information and guidance should be coming soon from IDOE; however, they have posted a "HEA 1230 School Safety Audit" checklist under "Site Resources" as at: (<https://www.doe.in.gov/safety>)

Fire Marshall Guidance to Schools for Unplanned Fire Alarms

Another provision of HEA 1230 directed the State Fire Marshal to provide written guidance to school administrators, teachers, and students regarding evacuation options available during an unplanned fire alarm. The law and guidance speaks to unplanned fire alarm (pulls) and the sequence leading to the evacuation of classrooms that may include a 3-minute delay and the temporary barricading of doors. These guidelines and additional options/considerations can be found at: (www.in.gov/dhs/unplannedfirealarms.htm)

Federal Commission on School Safety

The NSBA conducted a "listening session" on school safety with U.S. DOE Deputy Secretary Mick Zais that ISBA President Kim Woodward and I attended during the Summer Leadership Seminar on August 17. Dr. Zais received verbal and written commentary and recommendations from several state school boards associations, including ISBA, to share with the Federal Commission on School Safety. Please see my letter with recommendations to Dr. Zais here: ([letter](#))

Playing Your Part

By Dr. Michael T. Adamson, ISBA Director of Board Services

(madamson@isba-ind.org)

School is underway for another year and everyone across the state is immersed in the business of education. The public education process is extremely complex and this complexity emphasizes the importance of everyone operating within his or her lane. Staying within your personal role and responsibility boundaries has never been more important.

It is easy to understand why this is important and, since football season is upon us, I'll use an example that everyone can appreciate. The game underway is close, the game is critical, and the fans are both ready to praise or jeer depending on the result of the execution of the next play. Success is dependent upon each player performing their part during this crucial pass play. It should not be a problem; they have received the necessary instruction and repeatedly practiced to realize maximum success. The team lines up on the scrimmage line, but when the play is put into motion, one of the

receivers suddenly and without notice determines to run a different play pattern altogether. When the quarterback looks downfield, the player is not where he is supposed to be. The receiver's disregard for the play creates confusion among the other players, the play is broken, the opportunity lost, and the game result is compromised; all because one player decided to ignore the training, ignore the impact to the team, and strike out on his own.

Of course this example has multiple applications. You can equate the same thing using an orchestra, dance team, synchronized swimming, construction crew and on and on. The effectiveness of team efforts are dependent upon team members operating within their roles and responsibilities. Sometimes those roles are identical and other times they are complementary. However, when and if solo efforts are warranted, every member of the team knows the role the soloist is to play and how to support them in that position if necessary. No one upstages or departs from the script without team approval and support.

The same is true for the Superintendent and Board team. Their roles are complementary; superintendents are not board members and board members are not superintendents. However, they are dependent upon each other to ensure effective governance of the school district. Regardless of backgrounds, experiences, skill sets or other criteria, board members comprise a single decision-making body in this governance equation; it is one superintendent plus one board. Additionally, the emphasis on this complementary team relationship is necessary. School boards operate from a position of leadership, while superintendents, in the superintendent and board team relationship, from a position of management.

Essentially, it is important that board members not usurp their superintendent or building level administrators. Rather, the board should expect and empower their superintendent and administrators to perform their duties according to policy and procedure, follow line-of-authority, and work within the parameters of their role within the superintendent-board team. The team who consistently executes plays correctly always improves their opportunities for success.

Transgender Case Law Up-Date

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

Ever since the 2016 decision by the Fourth Circuit Court of Appeals in *G.G. v. Gloucester County School Board*, giving deference to the U.S. Department of Education's interpretation of Title IX as applied to transgender students, litigation on the rights of transgender students to use specific restrooms and locker rooms in public schools has increased. According to the National School Boards Association, there have been 30 cases filed on these issues. Two such cases now impact Indiana public school corporations.

Last year, the Seventh Circuit Court of Appeals, in *Whitaker v. Kenosha Unified School District*, upheld a preliminary injunction allowing a transgender student the right to use the bathroom consistent with his gender identity, as opposed to using the bathroom consistent with the student's biological sex. In the opinion of the appellate court, the school district had violated both Title IX and the Equal Protection Clause when it forced the student to use either the bathroom of the student's biological sex or a gender-neutral, single user bathroom. The

school district filed a petition of certiorari with the U.S. Supreme Court to challenge the decision, but subsequently withdrew the petition after agreeing to allow the student, now an alumni, to have access to the boys' restroom.

Shortly after the *Whitaker* decision, a transgender student enrolled in the Evansville-Vanderburgh School Corporation sought to use the male bathrooms in the high school instead of the female bathrooms. While his assigned gender at birth was female, the student recognized during his middle school years that he was transgender. He presented himself outwardly as a male and asked his teachers to address him by his chosen masculine name and to use the masculine pronoun when referring to him. When in high school, he was diagnosed with gender dysphoria and began undergoing hormone therapy. However, he did not seek permission to use the boys' restroom until the first semester of his junior year. When he did ask, he was told that he had to use the female restroom since that was the gender listed on his birth certificate. The student did not inform

school personnel of his gender dysphoria diagnosis or that he was undergoing hormone therapy.

The student filed suit in federal district court, asserting a violation of Title IX and the Equal Protection Clause. He sought a preliminary injunction against the school corporation. The student cited the *Whitaker* decision in support of his right to use the boys' restroom. The school corporation argued that the facts of this case were distinguishable from *Whitaker*, but the court rejected that assertion and found the student was likely to succeed on the merits of his claims. Thus, the district court ordered the Evansville-Vanderburgh School Corporation to permit the student to use the boys' bathroom.

The school corporation has indicated an intent to appeal this decision to the Seventh Circuit. In the meantime, all school corporations need to understand that any policy that forces a transgender student to use restrooms based on biological sex violates Title IX and may subject the school corporation to litigation.



ISBA/IAPSS Fall Conference

Check out page 5 of this e-Dition for information about the 2018 Fall Conference agenda, notable items and more! And don't forget to register!

[REGISTER HERE!!](#)

FAST FACTS ON INDIANA K-12 EDUCATION

Despite ranking 36th in the nation on per pupil spending (NCES, 2018), the return on the investment in K-12 public education is strong as Indiana ranked 14th best in the nation for educational outcomes in the 2018 Kids Count Report (Casey Foundation, 2018).

Notable indicators for Indiana included 7th best in nation on both the Grade 4 Mathematics and Grade 8 Reading scores on the National Assessment of Education Progress.

ISBA IN THE NEWS

Julie Slavens was a panelist on the Noon Edition for WFIU to discuss school safety. More information can be found [HERE](#).

[New MCS board to meet after daylong orientation](#)

[ISBA Legal Staff issued a memo on metal detectors in schools that was spotlighted in Dr. Jennifer McCormick's weekly email on 7/27/2018](#)

Teacher Appreciation Grants/Use of Metal Detectors

by Julie M. Slavens, ISBA Staff Attorney (jslavens@isba-ind.org)

REMINDER! -- Teacher Appreciation Grants Policy

IC 20-43-10-3.5 provides for teacher appreciation grants to be distributed to schools for teachers who are rated Effective and Highly Effective.. The requirements for this grant are as follows:

1. The school board must annually adopt a policy on the amount of the stipends that will be given to its effective and highly effective teachers.
2. The policy must be adopted and submitted to the Indiana Department of Education (IDOE) for approval. If the Department does not approve the school corporation policy, the school corporation will not receive the teacher appreciation grant monies. The stipend and policy must be discussed with the exclusive representative of the teachers.
3. The law requires the IDOE to set the deadline for school corporations to submit their adopted policies. The deadline the IDOE has set for this year is **September 14, 2018**. The IDOE has guidance on the submission of the adopted policy and how the grant monies will be distributed to interlocal cooperations and joint services and cooperative programs. The IDOE guidance may be found at <https://www.doe.in.gov/sites/default/files/evaluations/teacher-appreciation-grant-sy-18-19.pdf>.
4. The school corporation is required to give a different amount to its highly effective teachers and then to its effective teachers. The difference must be at least 25% more given to highly effective teachers than to effective teachers.

The school board also has the option to add up to 50% of the stipend paid to each teacher to the base salary of the teacher. If a school board chooses to do so, a provision may be included in the policy to this effect. Additions to the base salary do not have to be bargained but must be discussed with the exclusive representative of the teachers.

The adoption of this policy should be a priority for school boards. Most school boards require policies to go through second and/or third readings before the policy may be adopted by the board. This is a local process and is not required by law. A school board may vote to suspend this process if it is needed to adopt the teacher appreciation grant policy in time to send it to the Indiana Department of Education. The ISBA sample policy for the teacher appreciation grants has been reviewed by the Department and may be found [HERE](#).

TRAINING -- USE OF METAL DETECTORS

Many school corporations are anticipating the arrival of and/or making preparations for the use of hand-held metal detectors. ISBA has previously sent out guidance, sample policies and sample procedures for the use of the metal detectors. School boards need to determine the employees who will be trained to use the detectors and who will provide the training. The school administrators who ordinarily conduct student searches should be trained to use the metal detectors. The school corporation should work with the local law enforcement agency as to the actual training provided to the designated school administrators and work with the agency on the details of the training sessions.

2018 Delegate Assembly Agenda Items

by Kimberly L. Woodward, ISBA President

On August 15, I sent a letter to all ISBA members concerning two agenda items that will be considered by the Delegate Assembly on Monday, September 10 ([view letter here](#)). This column summarizes the detailed information provided in the letter.

The first agenda item is a proposed amendment to the ISBA Constitution and Bylaws that was approved by the Board of Directors in March of this year. It provides for the automatic promotion of all officers in the case of a vacancy in an officer position.

The second agenda item pertains to a proposed change in the ISBA annual membership dues structure. ISBA dues have not been changed, nor evaluated for equity, in the past 27 years. The dues payment for each school corporation was determined by the sum of expenditures in the General Fund and Transportation Fund. As you know, these funds will cease to exist as of January 1, 2019, as a result of House Enrolled Act 1009 (passed in the 2017 session of the Indiana General Assembly).

ISBA's Board of Directors created a committee to study the dues formula and consider suitable and necessary changes to propose to the Delegate Assembly. Additionally, because the schedule had not changed in 27 years, the equity range and increments between dues amounts were evaluated for fairness over the course of time.

The proposed structure moves to use of the new Education and Operations Funds that all school corporations will establish and use in 2019. Below is the summary of the committee's recommended dues schedule to be presented to the Delegate Assembly. Overall, a total of 58 percent of school corporations will have an increase in annual dues and 42 percent will experience a decrease in annual dues. Please keep in mind that the dues amount listed is a flat fee for the entire board per year and not a per member amount.

Education/Operation Fund Amt.*	Annual Dues \$	# Corps.
>\$200M	\$6750	2
\$80M-199.99M	\$6500	20
\$50M-79.99M	\$6250	20
\$30M-49.99M	\$6000	30
\$20M-29.99M	\$5750	31
\$19M-19.99M	\$5500	9
\$18M-18.99M	\$5250	9
\$17M-17.99M	\$5000	8
\$16M-16.99M	\$4750	5
\$15M-15.99M	\$4500	6
\$14M-14.99M	\$4250	10
\$13M-13.99M	\$4000	13
\$12M-12.99M	\$3750	14
\$11M-11.99M	\$3500	17
\$10M-10.99M	\$3250	14
\$7.5M-9.99M	\$3000	33
<\$7.49M	\$2750	48

The ISBA Board of Directors believes this membership dues structure ensures fairness in calculation of annual dues as well as contributes to the strength and vitality of our organization, especially at a time when social and political challenges face us more than ever before. Please see the [enclosure](#) that illustrates the value and benefits of the programs and services provided by ISBA – collectively school corporations across the state benefit from “the power of membership.”

I, along with the ISBA Board of Directors, ask for your support of these measures at the Delegate Assembly meeting on September 10th.

ISBA/IAPSS 69th Annual Fall Conference

The 69th Annual ISBA/IAPSS Fall Conference is coming! This year's conference will be focused on "Advancing Exceptional Learning Opportunities for Hoosier Children" and will be held Monday, September 10 -Tuesday, September 11, 2018. The meetings and exhibit hall will be again located in the Indiana Convention Center, centered around Halls J & K.

A comprehensive program is designed every year by ISBA/IAPSS to provide topics and presentations that appeal to any superintendent or school board member, no matter the size of your school corporation. Our conference is structured to bring to you the latest information, along with success stories from schools that have implemented change in their corporations. We will have some informative experts on current topics in education who are willing to share their knowledge with YOU!

This year, we're focusing on these strands:

- Preparing Today's Students for the Workforce of Tomorrow
- Digital Directions and Innovation in Education
- Leadership Matters
- The Continuing Evolution of Accountability and Assessments
- Budgeting and Finance for Effective School Governance

Register at www.isba-ind.org and mark your calendars now for the 69th Annual ISBA/IAPSS Fall Conference, because it is designed to help you become an effective and exceptional school leader in today's changing world!

FEATURED KEYNOTE SPEAKERS

This year, our Monday morning keynote address will be presented by Michael Dorn, Executive Director of Safe Havens International. Mr. Dorn is among the most experienced, widely published and highly respected school safety experts in the world having been a full-time campus safety practitioner for most of the past 35 years and served as a full-time public safety official for 25 years. Mr. Dorn's presentation will be "School Safety Fidelity—Reducing Gaps Between Perceptions and Reality", a dynamic and thought-provoking session will include practical, powerful no-cost and low-cost concepts that can be utilized to prevent and prepare for a wide array of school and school bus crisis events. This unforgettable presentation will utilize more than three dozen video and audio school crisis scenarios, pictures and stories to help participants identify patterns of safety gaps .

At the Tuesday general session, our keynote address will be from Dr. Jennifer McCormick, State Superintendent of Public Instruction. Dr. McCormick will present the "Indiana Department of Education Fall Briefing" where she will share where the state of public education in Indiana stands, what the Indiana Department of Education is championing, and how school board members and superintendents can help team up with IDOE to improve public education

ITEM TO NOTE:

- There will be NO Tuesday Luncheon this year. Together, ISBA and IAPSS realized that our time with attendees would be better served by convening the attendees together for a cohesive general session on Tuesday morning. Please note that the Tuesday General Session will take place in Rooms 233-238 on the 2nd floor, directly above the clinic session rooms.

SAVE THE DATE!!!

70th ANNUAL ISBA/IAPSS FALL CONFERENCE

SEPTEMBER 30 - OCTOBER 1, 2019

STAFF

Terry Spradlin—Executive Director
Lisa Tanselle, Esq.—General Counsel
Dr. Michael Adamson—Director of Board Services
Julie Slavens, Esq.—Staff Attorney
Brooke Orner—Coordinator of Conferences
Rae Anne Motsinger—Comptroller/Office Manager
Kayla Baldwin—Administrative Assistant



FOR MORE INFORMATION

Visit our website :

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