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ISBA
INDIANA SCHOOL BOARDS
ASSOCIATION

e-Dition

New Laws and Rules Coming to School Corporations

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

The lawmaking and rulemaking bodies of state government have or will be soon completing significant work that will have far reaching impact on K-12 public education in the Hoosier state. The 2018 short session of the Indiana General Assembly adjourned "sine die" on Wednesday, March 14, after 10.5 weeks. On Monday (March 19) we learned that Governor Holcomb intends to call a special session in the month of May to have a handful of the issues that died in the last minutes of the session revisited and passed into law. Similarly, the Indiana State Board of Education (SBOE) is moving toward completion of its deliberation on a new K-12 school accountability rule. I will speak briefly to the work of these governmental bodies here, but do plan to share a more comprehensive update, including a new laws legislative bulletin, during the ISBA Spring Regional Meetings around the state from April 23rd to May 8th. Please register to attend ([here](#)) if you haven't already.

What were the results of the legislative session?

When the session convened on January 3, 2018, there were 901 bills introduced for consideration. ISBA identified and began tracking 110 bills that had implications for K-

12 public education and school corporation governance. Ultimately, 212 bills became law (some still pending the governor's signature), 25 of which were relevant to ISBA members ([see 2018 ISBA Bill Tracking List here](#)). Most important was the passage of House Enrolled Act 1001 that ensures the tuition support shortfall is funded through a transfer from the state tuition reserve account. Without this legislation school corporations would have faced a collective reduction in funding of \$23 million in Fiscal Year 2018 and between \$16 million to \$55 million in FY 2019. The other highly-significant bill enacted was House Enrolled Act 1426 that moves Indiana to one diploma with four "designations." It also calls for a new alternative assessment for severely cognitively-disabled students and requires the SBOE to modify the Core 40 curriculum in mathematics and science to provide multiple course pathways for credit completion.

Regarding the adoption of the SBOE proposed accountability rule for schools and school corporations ([School Accountability Rule](#)), there was one work session of the board on March 21 for discussion of public comments received to date. The SBOE is scheduled to meet on

Wednesday, April 4, during its regular monthly meeting and the proposed rule will be discussed further. On behalf of ISBA, I submitted a position memo that outlined 10 concerns and suggestions ([here](#)). I encourage ISBA Members to submit comments and concerns on the rule before the comment period ends on **March 29** at: sboe_comment@sboe.in.gov

I look forward to speaking with you on these issues and more at the ISBA Spring Region Meeting in your area of the state. Please bring ideas and suggestions concerning the ISBA 2019 legislative agenda.

ISBA Executive Director, Terry Spradlin, (third from left) speaks on a panel at the Indiana School Public Relations Association Annual Conference.



Finding Balance

By Dr. Michael T. Adamson, ISBA Director of Board Services
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How can board members effectively balance their role as board members against their obligation to represent their constituents' interests, to protect school employees, fulfil their role as parents, represent concerned taxpayers, and be champions of public education? On a good day, any one of these can be exhausting, but when combined they can be overwhelming. It is no wonder that being a school board member is often called a thankless job, but that description is far from accurate. It is true that if a person is constantly looking for praise, or needs continuous reinforcement for doing the job they campaigned to do, then the "thankless job" description probably fits. However, most board members are content to do their work without recognition and any special acknowledgement for the work they do day in and day out on behalf of public education.

Still, it is easy for board members to become lost in issues or special circumstances that require board attention. If not careful, those concerns can quickly assume a life of their own, consuming enormous amounts of time, both in and out of the board room and often at the expense of board members' other obligations. A definitive list of preventative measures that guarantees board members

never get swept away in an avalanche of issues and concerns facing their local district simply does not exist, but there are a few tips for helping board members balance their private lives against their job as public officials.

Maintain perspective – your job is that of governance oversight. While you, together with your fellow board members, are accountable for the district, you are not responsible for day-to-day management decisions. The board is in a leadership position, not a management one.

You are part of a team – a board member does not operate in a vacuum. If the board has a difficult decision ahead of it, you have other members who will participate in determining the board's position. It is not all on you. Do your homework, rely on data-driven recommendations from your superintendent and exploit the experience of veteran members and administrators.

You are still a parent – You do not give up your parental rights or responsibilities when you become a board member. However, it is important that you distinguish your role as a parent from your role as a school board member. Wear these responsibility hats

individually and make sure you have the right hat on when you sit down to attend to the business of the district with your fellow board members.

Protect your private time – When you are out with your family, or enjoying private time at home, do not allow that time to be compromised by community members seeking to monopolize your time by using opportunities of convenience. This also includes any school extra-curricular events you attend.

Follow the chain-of-command – Enforce a line-of-authority process of problem resolution. Other constituents' issues are not yours, even if you are sympathetic to their cause. A board member has no authority outside of a publicly advertised meeting; consequently, the best advice you can give your constituents is to carry their concern through the proper channels to seek resolution. Never offer to champion constituents' issues or volunteer to resolve an issue on their behalf.

Striking a life balance between your role as a board member and the myriad of other responsibilities you have helps to ensure that you are mentally alert and ready to make decisions that represent the best interests of public education in your school community.

Parent Consent For Instruction on Human Sexuality

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

SEA 65, which goes into effect July 1, 2018, requires school administrators to take specific steps regarding informing parents (or students who are adults or emancipated minors) about the school's curriculum as it pertains to instruction on human sexuality. Specifically, school corporations must make instructional materials on human sexuality available to parents and must provide parents with a consent form that allows a parent to consent to or decline the instruction. Any student who does not participate in instruction on human sexuality must be given alternative academic instruction during the time that other students are receiving instruction on human sexuality.

Since many school corporations are preparing for registration activities for the 2018-19 school year, reviewing student

handbooks, and creating class schedules, school administrators may want to give some thought as to how best to implement the mandates of SEA 65, in particular creating and sending the consent form. The statute requires the consent form to "accurately summarize the contents and nature of the instruction on human sexuality that will be provided to the student." The consent form must also state that the parent has the right to review and inspect all materials related to the instruction of human sexuality. Lastly, the consent form must give the parent the opportunity to consent to or decline the instruction.

The new law requires the school to provide the parent with this consent form before the student receives any instruction on human sexuality. The form may be given to parents in any manner, including in an electronic

format. If the parent does not respond to the consent form within 21 calendar days, the school must send the consent form a second time to the parent. If the parent does not respond to the second form within 10 calendar days, the student may participate in the instruction. A parent may elect at any subsequent time to have his/her student opt out of the instruction.

While the law goes into effect on July 1, 2018, it may be prudent for school officials to consider implementing these provisions before then to ensure that school personnel know before the first day of school which students are participating in instruction on human sexuality and which students will be receiving alternative academic instruction.



ISBA Spring Regional Meetings

Spring Regional Meetings dates are coming up! Make sure to attend to get a full legislative recap, legal updates, and CAP awards! Register at the link below:

[REGISTER HERE](#)



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FAST FACTS ON INDIANA K-12 EDUCATION

87.2%

Indiana's 2016-17 high school graduation rate

8.8

The percentage point growth in Indiana's graduation rate over 10 years from the 2006-07 school year to the 2016-17 school year

Student Walkouts

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

Many students in Indiana as well as throughout the country participated in the student walkout on March 14, 2018. It appears thankfully no major incidents occurred during or as a result of the student walkout. Many school corporations in Indiana supported the students who participated in the walkout by allowing them to do so and provided the safest environment for them without consequences to the students; while a few schools did enforce consequences to the students who participated in the walkout. In addition, many schools provided alternative means to the walkout for students to voice their concerns about school and gun violence.

The next walkout encouraged by national organizations is Friday, April 20, 2018, the 19th anniversary of the Columbine, Colorado school shooting. It is suggested this walkout take place at 10 a.m. and continue for the rest of the day, unlike the limited time of 17 minutes on March 14. There has also been encouragement from these organizations for staff members to participate in the walkout as well.

ISBA issued legal guidance on this issue via an email to its members on March 6, 2018 ([see full correspondence here](#)). This article briefly revisits the options for school boards and administrators to consider when addressing future potential walkouts by students at your local schools.

Given the legal standard established in Tinker v. Des Moines School District, school administrators have discretion with respect to addressing the upcoming student walkout. While it is an established standard that students are not allowed to leave a classroom without permission from the teacher or a school administrator (i.e., leaving for a medical appointment, or going to the library or other areas of the school), school officials have options available to minimize the potential disruption the walkout may cause.

Options/Communications

A school corporation has two options:

- 1) to allow the students to leave the classroom in order to participate in the walkout or other activity the school has arranged or allowed (discussed below); or
- 2) not allow the students to leave the classroom or the school building during instructional time to participate in the walkout.

Given the length of the walkout planned on April 20, whether you maintain your approach from March 14 or decide to alter it, new communication should be issued to provide clear guidance to students, parents, and staff. As part of this communication, it should be spelled out how the absences from the class or school will be handled. Despite the holding in Tinker, local policy and procedures on absences and trancies can be applied in these situations.

Whether or not permission is given for the students to leave the classroom or school, school administration should plan for students to participate in the walkout. The suggested walkout will result in students being outside and possibly remaining on school grounds. School administrators should meet with local law enforcement to discuss providing protection for the students who do participate in the walkout. If you have designated a school safety team, it should be involved in the planning for the walkout. It should be determined whether an administrator, a school resource officer, or teachers will be assigned to be outside to observe the walkout and supervise the students who participate. In addition, an area outside of the school building should be designated for the students to go to when they walkout. This designated area should be included in the communication to the students on how the school will address the walkout.

Media Inquiries

A school may want to consider how it will handle media asking to cover the event. A school corporation is not required to allow media on school property, but the school may designate an administrator to be the spokesperson for the school after the walkout. The school may also consider preparing and issuing a statement with respect to the walkout either before and/or after the event. Student representatives may be designated to serve as class spokespersons. If so, school corporations should acquire written permission from the parent(s) or guardian of the students to be the class representative before the walkout.

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Alternatives to Walkout

Such events provide opportunities for an alternative method for the students to express their opinions, concerns, and voices on the issues. Rather than the students walking out of the building where safety of the students is of heightened concern perhaps the school administrators can provide a time and place for students to go inside of the building, i.e., gym, auditorium, for a discussion of their concerns and issues. When considering this option, remember the school administrators must be neutral in supporting student opinions. School administrators must provide opportunities for all viewpoints to be heard. This may take place in the same assembly or a separate assembly may need to be made available for

other viewpoints. The point to keep in mind is all viewpoints must be given the same opportunity to be heard.

Teachers and Other Employees

Unlike students, federal courts have ruled teachers and other school employees are not protected by the Free Speech clause while they are on duty and working for the public school. When doing so, courts have considered these employees as public officials and concluded they are subject to the same neutrality requirements as school officials as discussed earlier. Thus, while working for the school corporation teachers and other employees may not participate in the walkouts, encourage or discourage students' participation, and voice their own opinion about the walkout or related issues.

Teachers and other employees are required to continue to do their job as assigned by the school administration. In preparation for the walkouts, school boards and/or school administrators are encouraged to remind the teachers and other employees of this legal standard.

Debrief

It is a good idea for administrators to debrief with staff, student leaders, local law enforcement, and/or your school safety team now after the first walkout to determine what improvements may be made for the future walkout, especially considering the extended length for the walkout on April 20.

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Not Pictured: Jim Franklin (Region 9 Director—North Knox), Tom Simpson (Region 6 Director—Yorktown), Dr. Robert Stwalley III (1st Vice President—Lafayette)



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