

MAY
2018



e-Dition

Special Session Summary and Upcoming Events

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

Welcome to the May issue of *e-Dition*! I hope the 2017-18 is coming to a successful conclusion for everyone across the state. Even though this school year is about over, ISBA Staff will continue to work throughout the summer on your behalf to help you prepare for another school year just a few months away. Let me update you on a few important topics here.

Special Session Summary

As you may recall, the Indiana General Assembly reconvened on May 14, 2018, for a one-day special session to complete unfinished business remaining from the regular/short session that ended on March 14. It is rare that such a special session is convened in a non-budget year and special sessions historically have been reserved for "emergency legislation" needed to support state government and Indiana citizens. Five bills were introduced for consideration and final vote all in this one-day special session. The five bills passed were:

- [House Bill 1230 \(SS\)](#), School Safety,;
- [House Bill 1242 \(SS\)](#), State and Local Administration;
- [House Bill 1315 \(SS\)](#), School Corporation Financial Management;
- [House Bill 1316 \(SS\)](#), Taxes and Higher Education Bonding;
- [House Bill 1457 \(SS\)](#), Technical Corrections

You can click on each bill above to read the full contents of each new law and under "bill action" you can view additional bill information, including third reading roll calls to see how your area legislators voted.

Spring Regional Meetings

Thank you to the many ISBA members for your participation in the Spring Regional Meetings! We had registrations totaling 1,059 people – a nice increase in attendance over the last few cycles! Region 1 earned "bragging rights" this round with 178 people in attendance at the meeting in Schererville. Thank you, too, to those who completed the Spring Regional Meetings Feedback Survey. For the Fall Regional Meetings (10/29-11/15) we will focus on 2019 Budget Session legislative priorities, a grassroots advocacy campaign, recent court cases and ISBA news and notes.

School Referenda

Finally, the primary election on May 8th proved to be a day of great success for all school corporations that had a referendum (a total of 12) on the ballot. **All passed!** This is the first time during an election cycle that not a single school corporation referendum was defeated.

Upcoming Events

Please see page 3 for a listing of upcoming ISBA events. Speaking of the many worthwhile board

service training, professional development, and/or K-12 education forum opportunities available to ISBA members, **be sure to mark your calendar for the 2018 ISBA-IAPSS Fall Conference on September 10-11.** We are planning an excellent program for the conference including Michael Dorn, CEO of Safe Havens International, as the keynote speaker for the Monday General Session. Mr. Dorn is a nationally recognized school safety expert. Dr. Jennifer McCormick, State Superintendent of Public Instruction, has accepted the invitation to present a "State of K-12 Education in Indiana" keynote address for the Tuesday General Session. It promises to be an outstanding conference! Please reach out to Ms. Brooke Orner (borner@isba-ind.org) with any questions that you may have regarding the Fall Conference.

Enjoy this new issue of e-Dition!

ISBA Executive Director, Terry Spradlin, (back row, far left) attends the bill signing of HEA 1001 with Gov. Eric Holcomb.



Meeting Speed vs. Meeting Efficiency

By Dr. Michael T. Adamson, ISBA Director of Board Services
(madamson@isba-ind.org)

It is not uncommon to hear board members complain about the length or brevity of board meetings. Certainly, no one questions that marathon meetings tax board members' attention spans to the limit; after all, the mind can only absorb what the seat can endure! On the opposite side, really short meetings, while not tiring to the mind or body, can seem like a huge waste of time if they are the norm. Still, while both long and short meetings have their place and are not necessarily wrong, neither should represent the standard.

It is easy to confuse speed with efficiency and while getting through an agenda really fast may give the appearance of efficiency, it can also represent complacency, especially if it is obvious that the meeting agenda is just a perfunctory exercise to be endured. Not exercising due-diligence is not only irresponsible, it can breed inefficiencies. Okay, I know you have all heard me say not to belabor agenda items or have unnecessary discussions that only pretend that everyone's mind is not already settled on a position. So, is that advice still sound; is it still a responsible approach in the boardroom? Absolutely!

Having a complete agenda packet available a minimum of two days prior to a regular meeting and having board members who review that packet as soon as it is available helps to ensure that the meeting is not held captive for questions that could easily be answered prior to the meeting. That outcome is dependent upon board members who responsibly ask questions regarding the agenda or administrative recommendations in a timely manner thereby removing any requirement for most discussions to enable board members to settle on a position to approve or disapprove items requiring board action.

Of course, not every agenda item requires board action and each regular meeting agenda typically has a number of these informational agenda items. Reports, presentations, awards, and other items that do not require board action are often part of a regular meeting agenda, especially for boards that only meet once per month. For boards that meet twice per month, these non-action items, coupled with discussion and information-sharing regarding future agenda items requiring board action, often comprise the bulk of the agendas for non-decision-making, working sessions.

Consequently, working sessions are often longer meetings than the regular monthly business meetings for items requiring official board action.

If monthly meetings are almost always over 90 minutes, consider adding a meeting to the schedule or review the agenda and eliminate non-value-added items. If they are consistently under 30 minutes, review the agenda to ensure it contains critical items, not only those requiring board action, but also those that help to ensure that board members are informed and knowledgeable regarding the school community, student achievement, and timely education-related topics.

Being efficient is not about being fast; it is about being thorough. It is about intentionally constructing an agenda that maximizes meeting time by eliminating redundant recitation or deliberation without compromising opportunities for community engagement, board expression and information sharing.

Location of Board Meetings

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

At ISBA, we often advise school board members of the Open Door Law. The intent of the Open Door Law is to ensure that the official action of public agencies, including school boards, is conducted and taken openly so that the citizens of the state are fully informed. Thus, the law focuses on an agency's duty to open its meetings to the public and to advertise the date, time, and place of all of its meetings. Interestingly, the Open Door Law does not impose any restrictions on the location of a public agency's meetings. As long as the location is advertised, the agency fulfills the notice requirements of the law. However, for school boards, other provisions in the education code address where meetings must take place. Those provisions can be found at IC 20-26-4-3. School board members should be aware of these provisions as well.

As a general rule, the law requires all meetings of the school board to be held within the boundaries of the school corporation. There are three exceptions to this requirement, two of

which have very narrow application. The first exception applies in situations where the administrative offices of the school corporation are located outside the boundaries of the school corporation, yet within the county wherein all or part of the school corporation is located. In this situation, the school board may hold its meetings at its administrative offices. The second exception allows a school board to meet outside the boundaries of the school corporation when a statute specifically permits the school board to do so, "as may occur when the meeting is held jointly with another governing body." This exception appears to allow a school board to meet outside of its boundaries when a statute permits the board to meet with another governing body. While ISBA is not aware of a statute that specifically authorizes a joint meeting of governing bodies, this exception would likely apply in cases where two school boards are meeting to discuss possible

consolidation, or when a school board meets with a town board.

The last exception has the greatest application since it is available to all school boards. This exception was added in 2015 and allows a school board to meet outside the boundaries of the school corporation up to two times in a year for training sessions. The law further states that these training sessions may be conducted as executive sessions under the Open Door Law. This is a welcomed addition to the list of exceptions since many school boards like to schedule meetings for the purpose of receiving training in settings other than the school board meeting room. Historically there has been some concern whether this practice was permissible, but now school boards have clear authority to do so. As always, the date, time, and place of the meeting has to be advertised as specified in the Open Door Law, and the location of the meeting can be outside the boundaries of the school corporation.



Employee Background Checks and Contracts

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

Summer is upon us! Soon it will be time to hire employees for the upcoming school year. The 2018 Indiana General Assembly made changes to laws affecting the hiring of employees. These updates are discussed below as are other requirements for hiring employees.

Expanded Child Protection Index -- Applicants

The Indiana General Assembly amended IC 20-26-5-10 concerning expanded criminal history checks and expanded child protection index checks. The amendment changes the requirements for obtaining expanded child protection index checks. Beginning July 1, 2018, school corporations are required to obtain only an Indiana expanded child protection check on applicants. The Indiana expanded child protection index must be done before the individual begins employment or not later than 60 days after the person begins work for the school corporation. The new law allows school corporations to obtain expanded child protection checks from other states, but they are not required to do so.

Expanded Criminal History Check – Current Employees

In addition, the new law amended the requirement to get expanded criminal history checks on all employees every five years. School corporations are required to do so every five years but only on employees who are likely to have direct, ongoing contact with children within the scope of their employment. Thus, for employees who do not have contact with children on a regular basis, no expanded criminal history checks will need to be conducted. This will include employees such as central office personnel and who work during non-school hours.

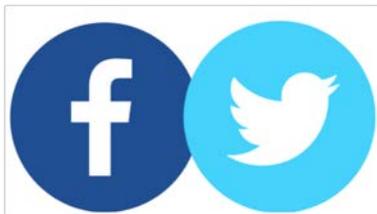
The amendments must be in the school board's policy on criminal history checks as the law requires school boards to have a policy on these background checks. ISBA will be sending out additional information on this law and other laws passed by the 2018 Indiana General Assembly affecting board policy including sample policies in June.

School Board Approval of Hiring School Employees

Indiana has a statute relating to the hiring of school employees. IC 20-26-5-4.5 states the superintendent is responsible for selecting central office staff and administrators, principals, and other employees necessary for the operation of the school corporation. This statute also provides the superintendent and the principal are responsible for selecting teachers, teacher aides, building administrators and other employees necessary for the operations of a school building. But the person selected by the superintendent or principal to fill these positions must be approved by the school board. While this statute requires the superintendent or principal to be responsible for the hiring process and selection of a final candidate for a position, the school board must approve the person selected by the superintendent.

School Board Approval of Employment Contracts

Some persons hired will be on a regular teacher's contract as required by law and some persons will be on an employment contract per board policy. In both cases, IC 20-26-4-8 requires the contract to be approved by the majority of the entire school board (and not the majority of school board members present at the meeting). Once the contract is approved by the board, the law requires the board president and the board secretary to sign the contract (the board vice president may sign the contract in the absence of the president or the secretary). Once these actions are completed, the contract is considered "entered into" by law.



ISBA is on Social Media!

ISBA has joined the Facebook and Twitter worlds! Be sure to follow us, as we'll be posting exclusive content on our pages!

Facebook:
<https://www.facebook.com/IndianaSchoolBoards/>

Twitter:
<https://twitter.com/isbanews>

UPCOMING ISBA EVENTS

6.1.2018--ISBA June School Law Seminar
[REGISTER HERE!](#)

6.13.2018—ISBA/IAPSS/IASBO Joint Budget & Finance Seminar
[REGISTER HERE!](#)

9.10.2018 – 9.11.2018—ISBA/IAPSS 69th Annual Fall Conference

[REGISTRATION COMING SOON!](#)

ISBA in the News

[Two Indiana school districts approve personnel carrying firearms on campus](#)—NWI Times

[Here's why your kids may not evacuate the school immediately if a fire alarm is pulled](#)—Indy Star

[Embracing the new norm: Lake Central, Crown Point districts ask voters to approve additional funding through referendums](#)—NWI Times

[Bishop Noll Institute leads Region in school vouchers; use of Indiana Choice Scholarship on the rise, according to IDOE report](#)—NWI Times

ISBA Board of Directors (pictured at right):

Front row, from left: Julia Kozicki (Region 5 Director—Noblesville), Kim Woodward (President—Avon), Cathy Tahmassebi (2nd Vice President—Concord), Becky Gardenour (Region 10 Director—New Albany-Floyd County)

Back row, from left: Thomas Hoffman (Region 1 Director—Crown Point), Bob Sondgeroth (Region 4 Director—Benton), Wayne Funk (Region 3 Director—Garrett-Keyser-Butler), Jack Russell (Region 8 Director—Center Grove), John Preble (Region 7 Director—Linton-Stockton), Todd Trehearne (Past President—Wes-Del)

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



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 :
WWW.ISBA-IND.ORG
317.639.0330