



# e-Dition

## Good News for K-12 Public Education? It's a Matter of Perception

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

Thank you to the more than 1,000 ISBA school board members, superintendents, and service members that have attended the Spring Regional Meetings. Attendance was high, but due to scheduling conflicts some of you were unable to attend these meetings. We discussed the outcome of the 2019 budget session of the Indiana General Assembly and the feedback from membership is that it was a "so-so" session for K-12 public education. I agree with that perspective in that while the budget was favorable to K-12 public education, the legislature passed 52 new laws regulating the delivery of public education. That's excessive! Here are my full perspectives that were shared in an op-ed column published in many newspapers around the state.

Every two years, the Indiana General Assembly has the arduous, but critical task of crafting a state budget and deciding how much money gets invested in K-12 education. We at the Indiana School Boards Association are at the forefront of the fight to get our schools the strongest level of funding possible to support more than 1 million Hoosier public school students. Funding for the K-12 education system in Indiana represents 50 percent of state government's two-year budget of \$34 billion.

The ISBA joined with other K-12 education associations to stand with government leaders, including Governor Eric Holcomb, Speaker of the House Brian Bosma, and Senate President Pro Tempore Rod Bray, on April 23, to announce funding increases of \$763 million for

the next two years. While we will always be supportive of additional funding for teachers, classrooms, and high-quality instruction, we did fully support this budget. Why?

Prior to the beginning of the 2019 legislative session, the ISBA announced its legislative priorities, with adequate increases for public education as its top priority. During the legislative session we worked the school administrator groups to form a coalition to develop strategies and priorities regarding school funding. As a result of working together and finding common ground with the coalition, every one of the coalition's 10 priorities presented to legislative leaders is embedded in the state budget. ISBA's priorities included a 2.5 percent increase tuition support increase, a state school safety grant, and increases in funding of English Language Learning programs. Altogether, the budget increases total 4.5 percent annually – a substantial and meaningful funding increase for K-12 public education. The final K-12 education budget allotment of \$14.8 billion represents a historic funding level and the highest percentage increase since the Great Recession and the changes to funding of public education made in 2009.

The ISBA, however, continues to have some reservations with the prolific nature of the General Assembly to pass scores of new laws (52 this session) that impinge on local control of primary and secondary education. The ISBA's position remains that the unique learning needs of children are best addressed

through local control by educators and the locally-elected school board working with parents, students, and the broader community of which they represent. The legislature would do well to resist the temptation to demand a "top down" approach to governing our schools and school boards.

While the Spring Regional Meetings have concluded, ISBA will have a busy June with three seminars or webinars on the calendar. Please see the list of upcoming events on page 3. In addition, the dates have been set for the 2019 ISBA-IAPSS Fall Conference to occur on September 30 – October 1. Please save these dates on your calendar! As always, we are here to serve you, so please do not hesitate to reach out to us by phone or email with any questions that you have about board governance.

Enjoy this new issue of e-Dition!

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# Enrollment Issues Related to Nonresident Students

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

Back in 2013, the General Assembly passed legislation allowing school boards to accept students who did not reside in the school corporation without requiring the parents to pay transfer tuition to the receiving school corporation. This law is commonly referred to as the nonresident student transfer law. Shortly after the law was passed, it was amended to restrict the criteria a school board could use to deny enrollment to a student. Once a student was accepted, it was presumed the student could attend that school corporation until the student graduated. However, in 2017, the statute was amended again by adding language giving school corporations the authority to, under certain conditions, (1) "discontinue" the enrollment of a student in the current school year or in a subsequent school year or (2) establish terms or conditions for continued enrollment in a subsequent school year.

## Criteria for Discontinuing Enrollment

The criteria for discontinuing the enrollment of a nonresident student are the same criteria that may be considered in accepting a nonresident student. Those criteria are:

(1) the student has been suspended or expelled during the previous 12 months for:

(A) a total of 10 or more school days;

(B) violating the school's rules on possession of firearms, destructive devices, and deadly weapons;

(C) causing physical injury to a person; or

(D) violating the school's rules pertaining to drugs or alcohol; or

(2) the student has a history of unexcused absences and the governing body believes that the location of the student's residence would be an attendance problem for the student.

## Process for Discontinuing Enrollment

The statute does not specify a process for discontinuing the enrollment of a nonresident student. However, the statute clearly refers to the "governing body" as having the authority or responsibility for making the decision to discontinue the enrollment. Practically

speaking, principals and superintendents are the employees who would be familiar with a nonresident student's discipline issues and/or attendance records and therefore would be the persons who would initially make the determination on discontinuing the enrollment of the student. However, in light of the fact that the statute refers to the governing body, it would be prudent for the principal or superintendent to establish a process whereby the designated administrator would either make a recommendation to the school board that a student's enrollment be discontinued or allow the nonresident student and parent some opportunity to appeal the administrator's decision to the school board. Whichever process is selected, any discussion between a nonresident student, parent, and school board could and should be held in an executive session, under the provision authorizing discussion of an individual student's abilities, past performance, behavior, and needs, so as to avoid a violation of the Family Educational Rights and Privacy Act. School officials who are considering discontinuing enrollment of nonresident students based on the above criteria should consult with local counsel as to an appropriate process to use.

## Mark your calendars!

### 2019 Fall Regional Meeting Dates:

11.4.2019—The Trails (Region 4)

11.6.2019—Goeglein's (Region 3)

11.7.2019—The Inn at DePauw (Region 7)

11.11.2019—Teibel's (Region 1)

11.12.2019—Klubhaus 61 (Region 9)

11.13.2019—The Pines (Region 10)

11.14.2019—Pastariffic (Region 5)

11.18.2019—Christo's (Region 2)

11.19.2019—The Nest (Region 8)

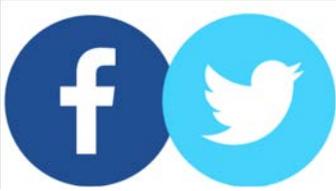
11.20.2019—Willie and Red's (Region 6)



These are a few photos of board members that reached Master level CAP status in 2018. Please click [HERE](#) to see the full list of 2018 CAP award recipients.

From top: Teresa Bottorff-Perkins, Craig Wagoner, Heather Reichenbach

Also pictured from top: ISBA Executive Director Terry Spradlin, Region 10 Director Becky Gardenour, Region 8 Director Jack Russell, Don Bokhart (Wawasee CSC Board Member)



## 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>

Make sure to mark your calendars for the **70<sup>th</sup> Anniversary of the ISBA/IAPSS Fall Conference!**

September 30 – October 1, 2019  
Indiana Convention Center

### UPCOMING ISBA EVENTS

6.5.2019--ISBA June School Law Seminar  
[REGISTER HERE!](#)

6.6.2019—Webinar-- Indiana's Property Tax System, School Corporation Budgets, and You: What School Board Members Need to Know About this Revenue Source in 2019  
[REGISTER HERE!](#)

6.12.2019—ISBA/IAPSS/IASBO Joint Budget & Finance Seminar  
[REGISTER HERE!](#)

### FAST FACTS ON INDIANA K-12 EDUCATION

# \$7.33 B

Did you know that the new state budget appropriates **\$7.33 billion** in K-12 tuition support for Fiscal Year 2020?

# \$5,548

The Foundation funding amount will increase from \$5,352 per pupil to \$5,548 per pupil next fiscal year.

## When Things Go South

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

Being a school board member can be one of the most rewarding positions anyone can have. However, it can also be one of the most trying, especially if there is a conflict between board members, or between board members and their superintendent. This really is not about whether board members like each other or whether board members like their superintendent or vice versa. Liking each other is not a prerequisite for either position. Of course, not having personality issues removes a layer of complexity, but it is seldom that inner conflicts within the school board/superintendent team are not compounded by personality issues.

There is a difference between disagreements and conflicts. Disagreement is a normal byproduct of individual perception, interpretation, and experience. Nothing mandates that everyone always agree on everything; however, if a single member or consistent group of members constantly disagree with everyone else, it is clear there are more than philosophical or interpretive differences at play. It is not uncommon for there to be occasional disagreements within the board or between board members and their superintendent, but when disagreements are the norm, it is an indication that a board or the board/superintendent team is in crisis.

Constant disagreements erode trust and threaten the confidence placed in the highest levels of leadership in the school district. While board member/board member or board member/superintendent in-fighting makes great fodder for greedy reporters anxious to grab a headline, it does nothing to evoke respect for the governance structure entrusted to act in the best interests of local stakeholders.

The problem arises when boards are caught in this dysfunctional loop and are unclear how to exit. Slipping into dysfunction is always much easier than returning to effectiveness and that is why many training modules urge regular reviews of roles, responsibilities, and board protocol. The goal of professional development in these areas, beyond their initial introduction, is more about the prevention of practices that render school boards less effective, as well as to introduce and emphasize methods that enable school boards to self-govern. Perhaps, just as importantly, professional development in the area of conflict resolution stresses that when a board finds it is in trouble, there is a remedy to employ from within. A board can work its way out of conflict, but it is, in every sense . . . work!

First, there must be a mutual resolve to fix whatever is causing the discord. Unless both sides are willing to put forth a conscientious effort towards reaching a resolution to an ongoing conflict, the effort is defeated before it begins. Remember, fixing what is wrong is different than forcing compliance. Issues are seldom one-sided; there are usually major and minor contributors to any ongoing conflict.

Next, identify the facts. Be sure to separate the objective components from those that are subjective, or more emotionally driven. Sometimes separating these pieces of the conflicting concern are sufficiently adequate for enabling participants on both sides of the conflict to separate their feelings that by themselves are not emotional, only different. Of course, it is seldom as simple as that. Board members, after all, do have certain areas of public education or school governance that they are more passionate about. However, being passionate always carries with it the individual responsibility to not allow emotion to govern the position the member assumes. Separating the objective components from subjective interpretation is a critical element in the resolution process.

After they have been identified, it is time to discuss them . . . individually. Internal conflict is rarely a single issue; it may have several layers and not until you have separated them and addressed them individually can a long-term resolution be found.

Lastly, there is no guarantee that a discussion fueled by honorable motives will make the board unanimous, but if the motives are pure, the effort can and should be successful, allowing the board to move forward, respectful of the simple democratic process for decision making. Ultimately, it is not being unanimous that is most important; it is being able to disagree agreeably.

# Public Participation at School Board Meetings

By Julie M. Slavens, ISBA Staff Attorney  
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There is often misunderstanding on the part of the members of the public and some school board members and administrators of the right of members of the public to address the school board at its meetings. The Indiana Open Door law states “all meetings of [school boards] ... must be open at all times for the purpose of permitting members of the public to observe and record them.” IC 5-14-1.5-3(a) This provision makes clear members of the public may attend meetings of the school board and record the meetings either by audio or video recording, except executive sessions of the school board. However, the Open Door law does not contain a provision addressing members of the public providing comments to the board during its meetings. Clearly, the Open Door law does not give members of the public the right to address the board during a board meeting; and it does not prohibit members of the public speaking to the board. Nor does it prohibit the school board from allowing members of the public to address the school board during its meeting.

Given the provisions of the law and under Home Rule, the school board has the authority and flexibility to allow members of the public to speak to the board at its meetings. Through policy and/or board meeting procedures, a school board may set out the parameters for public comments at its meeting. The board can restrict public comments to certain agenda items or topics, it may have a separate agenda item for public comments either at the beginning or the end of the agenda, and it may have an agenda item for public comments in general and also allow for public comments for all individual agenda items or for specific agenda items. If a board chose to do the later, the general public comment agenda item would be for subjects other than the designated agenda items. If a school board decides to allow for public comment, it is best practice for the board to have a process for members of the public to sign up to speak. This process would include an opportunity to sign up before the meeting and to state the topic or agenda item on which the person wants to speak. The board may limit the amount of time members of the public may speak – as a rule of thumb, this time limit may be anywhere from two to five minutes. An important parameter to include is the person will address the board and not an individual board member and individual board members will not respond to comments or answer questions posed to them or the board. The procedures should also include a provision that the board president will monitor the public comments and will enforce the policy and/or parameters adopted by the board.

If the board decides to have public comments at its meetings, it should adopt a policy or the parameters for such comments and publicize them so members of the public may easily find them. The procedures and policy could be published whenever the board posts its agenda or board meeting. It is important for the board to keep in mind when it is developing the policy and/or procedures for public comments at board meetings the board is essentially opening its forum and must be viewpoint-neutral in its policy and procedures. This means the board may allow only specific topics or prohibit specific topics (i.e., school personnel), but it cannot restrict the viewpoint of the topic; in other words, it cannot restrict the comments to those only the board agrees with or wants to hear.

## ISBA in the News

[Referendums ahead, how might VCSC fare?](#)

[Letter: State Group Fighting for Schools](#)

[Terry Spradlin: State gets ed funding right but remains too prescriptive](#)

[Terry Spradlin: Property tax caps have led to cuts in school funding for years](#)

[Op-ed: General Assembly must oppose school accountability bill](#)

[Why blame schools for grads' decisions?](#)

[Educators frustrated by lack of mental health funding](#)

[Teacher pay helps school referendums pass](#)

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