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e-Dition

ISBA Launches Legislative Action Network as Advocacy Work Ramps Up for 2019

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

We hope you had an enjoyable Thanksgiving Day holiday! With calendar year 2018 coming to a close, it signifies the next session of the Indiana General Assembly is right around the corner. The 2019 budget session begins on January 3rd. Much is at stake, including adequate funding for K-12 public education. If you were among of the 1,023 people who joined us at an Fall Regional Meeting you've heard about our legislative priorities and the other hot topics that are emerging. If you were unable to attend you can view the ISBA 2019 Legislative Priorities ([here](#)) and the Foundational Statements ([here](#)).

Legislative Action Network

ISBA has established a **Legislative Action Network** to keep our members informed, engaged, and ready to advocate on behalf of public education. Legislators listen to their constituents back home. You're on the front lines of education policy and can explain to state policymakers the impact of their decisions. This influence is why the ISBA strongly encourages our members to deliver advocacy messages to legislators. Your board's legislative liaison will help to be your "eyes and ears" as advocacy champion coordinator. Please consider making a legislative update from your legislative liaison a regular agenda item between January – April.

We need to be ready to be strong champions of K-12 public education!

Top Priority: Increased Tuition Support Funding to Support K-12 Students

My previous *e-Dition* column highlighted the list of ISBA's 2019 Legislative Priorities. Here I want to comment on the importance of our top priority in more detail and ask that you begin advocacy engagement with your area legislators to make an appeal for necessary tuition support increase. Nationally, Indiana ranks below average on most metrics related to K-12 education funding and teacher compensation. Despite that reality, legislative and fiscal leaders are already suggesting publicly that they will have "inadequate resources to fund all priorities" and that we should have low expectations for what they will appropriate for tuition support. While state financial resources are always finite, it does not diminish the need to adequately invest in the future of our 1 million students in K-12 public education. We only get one shot to support this generation of children. We cannot continue to defer this obligation to a later date!

The ISBA supports the adequate funding of public schools that is annually adjusted to keep pace with or ahead of inflation. An appropriation amount above the projected

inflationary rate (currently 2.3%) in the next biennium will help school corporations keep up with the cost of doing business and allow for reasonable salary increases that are needed to maintain a high-quality teacher workforce in Hoosier classrooms.

Please write, email, or phone your area legislators now to ask that they support adequate funding increases for tuition support for K-12 education, meeting or exceeding the inflation rate of 2.3%. Here is a link to the ISBA white paper on K-12 school funding that will help you formulate your messaging regarding the tuition support increase: https://www.isba-ind.org/uploads/1/1/9/2/119210664/k-12_funding_white_paper-final.pdf

Please lend your voice today!

FOR MORE INFORMATION

Visit our website :

WWW.ISBA-IND.ORG

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Climate Audits

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

Board members often struggle with the best means for gathering information attesting to the general health of the district. Admittedly, questions that solicit answers that are illustrative of various levels of internal and external satisfaction with the school system or its personnel are not always as clear as the Board may wish.

Every Board should be concerned with their district's actual performance to state standards and also with the community's perception of their district's performance. Additionally, the internal satisfaction level of employees is always an area of interest to school board members. High employee turnover, low performance to standards, and growing rumors of dissatisfaction and unrest all point to areas of concern that require some type of intentional intervention. However, while the administration and management of a district are often attributed as the cause of internal unrest and poor performance, the real reasons can be masked behind these and ultimately not be a management or leadership issue at all.

Individual board member investigative forays to find cause or offer solutions are discouraged, especially since individual members have no independent authority to conduct these types of exploratory excursions. Boards operate as a single entity, not as several independent contractors. So, how is the Board to get the answers it needs in a timely manner and in an objective format?

One way is to authorize the superintendent to collect the data, either by independent audits and interviews or by anonymous surveys. However, this type of information can be difficult, if not allusive, to superintendents because of their position in the district and familiarity with staff and support members. Consequently, a solution more often recommended is to authorize an independent climate audit enlisting an outside consultant. These can be tailored to collect information from specific groups that will provide the best data to address targeted or to gather data that will objectively define the general health of the district.

Before you run to the internet to find a survey or just any consultant, it is important to do your homework. Not every consultant is qualified to do this work and not every survey with "climate audit" in its description will necessarily yield the desired information. Ask your superintendent to bring recommendations of consultants who have a proven track record in other districts. Having more than one to choose from is always preferable if possible. Once you have the recommended consultants, meet with them and let them review the process, how information will be collected, the level of privacy and security that will be maintained both during and following the audit, and how recommendations from the results will be tabulated and presented.

A qualified consultant is able to wade through emotional responses to target any underlying issue, weeding out any noise that can occur during audits that are taken during or after high profile issues. Additionally, they will treat the survey content with confidentiality for both those that provide input and for those that want to receive an objective assessment of the district's health.

Oath of Office for School Board Members

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

Now that the elections are over and school board members prepare to take office in January, it's a good time to share some pertinent information about the oath of office that elected officials must take.

Contents of the Oath

IC 20-26-4-2 requires any person "elected or selected" to be on the school board to take the following oath:

I solemnly swear (or affirm) that I will support the Constitution of the United States of America, the Constitution of the State of Indiana, and the laws of the United States and the State of Indiana. I will faithfully execute the duties of my office as a member of this governing body, so help me God.

The statute allows the school board to add provisions to the oath that the board considers appropriate for the office. Some school boards choose to add language that requires the board

member to abide by a code of ethics adopted by the school board.

Administration of the Oath

IC 33-42-9-7 specifies who is authorized to perform a notarial act, which includes administering the oath of office. Those persons authorized to administer the oath include notaries public; judges and justices of Indiana courts; mayors, clerks, clerk-treasurers of towns and cities, township trustees, in their respective towns, cities, and townships; clerks of circuit courts and master commissioners in their respective counties; judges of US district courts; county auditors in their respective counties; and any member of the Indiana General Assembly.

Time Period to Take the Oath

IC 5-4-1-1.2 says a person appointed or elected to a school board may take the oath "at any time after the individual's appointment or election." However, the person must take the oath no later than 30 days after the beginning of the term of

office. Thus, for board members taking office on January 1, 2019, they must take the oath no later than January 31, 2019. If a board member fails to take the oath of office by January 31, 2019, the board position becomes vacant.

Once the oath is taken, a copy of the oath must be delivered to the circuit court clerk. The oath must be delivered no later than January 31, 2019.

Setting for the Administration of the Oath

Clearly Indiana law allows for the administration of the oath of office to individual board members at times convenient to that individual member. There is no requirement in statute for the oath be administered in a group setting or at a school board meeting open to the public. In fact, the Open Door Law was amended a few years ago to exclude from the definition of a meeting "a gathering for the sole purpose of administering an oath of office to an individual." Thus, it is lawful to gather together all of the school board members who are starting a new term of office to administer the oath without advertising that gathering as a meeting. However, for those school boards that prefer to have the oath administered at the first school board meeting in January, that is lawful as well.



FAST FACTS ON INDIANA K-12 EDUCATION

In a 10-year period from the 2005-06 school year to the 2015-2016 school year, Indiana fell **12 slots** from 22nd to 34th in the nation for total K-12 education expenditures.

ISBA IN THE NEWS

[Change in Indiana education policy? Key committee gets a new leader at the Statehouse.](#) (Terry Spradlin is quoted)

[Most communities voted 'Yes' on school funding referenda](#) (Terry Spradlin is quoted)

UPCOMING EVENTS

12.14.2018—ISBA December School Law Seminar (Register [HERE](#))

12.17.2018--Research Findings on the Effects of the Indiana Choice Scholarship Voucher Program Webinar (Register [HERE](#))

Coming in 2019—ISBA New Board Member Academy (Register [HERE](#))

1.11.2019—ISBA School Safety and Cybersecurity Seminar (Registration [Coming Soon!](#))



Non-renewal of Superintendents, Assistant Superintendents, Principals, Assistant Principals and Directors of Special Education

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

At times, school boards may wish to remove an administrator from the administrative position. This action is referred to as a nonrenewal of the administrator's contract. Indiana law requires due process procedures be followed when the school board decides to non-renew certain administrator contracts. It is important to note completion of the nonrenewal procedures does not terminate the employment of the administrator with the school corporation. The nonrenewal procedures allow the school board to remove the employee from the current administrative position at the end of the contract and reassign the individual to another position for which the employee is certified.

Superintendent

To non-renew the superintendent's contract, the school board must vote in a public meeting to non-renew the superintendent's contract. This vote must take place **no later than December** of the year before the contract expires. The board or an attorney acting at the direction of the board must give **formal written notice** of nonrenewal to the superintendent and be delivered in person or by registered mail, **on or before January 1** of the year in which the contract expires. IC 20-28-8-7(3) A hand-written note of the board's vote, intended for the secretary's use in preparation of board minutes, and given to the superintendent after the vote has been ruled insufficient notice by Indiana courts.

Assistant Superintendent, Principal, and Assistant Principal

To non-renew the contract of an assistant superintendent, principal, or assistant principal, the school board must first vote at a public meeting to give written preliminary notice to the administrator that it is considering non-renewing the administrator contract. The written preliminary notice must be delivered to the administrator by the school board or by an employee acting at the direction of the board. Generally, the school board directs the superintendent to issue the written preliminary notice.

The written preliminary notice must be given at least 30 days before the written notice of nonrenewal will be given. **The actual vote and receipt of written notice of nonrenewal must occur before March 1** of the year in which the contract is to expire. To meet this timeline, the school board should initiate the nonrenewal process in December before the year the contract expires or in January of the year the contract expires. The preliminary notice must state the reasons for consideration of nonrenewal and advise the administrator of the right to a private conference with the superintendent. The administrator has five days after receipt of this notice to request the private conference. There is no statutory time frame in which to hold the conference, but it must take place so the administrator has time to give notice and have a private conference with the board.

After the conference with the superintendent, the administrator may request a private conference with the school board. This request must be made within five days of the conference with the superintendent. The conference with the board and the board vote for nonrenewal must be held prior to the issuance of the notice of nonrenewal, thus the board's conference should take place in January or early February. IC 20-28-8-4

The school board must vote on the nonrenewal and give notice of its decision to the administrator before **March 1**. The written notice of nonrenewal must be given by the governing body or an attorney acting at the direction of the governing body. IC 20-28-8-3

Director of Special Education

The process for the nonrenewal of the contract of a director of special education is the same as described above, but the timeline is different. **The actual vote and receipt of the written notice of nonrenewal must occur before February 1** of the year the contract expires. To meet this timeline, the managing body should initiate the nonrenewal process in November or December of the year before the director's contract expires. (A "managing body" is defined at IC 20-28-1-10.) The written notice of nonrenewal must be given by the managing body or an employee at the direction of the managing body. IC 20-28-8-11; IC 20-28-8-12