

2011

## ISBA Legislative Resolutions

The Indiana School Boards Association is dedicated to maintaining and improving the quality of public education in the State of Indiana. The ISBA believes that the Indiana General Assembly should continue to take the necessary action to ensure that funding levels allow local schools to continue to improve public education.

This Association supports local control by individual boards of education. The ISBA believes that the governance and management of local schools should be a responsibility of the chosen representatives of the local citizens in each school community and authority to effectively carry out that important responsibility. The ISBA supports educational programs that do not foster racial, social, or economic segregation or segregation of special needs children.

With this preamble, ISBA also believes that the following education-related concepts reflect ongoing resolutions of the Association that should be considered whenever legislation is enacted on behalf of Indiana public schools.

### STANDING RESOLUTIONS

- A. **Funding State Mandates**  
State-mandated education programs must be fully funded by the state.
- B. **Elected/Appointed Boards and Reorganization Plan**  
The General Assembly should not mandate changes in the local reorganization plan.
- C. **Equivalent Instruction**  
Indiana should develop a definition of and establish regulations for "equivalent instruction" for non-accredited schools including home school and virtual instruction.
- D. **Instructional Time/Class Size**  
Instructional time and class size are directly related to student achievement. ISBA, therefore, supports guaranteeing sufficient instructional time for K-12 programs and maintaining lower class sizes in grades K-3 with full state funding.
- E. **Teacher Collective Bargaining**  
The Indiana General Assembly should not consider revisions to the teacher bargaining law unless a revision expands the authority of school board governance.

- F. **Property Taxes and Other Revenue Sources**  
The Indiana School Boards Association strongly supports that all public school corporations receive timely, adequate and responsible funding. To ensure stable funding, there is a need to utilize property taxes as a revenue source. If property tax is not received when due, the state should pay the interest incurred by the school corporation on borrowed funds. Further, the state must guarantee that education funding is protected and received on time, that revenue growth is continued, and that controlling restrictions are reduced. If the state cannot provide such funding, the local school board will be granted the authority to transfer among and between funds to support General Fund expenditures.
- G. **School Governance Role/Powers**  
The Indiana School Boards Association supports legislation that upholds and does not erode the authority of the local school board to govern the public schools.
- H. **Staff Development Programs**  
The Indiana School Boards Association supports fully state funded professional staff development and in-service programs that are beyond the 180-day school year.
- I. **Student Testing**  
The Indiana School Boards Association believes that reasonable and responsible standardized measurement of student achievement and progress is important to guarantee accountability for public education. The Association supports an alternative testing option that meets or exceeds state standards.
- J. **Charter Schools**  
The Indiana School Boards Association believes that school boards should be permitted to establish and operate Charter Schools under current Charter School statutes.
- K. **TIF Districts/Tax Abatements**  
The Indiana School Boards Association believes that any system of tax abatement and tax incremental financing (TIF) must provide a mechanism for replacing revenue lost to the public schools at the time of abatement/TIF approval. Further, the Association will support these changes to TIF:
- A school board member from each board impacted by the redevelopment commission should be placed on the commission as a “voting”-member.

- TIF should only be utilized to finance projects in blighted areas.
- Strict notification standards should be established.
- All school tax revenue and AV in the TIF should flow to the schools.
- An annual report on all TIFs should be issued.

L. **Classified Personnel Bargaining**

The Indiana School Boards Association opposes any legislation to impose mandatory collective bargaining with classified personnel in local public schools. Local school communities should maintain the right to determine whether collective bargaining with classified personnel is in the best interest of their school corporation.

M. **Alternative Schools**

The Indiana School Boards Association believes that an alternative school program is a local control issue, which should be supported by a weighted cost factor in the school funding formula.

N. **Voucher Plan and Tax Credits**

The Indiana School Boards Association opposes any voucher and/or tax credit plan that permits the expenditure of public tax dollars for private school education. Public school tax dollars must be fully committed to the mission of public schools.

O. **School Consolidation**

The Indiana School Boards Association believes that school consolidation is a local control issue.

P. **Petition/Remonstrance and Referendum Process**

The Indiana School Boards Association supports the Indiana General Assembly maintaining and improving equitable statewide standards and procedures for the petition/remonstrance and referendum process including, but not limited to, permitting school board members and school officials to speak on the issues until the election.

Q. **School Choice**

The Indiana School Boards Association believes that school choice is a local control issue.

## PRESENT RESOLUTIONS

### A. Finance:

1. Funding
  - a. School Distribution Formula
  - b. Special Education/High Ability Students
  - c. Special Needs Factor
  - d. Summer School/ Balanced Calendar
  - e. Textbooks and Instructional Resources
  - f. Transportation
  - g. Vocational Education
  - h. Capital Projects Fund—  
Maintenance (Skilled) Personnel
  - i. Lease Rental Payments from Debt Service Fund

### B. School Governance:

1. Open Door Law – Executive Session to Discuss School Consolidation
2. Open Door Law – Executive Session/Sale of Real Estate
3. Legislative Changes -- Teacher Evaluation and Collective Bargaining

A. **FINANCE**

11-A-1

**Funding**

The Indiana School Boards Association supports the timely and adequate funding of Indiana's public schools to allow local boards of education to improve the quality of public education. Specifically, the Association supports the following:

a. **School Distribution Formula and/or Categorical Funding**

1. The ISBA strongly supports equalization of educational opportunities for all children.
2. The ISBA supports the addition of the following provisions into the school distribution formula or as categorical funding for all qualifying school corporations:
  - (a) A weighted cost factor for school corporations employing teachers with additional experience and training.
  - (b) A weighted cost factor for students with limited-English proficiency.
  - (c) Full funding for school corporations that have or will initiate all-day kindergarten programs.
  - (d) Full funding of the employer portion of social security.
  - (e) Full funding of the employer portion of teacher retirement.
  - (f) At-risk funding for all school corporations.
  - (g) A weighted cost factor for growing school corporations.
  - (h) A weighted cost factor for staff development.
  - (i) A guarantee of no loss in state funding based on student achievement scores.
  - (j) Full funding of remediation programs.
  - (k) Alternative energy costs funding for all school corporations.

b. **Special Education/High Ability Students**

1. The ISBA supports adequate and stable funding for special education and high ability student programs.
2. The ISBA believes that all excess costs for special education services in out-of-state institutions should be funded by the State.
3. The ISBA supports adequate and stable funding for the preschool special education program.

4. The ISBA supports financial incentives for local school corporations to create programs for the education of special education/high ability students in the local school community.
- c. **Special Needs Factor**  
School corporations have unique needs that are presently not addressed in the school funding formula. The ISBA believes that a factor should be developed to meet these special needs, such as security, substance abuse prevention, truancy and poverty.
  - d. **Summer School/Balanced Calendar**
    1. The ISBA supports adequate and stable state funding for summer school including bus transportation.
    2. The ISBA supports adequate and stable state funding for the inter-session costs of year-round school programs including bus transportation.
  - e. **Textbooks and Instructional Resources**
    1. The ISBA supports adequate and stable state funding of textbooks, workbooks, associated instructional resources and computer software for classroom instruction for all pupils in the public schools.
    2. The ISBA supports local control and selection of textbooks, workbooks, associated instructional resources and computer software for classroom instruction.
  - f. **Transportation**
    1. The ISBA supports adequate and stable state funding for regular transportation services.
    2. The ISBA supports adequate and stable state funding for special/vocational transportation services.
  - g. **Vocational Education**
    1. The ISBA supports adequate and stable state funding for vocational education.
    2. The ISBA believes that control and selection of educational choices for vocational classes should be a local control issue.
  - h. **Capital Projects Fund—Maintenance (Skilled) Personnel**  
The ISBA supports the payment of maintenance (skilled) personnel salaries and fringe benefits from the Capital Projects Fund without limitation for all school corporations.
  - i. **Lease Rental Payment from Debt Service Fund**  
The ISBA supports that school corporations have the option to make lease rental payments from the Debt Service Fund.

**Rationale**

The Indiana School Boards Association believes that the school distribution formula must provide equalization of educational opportunities for all school corporations. School funding is a complex area that demands constant review to assure adequate funding levels for all school corporations.

**B. SCHOOL GOVERNANCE**

**11-B-1**

**Open Door Law – Executive Session to Discuss School Consolidation**

The Indiana School Boards Association supports amending the Open Door Law (IC 5-14-1.5-6.1(b)) to allow school boards to meet in executive session to discuss issues related to school consolidation.

**Rationale**

School boards are willing to explore consolidation options, but have found it difficult to engage in meaningful dialogue about critical issues in light of the fact that the Open Door Law does not permit the discussion of consolidation in an executive session.

The discussion of consolidation often times elicits emotional reactions from the public. School boards that are considering consolidating need to be able to meet with each other in closed door sessions to have meaningful dialogue on the pro's and con's of consolidation. Superintendents and school board members of the school corporations that are considering consolidating need to be able to meet in executive session to assess whether consolidation is a viable avenue for the school corporation to explore.

**11-B-2**

**Open Door Law – Executive Session/Sale of Real Estate**

The Indiana School Boards Association believes that the Open Door Law (I.C. 5-14-1.5-6.1(b)(D)), as it relates to executive sessions and the purchase of real estate, should be amended to also permit the discussion of the sale of real estate, as well as the purchase.

**Rationale**

The local school board needs to be able to discuss these items privately, because of the ramifications of such a decision. It, therefore, is appropriate to allow a Board to at least begin discussion in executive session. If this is done, the public's interest is still fully protected, because the school board must go through appropriate appraisal and notice procedures to sell real estate (I.C. 36-1-11-4). All discussions and actions would then become public. Thus, in reality, the only thing that can take

place in executive session is a consensus as to whether the school board wants to move forward with a sale. Once it becomes a consensus to move forward, then all decisions after that point would be public just as current law provides for purchasing. As a result, open disclosure will occur because the appraisal process and sale notice provisions generally take several months to accomplish; it, therefore, is not the type of situation where a quick action will be thrust upon the public without adequate notice. In essence, by providing the flexibility of conducting discussions on selling as purchasing is allowed, the state will foster consistency in the consideration of real estate decisions.

### **11-B-3**

#### **Legislative Changes -- Teacher Evaluation and Collective Bargaining**

The Indiana School Boards Association supports the Indiana General Assembly reviewing and clarifying statutory language in PL 90-2011 SEA 1 and PL 48-2011 SEA 575. The Association recommends the following changes to the statutes:

- Sources of funding for the various initiatives, such as evaluation, fact finding, mentors and performance pay;
- Grievance procedure is or is not a part of a teacher collective bargaining agreement;
- Starting date to begin collective bargaining;
- Legal preliminary notice of contract cancellation for RIF teacher same as notice for all other grounds;
- Definition of "teacher" includes assistant superintendent and assistant principal; and, but not limited to,
- Evidence to cancel a contract same as common law standard of "substantial evidence" rather than "preponderance of evidence."

#### **Rationale**

As school boards strive to implement the Teacher Evaluation and Collective Bargaining statutes, there has been considerable confusion regarding the intent of the language in the respective laws. It is, therefore, important that legislative attention be given to clarifying specific statutory issues so that a consistent and timely application of the statutes can be effective statewide.