

The

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JOURNAL

THE MAGAZINE OF THE INDIANA SCHOOL BOARDS ASSOCIATION



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The JOURNAL

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INDIANA SCHOOL NEWS

The gender gap in Indiana's college-going rate has nearly doubled over the past 14 years. From the class of 2022, 59% of females and 46% of males enrolled in college. In the class of 2008, 69% of females and 62% of males enrolled in college.



92.25% of Indiana school corporations were fully 1:1 with student technology devices in 2023, according to the Indiana Department of Education's Digital Readiness Dashboard. Prior to the COVID-19 pandemic, only 48.6% of Indiana school corporations had achieved full 1:1 status.



477 traditional public schools in Indiana enrolling 243,668 students participate in the Community Eligibility Provision, a federal policy that allows schools and school districts in high-poverty areas to provide free breakfast and lunch to all attending students. Entire schools or school districts are eligible for CEP if at least 40% of their students are directly certified to receive free meals, i.e., their household participated in a means-based program.



While cursive writing instruction remains optional, the Indiana General Assembly has enacted several curricular mandates over the past two sessions:

- **Career Awareness: HEA 1002 (2023)** requires schools to include instruction for all students in career awareness. School corporations will be required to offer the Preparing for College and Careers course beginning in the 2024-25 school year.
- **Financial Literacy: SEA 35 (2023)** requires students to complete a personal financial responsibility course to graduate high school, beginning with the 2028 cohort. It also requires each school corporation to include instruction on personal financial responsibility in the high school curriculum. HEA 1243 (2024) clarifies that the requirement to include instruction on personal financial responsibility applies to students enrolled in grade 8, 9, 10, 11, or 12 (instead of all high school students).
- **Science of Reading: HEA 1558 (2023)** requires schools to adopt a reading curriculum aligned to the science of reading beginning with the 2024-2025 school year. SEA 1 (2024) requires schools to provide reading instruction aligned to the science of reading to all students in grades K-8.
- **Indiana College Core: SEA 8 (2024)** requires each Indiana high school to offer the Indiana College Core beginning with the 2024-2025 school year.
- **Computer Science: HEA 1243 (2024)** institutes a computer science graduation requirement beginning with the 2029 cohort and requires each public high school to offer, after June 30, 2028, at least once each school year, at least one computer science course as a separate subject in the high school curriculum.

As of April 1, 2024, 20% of ESSER III funds (\$367 million) have been spent by Indiana school corporations on facilities. Thirty percent of Indiana school corporations (86 out of 290) plan to spend more than half of their ESSER III funds on facilities. Indiana school corporations have spent 70% (\$1.25 billion) of their total ESSER III allocation. According to FutureEd: "Though it might seem counterintuitive to focus on facility repairs when students need instructional support, research underscores the role of school facilities in shaping student achievement and well-being. Well-maintained and adequately equipped school environments positively influence students' academic performance and motivation, while inadequate facilities contribute to absenteeism, health issues, and diminished cognitive abilities."



CELEBRATING 75 YEARS OF 'CHILDREN FIRST'!



ISBA / IAPSS
75TH ANNUAL FALL CONFERENCE

SEPT. 23-24
2024

SAVE THE DATE!





THE POWER OF PUBLIC EDUCATION

By Rebecca Gardenour, ISBA President, New Albany-Floyd County Consolidated School Corporation



On January 1, 1644, by unanimous vote, Dedham, Massachusetts authorized the first U.S. taxpayer-funded public school. Public education was a high priority over 130 years before we became a sovereign nation. Could it be that the majority of people don't take time to think how public education impacts

our society and the significance it plays in our lives? It might be taken for granted, unfortunately. Whether we believe it or not, public education is the great equalizer. It ensures all children from all backgrounds receive a quality education. It shapes us and our society. Public education fosters personal development and new skills, nurtures creativity, discovers talents as well as increase problem solving and decision-making abilities. Public education contributes positively to health and well-being.

Robert Smith, founder of Vista Equity Partners lists his 11 benefits of public education: (1) Develops important skills; (2) Helps us discover our passions; (3) Opens doors to career opportunities; (4) Increases chances of financial stability; (5) Helps

the economy; (6) Encourages community giving; (7) Makes us feel safer; (8) Promotes equality; (9) Gives us independence; (10) Helps us stay healthy; (11) Provides advancement opportunities.

ALL ARE WELCOME

We all are aware that any student who wants to attend public schools will be enrolled. All children are welcome. This includes any child with disabilities (physical, emotional, social) and non-English speaking students. Transportation is provided. Public schools will offer any and all resources to help these students become successful. No one is turned away. There is no "picking and choosing" unlike private and charter schools. Public schools are held to a higher standard to be inclusive which is a unique and honorable quality. It's what sets us apart. Public schools are offering more support services than ever before such as counseling, social workers, free breakfast/lunch, and free health clinics to address the ever-changing challenges for students to be successful in their educational journey. Trade programs are flourishing. Real world work experience will be the norm to give students a head start. Public schools are constantly changing with the times whether it be a new curriculum, the newest and latest technologies, and state of the art buildings. A safe environment and well-maintained classrooms all contribute to educational success.

HOOSIER PRIDE

Public schools are the center of pride for cities and towns throughout Indiana. Citizens have an influential role in shaping our schools and children. They participate in supporting public schools and make them the hub of their communities. Citizens support sports, theater, music, academics as well as all other clubs and student interest groups. Community involvement results in increase student self-esteem, improved attendance rates and more positive behavior at school. All of this combines to make our students successful and productive citizens. Do you remember a few years ago when others asked people to tell their story? My story is that I grew up in poverty. I grew up in a 25 by 25 log house (625 square feet) with no running water, a cistern from which we fetched our water and, yes, we did have an outhouse. That also meant home sewn and hand me down clothes, getting milk from the cow grandma milked every day, and lots of vegetables from family gardens. Did I realize we were poor? No, not really. Not until I was probably in the 5th/6th grade did it come to my realization that others had more than my family. Did it bother me? Maybe, but I really don't remember that it did. Why? Because I was in a public school and it laid a great foundation for me for the rest of my life. I had teachers and a school family who took an interest in me and introduced me to future opportunities. That's what teachers do every day in this world. Quality teachers significantly impact student achievement. Skilled teachers possess the ability to motivate and inspire students. Teachers, bus drivers, custodians, support staff, and administrators have a huge impact on the everyday lives of students.

We read stories every day in the newspapers or hear on the news how these important people have made student's lives a little bit easier and special because of kindness extended to them. These acts of kindness are what makes a school a "family," encourages children, increases their self-confidence and shows them that their school families really care about them. Just about everyone can pick a teacher or person during their educational journey who had an impact on their life and inspired them. Whether it be a heartfelt "hello" from a bus driver when a student gets on the bus first thing in the morning, a school secretary giving a student a kind smile, the custodian asking "How are you this morning?," to the principal telling a student "Glad you're here," to the teacher saying "I'm proud of you." Maybe a coach who saw potential in a student's ability, a music/theater teacher who saw greatness in a student's ability, or a journalism teacher who observed great potential in a student's writing.

Recently a bus driver was on the national news that he noticed one of his regular young riders appeared to be very upset and withdrawn. Upon further investigation, he found out that this young man didn't have new pajamas to wear to "pajama day" at school. This bus driver bought him some new pajamas and took them to the school. This small act of kindness made this young man's day! I know neither of them will ever forget that day.

A TRUE IMPACT

A teacher recently shared a letter with me that his student sent to him. It reads: "Thank you for all you have done for me these past two years. You have been there for me through thick and thin. I wouldn't be able to do the things I've done without you. Thank you for being there for me. You treated me with dignity. Thank you for all that you've taught me and the resources you gave me." This, my dear friends, is the POWER OF PUBLIC EDUCATION. 🌟



2024 CALENDAR AT-A-GLANCE

AUGUST 28
ISBA/IAPSS Collective Bargaining Seminar
Ivy Tech Conference Center

SEPTEMBER 23-24
ISBA/IAPSS Fall Conference
Indiana Convention Center

OCTOBER 28-NOVEMBER 14
Fall Regional Meetings
Statewide

DECEMBER 11
December School Law Seminar
Ivy Tech Conference Center

For more information on ISBA meetings and locations visit our website at www.isba-ind.org

CELEBRATING 75 YEARS AS THE INDIANA SCHOOL BOARD ASSOCIATION:

HONORING THE PAST AND LOOKING FORWARD TO A PROMISING FUTURE!

By Terry Spradlin, Executive Director



Turning 75-years old is a milestone worthy of celebration! As the Indiana School Boards Association has reached this milestone this year, school board members, past and present, can take pride that our organization has stood the test of time to support and defend America's most vital institution, public education. ISBA was created in 1949 through the Indiana University School of Education to serve school board members across Indiana. What an achievement that in 2024, ISBA continues to strive to fulfill its mission to support our members with the resources necessary for excellence in school board governance. While doing so, we remain true to the statement in our Code of Ethics of thinking in terms of "children first."

SUPPORTING EXCEPTIONAL LEARNING OPPORTUNITIES FOR HOOSIER CHILDREN

The ISBA supports programs and policies to provide exceptional learning opportunities for Hoosier children. As a pillar of our Democracy, the power of public education is to not only prepare our citizenry to be productive and lawful tax-paying citizens, but college and career ready with a promising future. We strive to ensure students are equipped with the skills, abilities, and knowledge to be life-long learners in an ever-changing world. An effective K-12 public education system is an "engine of opportunity" for all students and a catalyst for economic development for the state. The higher the educational attainment level of Indiana residents, the better quality of life we will experience. Given that more than 90 percent of all K-12 students attend a public school, the families of more than 1 million students have spoken and have made public schools the "schools of choice." We believe that through local control, we have created a rich and diverse public education system that provides a multitude of learning environments, programs, and curricular offerings to students. Through these opportunities we prepare a new generation of students to be college and career ready, helping drive the prosperity of the state. Recognizing the "power of public education," let's collectively do all that we can to elevate student achievement outcomes to maintain our sphere of influence and impact (see my Spring 2024 Journal column for more on this objective).

HONORING THE PAST

Throughout 2024 we will continue to reflect on the history and work of the ISBA, as well as spotlight past leaders. Recently, I was honored to host a roundtable discussion with several of ISBA's past presidents to talk about the legacy of the Association. Many of these leaders referenced the support of ISBA to help them better understand their roles and responsibilities as board members. They praised the ample networking and collaboration opportunities that ISBA provides with board members from around the state, and commended ISBA's strong voice as an advocate for model board governance and K-12 public education, all key contributors to the legacy of ISBA. Adam VanOsdol, Communications Specialist/Content Strategist, has an excellent column in this edition of *The Journal* that spotlights the commentary and perspectives concerning the impact of ISBA shared by nine of its past presidents. The roundtable conversation will also be highlighted via a video at the 2024 ISBA-IAPSS Fall Conference to be held on September 23-24, at the Indiana Convention Center.

Speaking of past leaders, ISBA continues to pay tribute in memorial to Dr. Frank Bush, ISBA Executive Director from 1988-2014. His picture is prominently displayed on the cover of this edition of *The Journal*. Dr. Bush was a tremendously dedicated and tireless leader of the Association. His contributions built a strong foundation for ISBA that continues to contribute to its success today. Dr. Bush has left a legacy of elevated model school board governance in Indiana. Thank you, Frank. We miss you!

The beginnings of this publication, *The Journal*, dates to a meeting of the ISBA Executive Committee on October 17, 1954, when it approved a proposal to move forward with a sample of a printed journal for approval of the full membership at the subsequent annual meeting. The first edition of volume 1 of *The Hoosier School Board Journal* was then published in January 1955.

I found it fascinating to read in the February 1955 edition of *The Hoosier School Board Journal* that ISBA was tracking a total of 476 bills introduced by the Indiana General Assembly that year, including 21 bills directly related to public education. In contrast, there will be

approximately 1,100 bills filed in the 2025 legislative session and of those, more than 150 bills that are K-12 education or child-related legislation that ISBA will be monitoring.

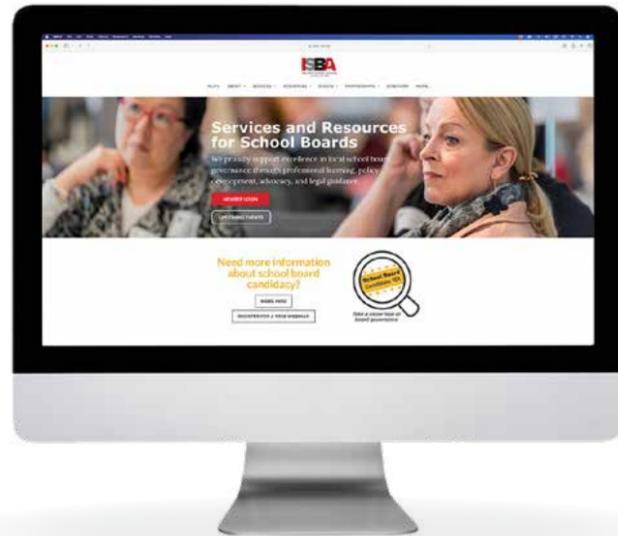
WHAT IS THE ISBA TODAY?

Headquartered in Indianapolis, ISBA is a 501(c)(4) non-profit organization comprised of 10 member regions. ISBA is governed by a Delegate Assembly and a 14-member Board of Directors consisting of 10 regional directors and four officers; all locally elected/appointed school board members who are selected by their fellow board members to fill these posts. ISBA is also supported by school board members who serve on the Legislative Committee, Awards Committee, Nominating Committee, and the Federal Relations Network Committee.

ISBA's membership services are categorized as follows: board services, legal services, policy services, and legislative services. Staff consists of the executive director, general counsel, senior counsel/director of policy services, staff attorney, director of board services, communications specialist/content strategist, events and promotions specialist, comptroller, and administrative assistant. ISBA represents all 290 school corporations, and the staff provides services to approximately 1,686 school board members throughout Indiana. Services include board retreats, workshops, webinars, seminars, conferences, and publication of a monthly e-newsletter and a quarterly association magazine. Most recently, consultant services for comprehensive policy management services and strategic planning have also been added. All ISBA staff members are available to assist school board members with specific issues at any time by telephone, mail, e-mail, or onsite board training services.

ISBA continues to enhance its website to provide timely and insightful information to you. Website traffic is up as a result! Visit: <https://www.isba-ind.org> to see the latest information dedicated to support you in your efforts to deliver effective governance for your school community.

Working closely with both the Consortium of State School Boards Association and the National School Boards Association as our Washington, D.C. offices, as well as dozens of other education organizations and governmental authorities throughout the state, the Indiana School Boards Association has earned the distinction of an acknowledged position as a leader in shaping educational programs helping to prepare students for the workforce or postsecondary education in a rapidly changing 21st century economy, and now in the world of artificial intelligence.



LOOKING TO THE FUTURE

“The ISBA is the premier resource in school governance and a respected advocate of public education,” is the vision statement guiding a three-year strategic plan adopted by the ISBA Board of Directors on June 3, 2022. The Board of Directors and staff worked collaboratively over the first half of 2022 to develop a comprehensive strategic plan that is guiding the Association to focus on effective programs and services for our members. There are five goal areas with clear and concise objectives that I want to remind you of:

▶ GOAL AREA #1: INCREASE MEMBERSHIP ENGAGEMENT AND CONNECTEDNESS

OBJECTIVES:

- Assess board member needs continually to ensure their voice is heard and strengthened
- Enhance regional engagement by members
- Enhance and promote member services
- Address the unique needs and interests of members from socioeconomic perspectives (Rural, Urban, Suburban, Town, High SES, Low SES)

▶ GOAL AREA #2: ELEVATE EXTERNAL COMMUNICATION

OBJECTIVES:

- Target and tailor communications to board members
- Expand awareness and elevate the status of the EGA program

- Improve ISBA brand
- Champion the positives of public education through ISBA communications

▶ GOAL AREA #3: BECOME A BEST PRACTICE RESOURCE FOR MEMBERS

OBJECTIVES:

- Provide timely and researched-based guidance and resources on issues facing school corporations and school boards
- Inform and guide members on best-practice implementation of effective board governance principles, roles, responsibilities, and strategies
- Elevate the value of resources available by core service area
- Improve content repository (of resources) via website resource library

▶ GOAL AREA #4: TAKE ISBA ADVOCACY TO THE NEXT LEVEL

OBJECTIVES:

- Inform, influence and shape sound governance policy for K-12 public education
- Increase members' overall knowledge of legislative process
- Equip members with effective techniques, strategies, and processes for grassroots advocacy and campaigns
- Enhance relationships with state government leaders (e.g., legislators, State Board of Education, IDOE, Office of the Governor, DUAB, DLGF, etc.)

▶ GOAL AREA #5: OPTIMIZE ORGANIZATIONAL AND OPERATIONAL EXCELLENCE

OBJECTIVES:

- Ensure continuity of services
- Enhance partnership programs
- Create ISBA human capital plan (staffing plan)

Since the adoption of the 2022-2025 strategic plan, ISBA has evaluated current programs and services and launched a handful of new offerings to better serve the needs of our members. Some of these new programs and services include:

- ✓ Reinstatement of Regional Director quarterly newsletters to highlight board service activities and news within each region of the state

- ✓ Addition of new website content such as the school board candidate webpage that provides a School Board Candidate Guide and FAQ, a board-superintendent roles and responsibilities overview, and the 2024 election procedures memo
- ✓ Expansion of on-demand video content of various training and professional development events such as the New Board Member Academy program
- ✓ Enhancement of the Legislative Action Network resources including the new “Top 3 Things to Know” weekly video update
- ✓ Delivery of essential board governance guidance through a regular schedule of resource guide and manual updates, including: Budgeting and Financial Oversight for School Board Members Resource Guide; Compulsory School Attendance Manual; Employee Discharge Manual; Student Discipline Manual; and the Model of Board Governance Manual, among others
- ✓ Elevation of board member recognition through the Exemplary Governance Awards program and the Exemplary Board Member Honor Roll and Wall at Fall Conference.

These new programs are a few of the components being driven by the strategic plan. We are committed to serving you to the best of our ability and being attentive to your perspectives, comments, and any concerns about your membership organization. In this regard, the 2024 ISBA Membership Survey was recently administered and just closed on July 3, 2024. We will be carefully reviewing the results of the survey to ensure we are responsive to meeting your needs and expectations. The survey results will also help guide the development of a new strategic plan that the ISBA Board of Directors will commence in developing in the spring of 2025.

I am honored to be serving as your Executive Director. I hope you can take pride in the history of your association, and I encourage you to take advantage of the programs and services offered today to you and your fellow board members. Working together we can undoubtedly achieve our vision of being the preeminent resource in school governance and a respected advocate of public education. We are here to support you in your efforts to put children first! 🍌

75

YEARS

of

SERVICE AND SERVICES



ISBA past presidents gathered on May 23 for a roundtable discussion reflecting on the 75th anniversary of the Association's founding in 1949. They talked about the ongoing impact that ISBA has on public education in the state of Indiana, how ISBA supports the success of local school board members, and their hopes for the future of the Association. A lightly edited transcript of the conversation follows.

THE DISCUSSION WAS MODERATED BY ISBA EXECUTIVE DIRECTOR TERRY SPRADLIN.
SEVEN PAST PRESIDENTS PARTICIPATED:



Robert Stwalley
Lafayette
(2019-2021)



Kim Woodward
Avon
(2017-2019)



Todd Trehearne
Wes-Del
(2016-2017)



Linda Day
Tippecanoe
(2008-2009)



Michael Downham
Cowan
(1999-2001)



Linda Singer
Western
(1998-1999)



Linda Hobbs
Brown County
(1996-1997)

What impact has ISBA had in its 75-year history, and what is the legacy of the organization?

Linda Day: I have seen a really positive effect on public education. I think ISBA's training and professional development programs have given local school board members confidence in their ability to make the decisions they really need to make. In recent years ISBA has helped school board members begin to realize the benefit of engaging in grassroots advocacy. We are seeing boards working with elected leaders, who as a result get to know much more about what's happening in their local school districts.

Bob Stwalley: I have probably been most impressed by the level of professionalism in the representation that ISBA has given





for the public education community in this state. ISBA has been quite effective in protecting school boards from some of the worst instincts that have tried to come down the pike.

Michael Downham: I would add that ISBA has developed a good reputation for working with legislators. There is a respect for ISBA at the Statehouse. Legislators seek out our opinion on different bills.

Linda Hobbs: I think a lot of that stems from the fact that school boards are locally elected, but we don't have a party. School boards are non-partisan. I do think ISBA's lobbying efforts have been impactful. You have to understand that public schools have changed so much over the decades, with competition from vouchers and needing to pass referendums to keep things going in some cases, to name only two. School boards need to communicate with and get to know their representatives, and ISBA's legislative action network has been instrumental in cultivating those relationships.

THOUGHTS ON ISBA'S ANNIVERSARY...

"ISBA is a guiding light for public schools. Statewide, it is more important than ever for school boards to remain relevant to our ever-changing world by setting high goals and monitoring progress. I feel certain that ISBA will continue to provide many valuable services, including keeping local boards up to date with state and federal legislation."

— Bill Wilson, Clarksville, ISBA president 2015-2016

Kim Woodward: ISBA's impact on training and educating boards has been very important in attracting candidates who will serve their community and their school district in a positive way. I serve on the Avon school board, and we have a long history of having expectations for anyone who is coming into our school corporation as a candidate for school board, that they have a willingness to engage in the professional training that ISBA offers. We were pleased this year for Avon to be one of only two Exemplary school boards in the entire state.

Todd Trehearne: One of ISBA's greatest successes has been promoting the concept of team building. School board members don't always have to agree on everything of course, but they need to be able to work together in a professional manner.

Linda Singer: ISBA has some excellent publications. The Journal magazine is wonderful, the regional meeting booklets are helpful, and the yearly directory that lists the names of all the school board members is a good thing.

How did ISBA help you and your fellow board members become better board members?

Kim Woodward: As I said, we have had a long-standing tradition in Avon of the expectation that each board member participates actively in ISBA. We have had board members come in after an election with certain notions about what a school board does, and after three or four or five board meetings, they say, 'I had no idea that is actually what you did,' and 'Man, this is a lot of work.' Engaging with the programs, services, and events that ISBA has to offer does two things. Number one, ISBA equips board members with the knowledge of what they need to know to be effective in the job. And two, ISBA contributes to building a sense of camaraderie among school board members. As Todd mentioned, board members don't have to agree, but they have to

be able to conduct a civil dialogue and listen to one another and communicate. So I feel like ISBA provides that platform.

Linda Day: I agree with what Kim said completely. ISBA teaches you the information you need to know to make wise decisions as a school board member. I also think ISBA has a key role in advising school boards that are encountering difficulties working with one or more difficult board members. I know from my own experience, there were several times when we had people from ISBA come and just sort of act as a mediator to allow us to express our differences in sort of a neutral situation. In one case, it didn't make any difference at all. In the other case, some of us at least learned how to deal with what we had to deal with. So, ISBA can help school boards find a solution or a compromise to meet in the middle. The other thing that I think ISBA has done an exceptional job with is preparing people for what's to come. Many times, school boards complain that they are just reacting to things, whether it's legislative decisions, or local decisions. With ISBA's involvement and being involved in ISBA, I always felt like I could go back to my board and say, 'This is what's coming down the pike. This is what we need to be aware of.' And consequently, we were able to be proactive. And that does a lot of good.

Todd Trehearne: In my school district I was generally the only one on the school board who came to ISBA events. There was a feeling across the board that they didn't need that Indianapolis stuff. But I started bringing back what I learned from ISBA and showing them, 'Look, this is what we need.' And it changed their attitude. They understood that we were better by having involvement with ISBA.

Michael Downham: When you join a school board, there is a huge learning curve, and the ISBA helps flatten that curve. And you realize that you are not alone in some of the issues that you are dealing with, that there are other school boards across the state dealing with the same things. As important as ISBA training sessions are, the networking with other school board members was also a huge help.

Bob Stwalley: I would certainly agree. I have always been thrilled at the core offerings that ISBA puts on, whether it be budget seminars, legal seminars, human resources workshops, all of these different things available to you as a board member to investigate and learn more about. But the ability to meet at conferences and regional dinners and talk to your fellow school board members

about the issues and the problems that they are having -- that is of incalculable value.

Linda Hobbs: I have found that ISBA's effectiveness is particularly amazing given the small staff it has compared to school boards associations in other states.

Why is it important to have a thriving organization of school board members?

Bob Stwalley: If you think about the activity of 290 local school boards, from the state legislature's perspective, it would be all chaos and noise that's feeding back to them, whereas if we have a state organization that can sift through all of the issues and present an organized picture to them, we all gain a tremendous more amount of traction than we would if we were individual local boards trying to accomplish the same thing. The effectiveness of all us together as a group, it is so much stronger.

Kim Woodward: What ISBA does well, again, is provide the opportunities for school board members to teach and learn among themselves. The recent addition of the quarterly Zoom meetings where school board presidents can get together by region and collaborate and talk, I have learned so much. I like to say, 'If you've seen one school district, you've seen one,' because the problems and concerns that are faced in each district are totally different. And yet, some of the student problems, some of the teacher recruitment problems, some of the compensation issues, no matter what our enrollment is, no matter what our geography is, we have in common.



What will success look like for ISBA in the next 75 years?

Linda Day: I think ISBA will have been successful 75 years from now, if people can look at the children in the state of Indiana, and say, 'They're coming out of our public education system with the capability to be good citizens, good workers, and most importantly, good people.'

Michael Downham: I can't even imagine what the challenges will be 75 years from now, or even probably 10 years from now. But the one thing I would think is that as long as the ISBA and all the school boards are doing what is best for children, the rest will take care of itself.

Todd Trehearne: We need ISBA to continue to be a storehouse of educational ideas. The Association has always been a great place to go to for information, and it needs to continue to be that.

What are the benefits you have found of attending Fall Conference, and what are some of the highlights that you remember?

Linda Singer: I hope ISBA will continue to host the Fall Conference with the superintendents' organization. The relationship between the school board and the superintendent is vital to the success of any school system.

Linda Day: I had the joy of receiving the outstanding boardmanship award during the awards ceremony that takes place during the general session. Recognizing local board members I think is a really, really important thing. Because there are people who are out there year after year after year, making a difference in their community on the school board who deserve to be recognized at the state level. And I am just so proud of ISBA for continuing to do that.

Kim Woodward: I have a lot of great memories from attending 20 Fall Conferences. The keynote speakers that really come to mind, although I won't be able to remember their names, are the mother from Sandy Hook Elementary. That was a very poignant moment. Certainly something that we as board members always have in the back of our minds is school safety. There was another gentleman who spoke a couple of years before that about safety as well. And I remember that his keynote really launched us locally into a dialogue about whether we were optimally doing everything we could to promote a safe and secure learning environment. Our board divvies up each of the breakout sessions and afterward, we make special time to sit down and go through the presentations and talk about what relevancy does that have to us. And then one final thing is, I always enjoy walking through the vendor hall and meeting with people and discovering solutions I didn't know were out there. Some of the vendor relationships that started at Fall Conference have materialized into some great outcomes for Avon Community School Corporation.

Bob Stwalley: Our board does a similar thing in that we try to take the calendar for the day and sort of split it up and send different members to different tracks. And then we try to get back together and actually have a debrief that night about what we heard and what we can take back. For me, successful conferences also have periods of time that are conducive to just cross pollination of ideas, The different times that are kind of built into the schedule, like ice cream breaks, or coffee breaks, that allow you to meet with and talk with other board members across the state I believe are important.

Todd Trehearne: I would mention that the Association Aisle on day two is an underrated aspect of the Fall Conference. And the Presidents' Breakfast is always a highlight for me. 🍷

THOUGHTS ON ISBA'S ANNIVERSARY...

"I attended my first ISBA/IAPSS Fall Conference in 1968 and was immediately inspired. I met school board members from all over the state who brought so much knowledge about so many different areas of education that I thought I would never be able to learn it all. But I soon found out that I could count on ISBA to be there to answer my questions."

— Phyllis Lewis, M.S.D. of Wayne Township, ISBA president 1978-1979

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On the Same Page?

By Steve Horton, Director of Board Services



We need to be on the same page. I wish I had a nickel for all the times I have heard the phrase – on the same page. What does that mean? Whose page should we be on? If we are all on the same page, what does that do for us? These are challenging questions to which there are no clear answers. In the realm of

school board governance, they are essential.

IT STARTS WITH CONSENSUS

Consensus, often perceived as a daunting ‘c’ word, is not just a part of school board governance; it is the very cornerstone of it. It’s not about individual decision-making authority, but the board’s collective responsibility. Consensus is the agreement reached by a group, representing the collective opinion or will. Grasping and embracing this concept is the key to effective governance. Without consensus, sound decision-making for the sake of our children is

not just limited; it’s at stake.

Where does the consensus-building process start, and why is it so tricky for school governance teams? Two essential components are needed to reach the desired outcome for the entire team: each member’s input and the ability to listen without judgment. These are difficult to achieve. By nature, board members are passionate people, and rarely can one come into a debate without preconceived notions, biases, and personal understanding. As a board, can you hear others, especially when their input is directly opposed to yours? This is a question that separates strong governance teams from those who struggle.

The challenge is sharing openly but always respecting each other’s ideas and opinions. The secret to allowing the discussion to be productive and not personal is focus. Focus on the issue or needs, your decision, and how personal views and ideas impact that decision. When shared with respect, your individual contributions are the building blocks of effective governance.

THE MATURITY OF GOVERNANCE

One trait of effective board governance is leading as a united team. Conflict and differences of opinion are not obstacles but

the path to growth and innovation. When conflict is embraced in a healthy way, it leads to collaboration and more substantial decisions. Your differences, when harnessed effectively, can be the fuel for your collective progress.

A new board member once told me that he always wanted to approach his work in a way that allows others to change his mind. That statement has stayed with me for the last decade, and I have shared it with many boards. This does not mean one lacks conviction or ideas; it is humility and openness to others' ideas. Without considering those ideas, what are you missing that is critical to the ultimate solution?

Another point to consider about board service is that the work is more significant than you. You have an influential voice, but it is only one voice among the other members. More importantly, if you expect the other team members to hear and respect you, that courtesy should be returned in kind. Respect that is not given is rarely received. When each board member views their work in that light, it changes the perspective and work of the entire group. It opens the door for actual dialog and understanding.

THE MISCONCEPTION OF "RUBBER STAMP"

I don't have empirical data on this, but anecdotally, I believe every school board has been accused of being a "rubber stamp" for its superintendent. That is not to say those boards do not exist, but it is far less frequent than public sentiment suggests. I met a fellow board candidate at a seminar; he told me that there were entirely too many yes votes. He was going to vote no. "Vote no on what?" I asked. "On everything," he replied. I asked, "But what if it is one of the many perfunctory agenda items boards are required to approve?" He answered, "I don't care. Someone needs to vote no!" I could have continued the questioning but chose not to. THE most important job of any board member is vote. That vote means something, and to make it arbitrary regardless of the agenda item at hand is to misrepresent the purpose of a governing board.

There is a more profound implication about a rubber-stamping board that has always troubled me. It is the idea that the relationship between the board and its superintendent should be adversarial. Board oversight is integral to our local school corporations' operation, but how is that oversight carried out? Are we to assume that the work of superintendents is nefarious, and that the board's role is to catch them in their debauchery? Okay, that is hyperbole, but that question has an element of truth. Empowering the superintendent to do his or her work does not negate the need for accountability. The board's role in ensuring

an open line of communication, focus on real data and evidence, and fair evaluation based on established goals is fundamental to a strong organization.

THE NEED FOR A SHARED UNDERSTANDING

I am reminded of an article I read in 2014 when I began my work with the Ohio School Boards Association. A Guide to Good Board Behavior, written by senior editor Lawrence Hardy and published in the American School Board Journal, focused on the work of the Berlin Board of Education in Berlin, Connecticut. A reporter for a local newspaper set out to investigate a growing controversy. The Berlin board had way too many 9-0 votes. At that time, board president Gary Brochu was asked, "Why is it you never disagree about anything?" Brochu's response was very well put, "We aspire to boring professionalism." For that board, and every other board, it is not about whether you disagree; it is about how you come to a final vote.

It is essential for the board to maintain strong relationships with each other and with the superintendent. The best decisions are based on good information and data, always with the valuable input each leadership team member brings to the table. That does not happen without open communication, trust, and mutual respect, which allow each team member to do his or her best work. This also provides for fair evaluation and course correction if needed.

The article goes on to discuss Berlin's board handbook. The board took it upon themselves to produce and approve a handbook that outlines core values, expectations, and working protocol in writing. Though not legally binding, the document allows the board to operate cohesively. It codifies the board's working culture and what it sees as most important to its work. In the article, Brochu says, "We have an obligation, a moral obligation, to model for the district how we expect the district to conduct itself. We want to say, 'This is who we are. This is what we agree together to be, and we're going to hold ourselves accountable.'"

IT'S NOT ROCKET SCIENCE

I have said that being a school board member is not rocket science. The reality is it is more complicated. School boards work in human emotion, passion, and experience. We can only see the world through our own lens; if that is our only view of the world and our work, it is pretty limited. You need to be on the same page with your fellow board members to expand that view through each member's personal lens. That takes concentrated effort, but it is the key to doing strong work together if it is done well. 🌟

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CHANGES TO LAWS ON SCHOOL BUILDINGS

By Lisa F. Tanselle, Esq., General Counsel



The General Assembly made more changes to the laws on underutilized school buildings and making school buildings available to charter schools and post-secondary educational institutions this past legislative session. These changes will go into effect July 1, 2024. For those school corporations with

declining enrollment and those that are looking at the use of existing school buildings, it is important to review P.L. 36-2024 (SEA 270) to understand the actions that are required by the laws.

UNDERUTILIZED SCHOOL BUILDINGS¹

In 2023, the General Assembly enacted provisions applicable

to school corporations experiencing a 10% decline in in-person enrollment in a school year as compared to the previous five school years and with more than one school building serving the same grade levels. Those provisions require the school boards of such school corporations to annually review the usage of school buildings and report to the Department of Education (DOE) the designed occupancy and usage of all its buildings. The statutes also define when a school building is considered to be “underutilized” and permit a school board to close the school building if it has been underutilized for three years and there is another school building within 20 minutes of travel time by car or bus that has the capacity to take the students enrolled in the underutilized building. Lastly, the statutes create a process whereby charter schools or state educational institutions can petition the DOE for a determination that a school building meets the definition of an underutilized school building and therefore should be made available to the charter school or state educational institution.

This past legislative session, the General Assembly made two changes to these existing statutes. The first change was to the definition of an underutilized school building. Current law refers to a building being underutilized if the number of students enrolled in the building for the current school year and two previous school years was not at least 60% of the known classroom design capacity. Starting July 1, 2024, that percentage will drop to 50%, meaning a school building will be considered underutilized if in the current school year and the two previous school years the number of students enrolled in the building is not at least 50% of the known classroom design capacity.²

The second change made by the legislature was to the language that permits a school board to make an underutilized school building available to a charter school or state educational institution. Starting July 1, 2024, the law will require a school board to make such a building available to a charter school or post-secondary institution that goes through the process set forth in statute.

CLOSED SCHOOL BUILDINGS³

For several years, school boards have been required by law to notify the DOE of when a school building has been vacant and/or closed in order to make such buildings available to charter schools and state educational institutions for purchase or lease for \$1. The law has been the subject of several lawsuits, including one that challenged the constitutionality of making school buildings available to charter schools and post-secondary schools for \$1, but its validity remains intact.⁴

In an effort to further define when school buildings must be made available to these institutions, the General Assembly made several changes to existing statutes. Again, these changes will take effect July 1, 2024.⁵

NOTICE TO THE DOE

No later than 30 days after the date a school board determines at a public meeting to cease using a school building “for classroom instruction on student instructional days,” the school corporation must provide written notice to the DOE of the date that the school building has ceased or will cease being used for classroom instruction.

The written notice must state whether the school corporation intends to make the school building available for purchase or lease by a charter school or state educational institution. If the school corporation does not intend to make the building available, the school corporation must state “the factual and legal basis for the

school corporation’s contention that the covered school building is not required to be made available.”

If a school corporation fails to provide the required written notice to the DOE, any claim for exclusion from a requirement to make a building available is waived. Additionally, any claim for exclusion that is not stated in the written notice is waived.

DOE NOTICE REQUIREMENTS

Within 15 days of receiving a school corporation’s notice, the DOE must provide written notice to all interested persons. Interested persons is defined as each state educational institution, each charter school within the county of the school corporation that submits the required notice, all charter school authorizers, each trade or professional organization representing charter schools, and the Indiana charter school board.⁶

If a school corporation acknowledges that its school building will be made available, the DOE notice must state that an interested person must submit a notice of interest within 60 days of receiving the department’s notice. If a school corporation submits a claim that a school building will not be made available, the DOE must inform interested persons that they have 30 days to submit a rebuttal to the factual and legal basis for not making a building available as submitted by the school corporation.

CHALLENGE PROCESS

If a rebuttal is submitted by an interested person, the DOE has 60 days to make a determination as to whether the school building must be made available. The DOE is required to publish a copy of its determination on the DOE website. The school corporation or the interested person may appeal the decision within 30 days after the date the Department issues its determination to the State Board of Education, pursuant to the procedures in IC 20-26-11-15(b).

Within 15 days of either the expiration of the time period for appealing to the State Board or the State Board concludes that a building must be made available to an interested person, the school corporation must make the building available for inspection by the interested person and provide information on the estimated operating expenses of the building and the overall condition of the building. If the school corporation fails to do so, the DOE must request that the Attorney General take steps to enforce the order.

FINAL ACTIONS

An interested person who wishes to purchase or lease a school building must submit a preliminary request to the DOE within

90 days of receiving the DOE notice above. The charter school or state educational institution must submit the name of the institution that is interested in leasing or purchasing the building and the time frame for occupying the school building. The time frame may not exceed three years (it was previously two years).

If the DOE does not receive any preliminary requests to purchase or lease a school building within 90 days, the DOE must send notification to the school corporation and the school corporation may then sell or otherwise dispose of the school building.

In addition to making the above changes, the General Assembly added language to the chapter further clarifying its intent. The new language states that the provisions in the chapter “shall be liberally construed to serve the legislative purpose of making closed covered school buildings available for use by charter schools.”⁷⁷ This language will be used by the DOE, the State Board of Education, the Attorney General, and the courts in their interpretations of what the law requires of school corporations.

Over the years, the legislature has expressed its belief that school corporations are not making buildings available to charter schools and state educational institutions as intended by this body. The changes made this past session are another attempt to set forth their expectations. School boards and school administrators, along with local counsel, need to review these changes to abide by the legislature’s intent.

This article is written for informational purposes only and is not an exact recitation of IC 20-26-7-47 and IC 20-26-7.1. School officials should consult with local counsel as decisions regarding school buildings are made. 📌

REFERENCES

- 1 IC 20-26-7-47 & IC 20-26-7-48
- 2 P.L. 36-2024, SEC. 2
- 3 IC 20-26-71
- 4 Lake Ridge Sch. Corp. v. Holcomb, 198 N.E.3d 715 (Ind. Ct. App. 2022)
- 5 P.L. 36-2024, SEC. 5
- 6 IC 20-26-71-2.2
- 7 P.L. 36-2024, SEC. 9



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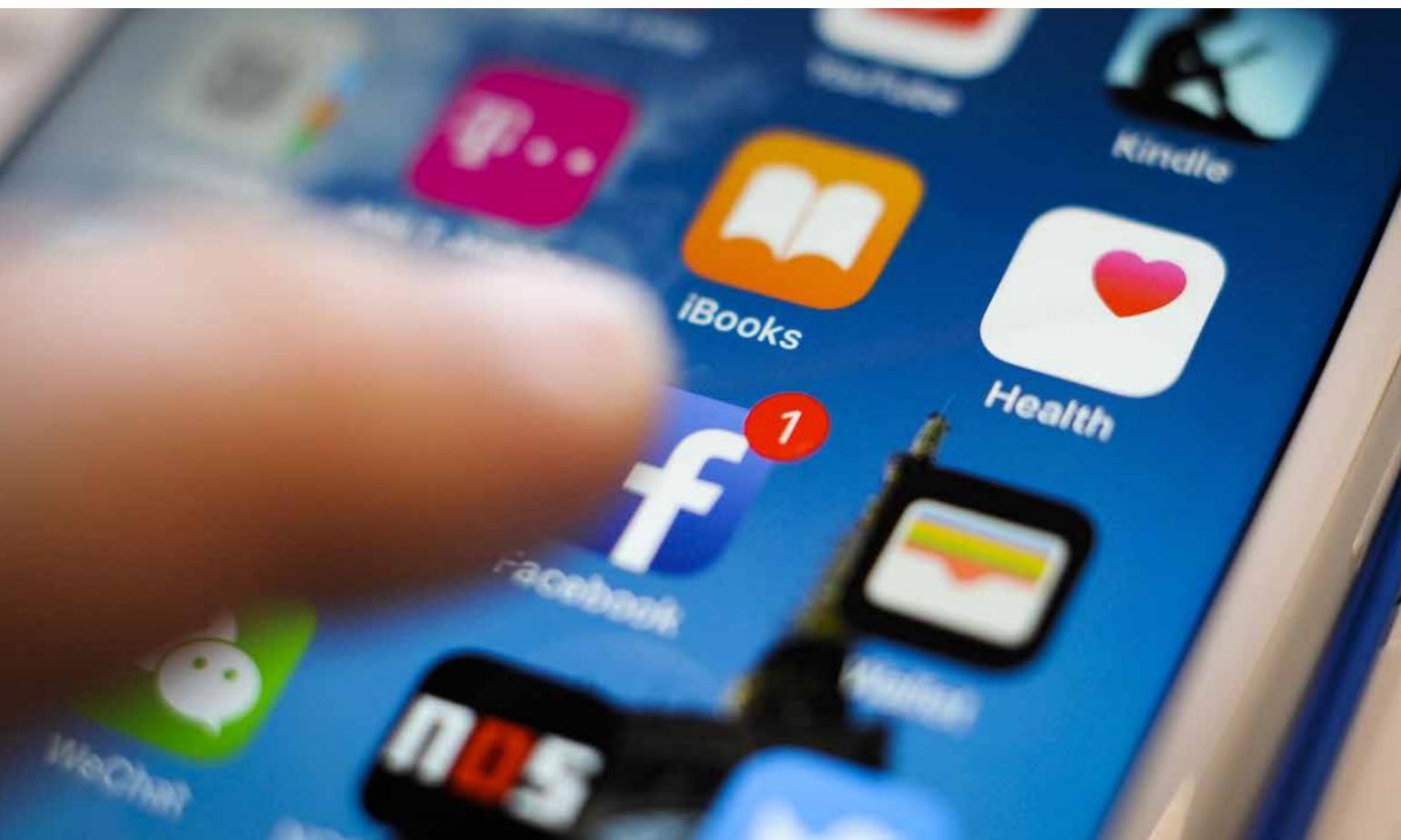




Policy Advisor

By Julie M. Slavens, Esq., Senior Counsel/Director of Policy Services

BOARD MEMBER SOCIAL MEDIA PAGE: A Public Forum or Not?



As is the case with most of society, individual school board members have their own social media pages whether on Facebook, Instagram, or other social media platforms. In many instances, the individual school board member created the social media page long before thinking about running for the local school board. Thus, the social media page created was the individual's own personal page. Once the school board member was running and elected to the school board, the individual school board member may have used the page to provide campaign information and/or to provide information about the school board or related matters. Does use of the social media page by the individual school board member make it a public forum wherein the individual school board member cannot control whose comments are allowed or deleted or who they block from posting on the social media page? This question was answered recently by the United States Supreme Court in a unanimous decision. The case was *Lindke v. Freed*, 144 S.Ct. 756(2024).

The case was combined with a case with similar facts but the same legal issue was presented: is the personal social media of a government official wherein information about the governmental entity is provided by the government official a public forum subject to the requirements of the First Amendment? Freed was a City Manager but the defendants in the companion case were school board members. The Court made its decision based upon the facts of the *Lindke* case. Its findings would be applied to the companion case on remand to the circuit court as both lower courts used different tests in their review of the cases then the test established by the United States Supreme Court.

FACTS OF THE CASE

The facts of the case as summarized by the Court are as follows: James Freed, like countless other Americans, created a private Facebook profile sometime before 2008. He eventually converted his profile to a public "page," meaning that anyone could see and comment on his posts. In 2014, Freed updated his Facebook page to reflect that he was appointed city manager of Port Huron, Michigan, describing himself as "Daddy to Lucy, Husband to Jessie and City Manager, Chief Administrative Officer for the citizens of Port Huron, MI." Freed continued to operate his Facebook page himself and continued to post prolifically (and primarily) about his personal life.



Freed also posted information related to his job, such as highlighting communications from other city officials and soliciting feedback from the public on issues of concern. Freed often responded to comments on his posts, including those left by city residents with inquiries about community matters.

He occasionally deleted comments that he considered "derogatory" or "stupid."

After the COVID-19 pandemic began, Freed posted about it. Some posts were personal, and some contained information related to his job. Facebook user Kevin Lindke commented on some of Freed's posts, unequivocally expressing his displeasure with the city's approach to the pandemic. Initially, Freed deleted Lindke's comments; ultimately, he blocked him from commenting at all.

Lindke sued Freed under 42 USC Section 1983, alleging that Freed had violated his First Amendment rights. As Lindke saw it, he had the right to comment on Freed's Facebook page because it was a public forum. The District Court determined that because Freed managed his Facebook page in his private capacity, and because only state action can give rise to liability under Section 1983, Lindke's claim failed. The Sixth Circuit affirmed.

The Court began its analysis reviewing the text of 42 USC Section 1983 and focused on the words "under color of" state statute, regulation, custom, or usage. The Court in prior cases has ruled an individual acting "under color of" state law is a state actor. Thus, the Court would need to determine first if Freed was a state actor when he posted information related to his job as City Manager on his personal Facebook page. If he was a state actor, the Court would then determine if he created a public forum by doing so. The Court stated it is usually clear when a person is acting under color of law or as a state actor as opposed to a private citizen. This is true in cases of actions taken by a police officer or school employees when performing their job duties. It was clear in this case that Freed was a government official as he was a City Manager, but was his conduct in posting about his job or related information "state action" or was it a function of a private citizen? This is the question the Court had to answer in this case.

The Court stated Freed's status as a state employee was not determinative but rather it had to look at the substance of the conduct. It pointed out state officials are also private citizens with

the First Amendment right to speak about their jobs and have editorial control over posts and comments made on their personal social media platforms. So, if Freed acted as a private citizen when he deleted comments by and eventually blocked Lindke, he did not violate Lindke's First Amendment rights but instead Freed exercised his own rights as a private citizen. The Court stated the Free Speech Clause protects against "governmental abridgment of speech and not private abridgment of speech." But also pointed out when a citizen becomes a government employee or official, the citizen does not "relinquish ... First Amendment rights" as a private citizen. Thus, conduct requires a closer look and is a fact intensive inquiry.

The Court reviewed its precedent on this issue and concluded in this context of a state actor posting on social media about government matters the state actor had to have authority of the state in order for it to be attributable to the state as required by Section 1983. This is the first prong of the analysis to be applied in this context. The mere fact of a government employee posting about his job or related matters did not prove he had authority to do so. The Court found Lindke skipped this step at the lower court. He did not provide evidence that Freed had the authority of the city to speak on its behalf on Freed's social media page. The Court ruled this is a critical step as it is what makes the conduct state action. This is the gravamen of a case under Section 1983. "To misuse power, one must possess it in the first place" and it is required to show the state actor had such "power" or the conduct cannot be considered attributable to the government. The issue with respect to possession of state authority is whether the state actor has *actual* authority to engage in the conduct that deprived a constitutional right and not perceived authority by citizens.

Once state authority has been established, in the context of social media posts, the Court set out a second prong: the state actor must also purport to use the state authority. The Court points out this is also a fact-specific inquiry as the content and function of the posts are important considerations. Are the posts merely repeating or sharing information that can be found elsewhere such as on the government's official website? If so, the Court states this is most likely the state actor's private voice and not the voice of the government. If the state actor states on social media he is speaking in his official capacity and the information cannot be found anywhere else, then he is most likely engaging in state action. Another example is whether the page is designated as



an official page of the state actor or he states he is speaking as a private citizen. These are the factors that must be considered in determining if the second prong of the test has been met. The Court remanded the case as the lower court used a different test to decide the case. The lower court was instructed to decide the case using the two-prong test set out by the Court in this case.

THE COMPANION CASE

In the companion case involving the school board members, O'Connor-Ratcliff and Zane created public Facebook pages to promote their campaigns for election to the local school board. While O'Connor-Ratcliff and Zane both had personal Facebook pages that they shared with friends and family, they used their public pages for campaigning and issues related to the school district. After they won the election, they both continued to use their public pages to post school district-related content, including board-meeting recaps, application solicitations for board positions, local budget plans and surveys, and public safety updates. They also used their pages to solicit feedback and communicate with constituents. Their Facebook pages described them as "Government Official[s]" and noted their official positions. Christopher and Kimberly Garnier, who had children attending the school district, often criticized the board of trustees. They began posting lengthy and repetitive comments on the social-media posts. O'Conner-Ratcliff and Zane initially deleted the Garniers' comments before blocking them from commenting altogether.

The Garniers sued seeking damages and declaratory and injunctive relief for the alleged violation of their First Amendment rights. At summary judgment, the District Court granted the school board members qualified immunity as to the damages claims but allowed the case to proceed on the merits on the ground

that the school board members acted "under color of" state law when they blocked the Garniers. The Ninth Circuit affirmed. It held the state-action requirement was satisfied because there was a "close nexus between the Trustees' use of their social media pages and their official positions." The court cited its own state-action precedent, holding the state action was based largely on the official "appearance and content" of the school board members' pages. The Court remanded the case to the circuit court for further proceedings because the circuit court applied a different standard from the one set out in the *Lindke* case. *O'Conner v. Garnier*, 144 S.Ct. 717 (2024)

THOUGHTS ON USE OF SOCIAL MEDIA BY BOARD MEMBERS

Based upon the facts of both cases and the Court's inability to determine if the social media pages in *Lindke* were private pages, it would be a best practice for a board member who uses any social media platform to state the information provided in the post is

that of the board member's own personal opinion and is not an official page or communication of the school board or the school corporation nor is the board member acting on the authority of the school board or school corporation.

If a school board has a policy on the use of social media by individual board members, then it should state social media pages created by individual board members are not official social media platforms for the school board or school corporation nor does the school board member have the authority to speak on behalf of the school board on such platforms. The policy should also require the individual board member to include a disclaimer on their own created social media that the content is that of the individual board member and is not an official communication of the school board or school corporation. 📌

If you have any questions about information in this article, please contact Julie M. Slavens, Senior Counsel/Director of Policy Services, by phone: 317/639-4362 or by e-mail: jslavens@isba-ind.org.

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How Public Schools Can SURVIVE A FIRST AMENDMENT AUDIT



By Thom Fladung, Hennes Communications

“Nothing in the Constitution requires the Government freely to grant access to all who wish to exercise their right to free speech on every type of Government property without regard to the nature of the property or to the disruption that might be caused by the speaker’s activities.”

- U.S. SUPREME COURT

“What is to stop me from walking into the public lobby of a school and recording? As far as I’m concerned it would be protected first amendment recording.”

- FIRST AMENDMENT AUDITOR, *commenting on Reddit*

The auditors are at the front door. And they don’t want to talk about your financial health. Public schools, police departments, public libraries, local health departments and other government bodies that work in public buildings across the nation have been subject over the past few years to a practice that’s grown in popularity and shows no sign of stopping: “First

Amendment audits.” The practitioners call themselves “First Amendment auditors.” Their actions are intended to test whether or not government officials will protect their constitutionally protected right to take video in a public space. Whether acting solo or with other “auditors,” they show up unannounced in public buildings and prowl the hallways, often baiting public

workers to provoke an emotional verbal or knee-jerk physical response on camera. The trend that began with police, including some of the earlier documented instances at Indiana police departments in 2020, has more recently spread to public schools. Earlier this school year, in the Dayton, Ohio, area, schools across the region were visited by a man, armed with a

video camera, who said he wanted to walk around the school and interview employees on camera. As the Dayton Daily News reported: *When a 25-year-old Dayton man attempted to walk into multiple Dayton-area school buildings this month to record video and ask questions, the school districts – which have increased safety protocols in the past decade – requested that he leave. When the man pushed back, calling himself a “first amendment rights auditor,” the schools turned to law enforcement. The incidents raised the question of what access rights the general public has to buildings such as public schools and government offices.*

What’s helping drive the practice? Well, it’s not always just interest in testing and protecting First Amendment rights. For some it’s another American tradition – capitalism. As the Washington Post reported, some of the most popular practitioners “are cashing in – experts say the most popular auditing channels can generate more than \$150,000 a month through ads and subscriptions on YouTube, Facebook and TikTok.”

And with the 2024 national election fueling political passions – and online traffic – it’s a safe bet the audits aren’t going to stop. There are, though, steps you can take to survive a First Amendment audit that are very similar to advice about ambush news interviews:

- **Keep your cool.** No matter how dark your mood ring is when you are ambushed by First Amendment auditors, bite your lip, take a deep breath, and be as polite, calm, and helpful as you can when confronted. Sure, they are recording video of the encounter, but by being polite, you are not giving them the bombastic video they are hoping for. In short, be boring. And offer to give the auditor time –

but on your terms: “We appreciate your interest in our schools. This isn’t a good time to talk about those concerns and we can’t allow you to disturb the important educational activities that are occurring on the other side of these doors. However, we would love to set up a time to talk about your concerns. Can I have our principal/superintendent/board president give you a call?”

- **Place prominent signage to identify “employee-only” areas.** Otherwise, auditors will assume all areas are public areas in which they have a constitutionally protected right to take video.
- **Educate and train staff.** Make sure your employees, especially those in public facing positions like staffing front desks, know what a First Amendment audit is, and how you expect them to deal with one. Work with an agency to conduct mock audits to drill employees so they are confident and prepared should an audit occur.
- **Meet with your attorney to review or create harassment and abusive behavior policies.** Post them prominently on office signage, on your website, and on social media platforms.
- **Have a plan.** The best insurance against your school getting caught unprepared? Be sure you have a crisis communication plan that anticipates and helps you address a First Amendment audit and other nightmare scenarios your office could face.

School boards across the country also have adopted policies that may include some of the following language:

- To maintain the safety of students and staff and to ensure that no unauthorized persons enter buildings, all visitors must first report to the main office to receive authorization to visit.
- School principals and their designees are authorized to take appropriate action to prevent and remove, if necessary, unauthorized persons from entering District buildings, loitering

WHAT IS A FIRST AMENDMENT AUDIT?

The practitioners call themselves “First Amendment auditors.” Their actions are intended to test whether or not government officials will protect their constitutionally protected right to take video in a public space.

- on the grounds, and/or creating disturbances anywhere on District property.
- All persons on District grounds are expected to abide by all applicable laws, local ordinances, Board policies, and District and building regulations.
- No person on District property may assault, strike, threaten, menace, or use improper, indecent, or obscene language toward a teacher, instructor, other District employees, or students at any time.
- No person may disrupt, disturb, or interfere with the teaching of any class of students or any other activity conducted in a school building or upon the campus or grounds at any time.
- Whoever violates this policy and/or building regulations will be asked to leave the property by whoever is in charge. Should that person refuse, law enforcement officials will be called.
- Use of audio or visual equipment to record classroom activities must be approved by the principal and the teacher. No visitor shall be allowed to videotape students in the classroom without the prior consent of the principal, as it may violate the privacy rights of students unrelated to the visitor.

As with many potential crises, public schools can’t predict when a First Amendment auditor decides to show up at your entrance. But you can plan for it. And then, you’ll be ready to deal with it.



THE POWER OF PUBLIC SCHOOLS

By Robert M. Stwalley III, Ph.D., P.E.



Public education holds the most essential place possible within a society that functions as a representational democracy. It is outlandish to expect that an uneducated citizenry could make rational and logical choices about their leadership if they are ignorant of the key issues of the times and unaware of the background of those individuals vying for office. A minimum amount of education is vital before one can be trusted responsibly with the franchise. This idea in many ways explains the American Founding Fathers' lack of trust in the common people and why under the constitution, they insulated the highest offices in the land from direct voter accountability. American citizens during the revolutionary period had fairly low general levels of educational achievement. However, the Founding Fathers understood the deficiency within their new nation and sought to correct it. In particular, Thomas Jefferson wrote in multiple documents about his concern for the collective American "mass of the mind." Jefferson had seen European society and understood how a lack of education within peoples' lives kept many from the success they might have otherwise achieved. He understood that education was the key to personal betterment, and he set-out to do something about it for his countrymen. Jefferson was a huge proponent of what today we call public education. He promoted it throughout the United States, and eventually, founded the University of Virginia.

Jefferson understood that by educating the people of the country, he was raising the caliber of the country. Public education has become far more successful than he could have imagined. It provides opportunities for all students, regardless of their backgrounds or resources. It provides social mobility for ambitious and determined individuals, contributing to economic growth and societal advancement. Public schools prepare individuals for fruitful participation in society. The beliefs of active citizenship, democratic principles, and responsibility are taught in public schools, and these ideals within our culture are the sustainable concepts that form the

PUBLIC EDUCATION IS ASPIRATIONAL. IT EMPHASIZES THE POSITIVE, ENCOURAGES SOCIAL COHESION, AND ACTS AS A UNIFYING INFLUENCE WITHIN OUR CULTURE.

common core of the society that we live in. Public education serves as the largest unifying factor within our nation, and it prepares all citizens for participation in our form of government.

Public education is aspirational. It emphasizes the positive, encourages social cohesion, and acts as a unifying influence within our culture. Students of all families are brought together under a single, unified system to learn about their society, heritage, and world. This educational enterprise provides a deep-seated sense of community to the students because it allows people of different races, backgrounds, and upbringings to come together and participate in all kinds of activities as equal partners. Public schools expose our children to a broad range of subjects, including science, applied technology, literature, and the arts. The wide range of learning encourages an appreciation for diverse perspectives, critical thinking, and creativity. By schooling the community's

children within a single local system, public education is able to diminish social barriers and foster understanding between those of different upbringings.

Public education drives economic activity and social mobility. Beyond educating our youth with the skills and knowledge needed to succeed in the workforce, public schools foster healthy competitiveness. Student participation in rules-based athletics, formalized academic challenges, performance art, and STEM competitions simulates the methods of the Western professional and commercial world, where these students will work and earn their livings. Public schools set the tone for their lives by promoting team-based activities, which will continue throughout their working careers and drive forward the economic development in our society.

Public schools contribute to the cultural commonality of our nation. Public schools are diverse and draw strength from that diversity. They expose children to a wider world than they could ever hope to see through their family's efforts or on their own. They utilize a common curriculum and promote positive, inclusive values in students. Public schools play a critical role in civic education, encouraging volunteer activity, charity, and engagement at the local level. They provide equitable access to educational resources for all students, giving them an equal opportunity to succeed in life. Public schools represent the best of our various community's cross-sections, and they prepare our students for adult participation in our pluralistic society.

The list of inspirational and positive activities within the public school system is nearly too numerous to provide, but it is essential that all of these activities take place, so that no child comes through the system without finding something of interest or lacking the tools for survival and happiness in our modern society. Schools are a safety net. We provide food and health services for students whose families cannot afford them. English is taught to non-English speakers, and students are shown that other adults in their lives care about their success and are available to them as mentors. All children, including those with special needs, are welcome in our buildings. Our schools demonstrate daily the power of inclusiveness, tolerance, and understanding. Teacher-led lessons break down stereotypes and prejudices. The extra-curricular family activities run by the public school system encourage a sense of unity and shared community identity among the participating children and families. Public schools train our children how to act in society after they leave school.

It is a time-tested truth that the classroom of today will be the society of tomorrow. Lincoln observed and made note of this fact over 150 years ago, which is precisely why we need to be so careful with this extremely valuable and important cultural institution. The job of public schools is not to instill a state religion, create worker-bee employees, or condition one-sided partisan voters, but to develop an enlightened citizenry. Those who would diminish or destroy public education are ultimately attempting to change our society into something very different from what we have today, and we should remain extremely skeptical of those efforts and the motivation of those promoting the plans to do it. Public schools produce creative and insightful graduates, who can think for themselves. Great things are happening every day in our public schools, and each day brings a renewed effort to improve upon the performance of the day before.

The power of public schools is what they do for the future. The students of today will become the citizens of tomorrow. They will understand and know what we teach them. Our primary job is to ensure that the knowledge they gain is sufficient for them to make their way in the world. However, our role as board members also means that we set the tone and gestalt for the entire enterprise. If we expect our society to stand the test of time, then the culture that

we create within our school buildings must be worthy of that goal. We must insist that all students be included in the educational enterprise, with no one excluded. We must ensure that the

diversity of human culture be respected in our lessons, and we must provide the resources that are adequate to the task of educating the next generation. We must create the culture within our schools that we want to see in our society. If we do these things correctly, then we will develop productive, self-reliant students with creative talents, empathy for others, and civic responsibility. Our graduates can be trusted to play their role in our form of government. Public education is

a foundational cornerstone of our society, and it holds a significant role in our nation. It is vital that we proceed with intelligence and caution when discussing changes within an institution that allows our country to function as the world's leading representational democracy. That result is due to the power of public education. 🌱

Dr. Bob Stwalley is the current President of the Lafayette School Corporation Board of Trustees, a Past-President of the Indiana School Boards Association, the Chair-Elect of the Consortium of State School Board Associations, and a faculty member in the Agricultural & Biological Engineering Department at Purdue University. He is a well-regarded collegiate instructor in both engineering and technology-based courses, and he has been leading an interdisciplinary research group in the Colleges of Engineering and Agriculture studying the positive effects of intentional mentoring on low socio-economic status undergraduate STEM students. Dr. Stwalley is a member of the COSSBA Board of Directors and Executive Committee, the COSSBA Governmental Affairs Advisory Committee (GAAC), and the ISBA Board of Directors and Executive Committee.



THE JOB OF PUBLIC SCHOOLS IS NOT TO INSTILL A STATE RELIGION, CREATE WORKER-BEE EMPLOYEES, OR CONDITION ONE-SIDED PARTISAN VOTERS, BUT TO DEVELOP AN ENLIGHTENED CITIZENRY.

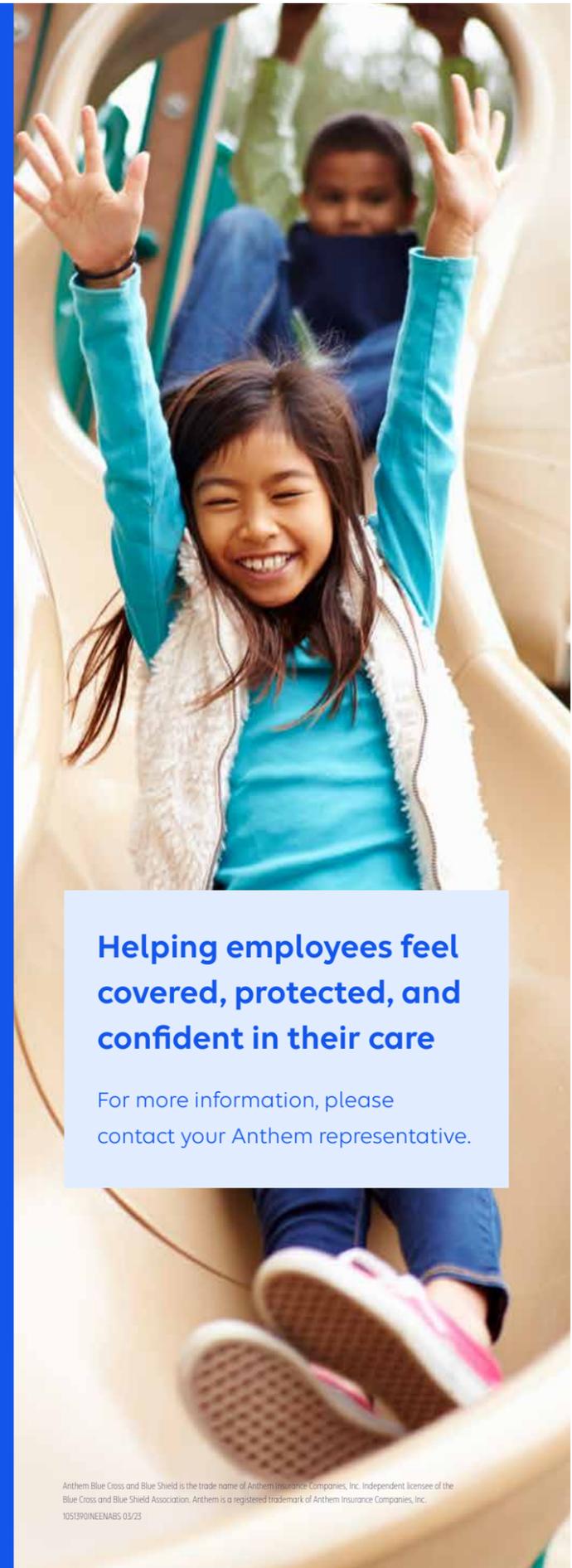


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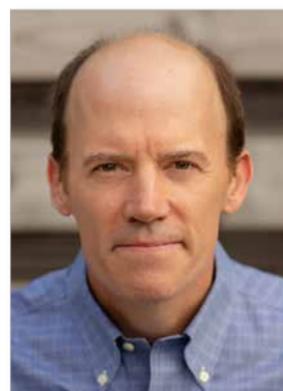
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SCHOOL VISIT OBSERVATIONS

BY AN INDIANAPOLIS PUBLIC
SCHOOLS COMMISSIONER

By Will Pritchard, Indianapolis Public Schools Commissioner



I graduated from public schools and our kids attend public schools but my occupation is affordable housing. When I was elected to the Indianapolis Public Schools Board of Commissioners I was quickly immersed in a world of acronyms, pedagogies, standardized tests, district budgets, and union contracts. Public education is complicated.

So I decided to hit the road. With the awareness, support, and coordination assistance of the district and school leaders, I visited 56 IPS-managed, Innovation Network (a partnership of IPS and independently managed schools), and independent charter schools within the district's boundaries. Over about two hours, principals and teachers share their pathways into education, challenges, and successes.

The challenges are prodigious, and most come from outside school. Children living in shelters and hotels, transitioning between multiple homes – and often multiple schools – in a single school year. Building a classroom culture when many of the students revolve mid-year. Kids of all ages witnessing, or experiencing, violence. Families living in poverty.

Society's dysfunction takes a toll on children. A second-grader woke up a parent to take her to school in the Martindale Brightwood neighborhood. A student who had never crossed White River, which bisects part of the city. Kids who arrive mid-school year without knowing a word of English. High school kids missing school so they can work. Children caring for other children.

Many kids are still struggling from COVID. Teachers tell me student stamina has declined. Kids have a hard time self-regulating and de-escalating tense moments. COVID changed the attendance perception: kids are more likely to stay home, or not return to school after a morning doctor appointment, or even schedule vacations on school days. Some parents prefer the safety of home.

Like most of our urban infrastructure, schools haven't kept pace with repairs and improvements. The average IPS building is over 60 years old. Many of our schools are either in dated facilities, or in buildings, e.g., converted warehouses or offices, that were not designed to be schools. Children are squeezed into buildings that are too small. Principals give up their office so a social worker can meet with a student. Classes temporarily held in the school gym. Interventionists working with students in the hallway.

Principals and teachers have challenges too: limited time for professional development, low wages for Interventionists and assistants, lengthy processes to remove ineffective teachers, inflexible pacing guides, lack of autonomy, pressure to perform.

Despite the challenges and our tendency to criticize public

education and even teachers, I share with you a few observations from my dozens of school visits that will never make the headlines, but that paint a more complete picture of classrooms in Indianapolis.

Amazing progress and incredible experiences happen every day in public schools across the city. Children are learning. They are building relationships. They are improving their reading skills, solving math problems, exercising, playing music, creating art, writing poetry, and challenging themselves every day.

Our successes owe much to our abundance of outstandingly talented teachers. They are devoted! They love their students. They're spending their own money on class supplies. They are keen listeners. They're experienced. One school on the near southside had four teachers who have been there for more than thirty years; they are committed to the community and have educated two generations of students.

Over the past three years I have observed several teachers with complete command of overcrowded classrooms. On a visit to Ernie



Pyle, a Pre-kindergarten through 5th grade school near the Speedway on the westside, I witnessed a special kind of magic as a kindergarten teacher quickly connected with a child who only knows a few words of English.

Yet despite their expertise, training, and experience, is there a profession more second-guessed than teaching?

But the secret sauce is our kids. To paraphrase a high school principal, our students are creative, intelligent, honest, and tolerant. They are artists, spelling geniuses, amazing athletes, language learners, mathematicians, and imaginative writers. The short stories and poems they write at school reveal a depth of awareness and thoughtfulness that many of us IPS parents seldom glimpse at home.

Spend a few hours in an elementary classroom and realize the boundless potential of our children to transform the future of our city. If we can provide the boost they need.

It's not a surprise, then, that 88% of parents are satisfied with the quality of their school, according to a 2022 Indiana Department of Education survey. Yet the negative news about schools – ours, and those around the country – abounds, and vastly outweighs the positive. We surely have a lot of work to do.

In 2022, in response to some of the challenges facing the district, the IPS board approved the Rebuilding Stronger initiative,



an ambitious plan to redesign the district, offering equitable access and opportunity for all students, not just those that live in a certain neighborhood or attend a select school.

The plan will split all district-managed schools serving grades kindergarten to eighth grade into distinct elementary (K-5) and middle schools (6-8) and divide the district into four zones. The disruption is palpable for families and school staff.

Yet ultimately, 100% of middle school students will have access to enriching opportunities such as Band/Orchestra, World Language, and Algebra 1. Less than half of middle school students currently have access to these programs and classes. Dividing the district into four zones and replicating school choices in each zone will decrease student mobility by an estimated 76%!

To address aging facilities, the IPS board and district voters approved a \$410 million Capital Referendum in 2023. This Referendum will make unprecedented improvements to dozens of schools. Now one year into this massive construction project and in a challenging cost environment, the district and its partner contractors are on schedule and under budget, a remarkable achievement so far.

These are transformative changes to address long-standing challenges. Yet I have concluded that the headlines, which often focus on the crises, are missing the story. They overlook the small, quiet triumphs that happen every day in our schools, where talented kids blossom and discover new gifts daily thanks to great teachers. 🌱

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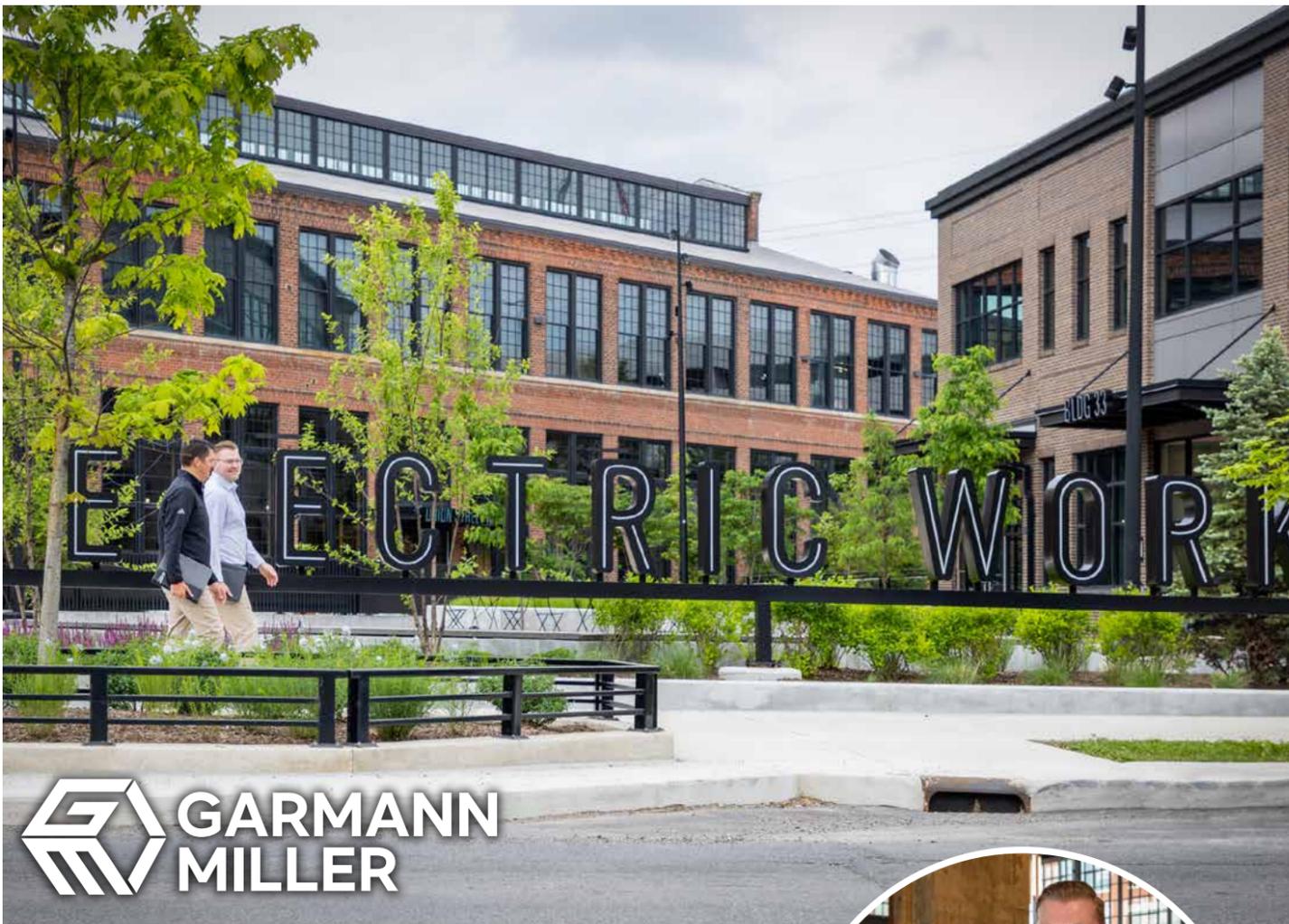


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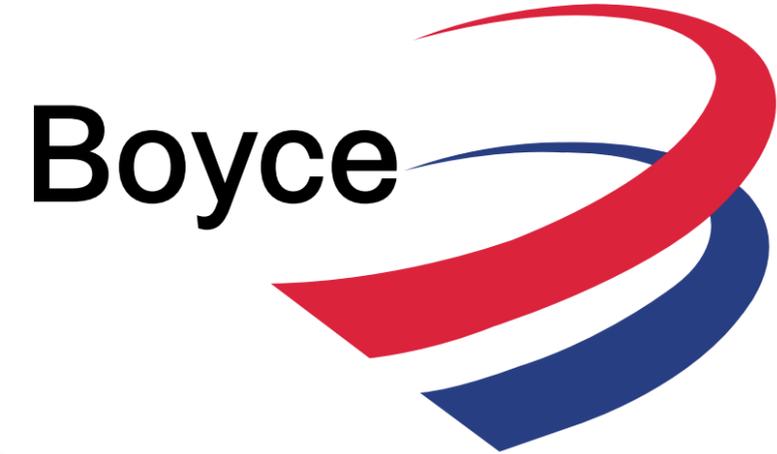
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- Lewis & Kappes**
lewis-kappes.com
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- Meyer Najem**
meyer-najem.com
- Moake Park Group**
moakepark.com
- Moisture Management**
moisturemanagementllc.com
- Neola**
neola.com
- Paramount Health Data Project**
healthdataproyect.org
- Patterson Horth**
pattersonhorth.com
- Pepper Construction**
pepperconstruction.com

- Performance Services**
performanceservices.com
- Rachel Wixey & Associates**
rachelwixey.com
- RATIO Design**
ratiodesign.com
- Raymond James**
raymondjames.com
- SafeHiring Solutions**
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- Schmidt Associates**
schmidt-arch.com
- SitelogIQ**
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- Skillman Corporation**
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- Sodexo**
us.sodexo.com
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sfelc.com
- Stair Associates**
staimet.biz
- Stratelign**
stratelign.com
- Telamon Energy**
telamonenergy.com
- The Nutrition Group**
thenutritiongroup.biz
- TowerPinkster**
towerpinkster.com
- Trane**
tranepupply.com
- TWPeterson Law Office**
no website
- Veregy**
veregy.com
- Veridus Group**
theveridusgroup.com
- VPS Architects**
vpsarch.com
- Warrick & Boyn, LLP**
warrickandboyn.com
- Weigand Construction**
weigandconstruction.com

- ASSOCIATE MEMBERS**
- Area 30 Career Center**
area30.k12.in.us
- Association of Indiana Counties**
indianacounties.org
- Blue River Career Programs**
brcp.k12.in.us
- Burriss Laboratory School, Ball State University**
burrisslab.bsui.edu
- Central Indiana Educational Service Center**
ciesc.org
- Central Nine Career Center**
central9.k12.in.us
- Daviess-Martin Special Education Cooperative**
dmsec.org
- Earlywood Educational Services**
earlywood.org
- East Central Educational Service Center**
ecesc.k12.in.us
- Educators Now**
educatorsnowllc.com
- Heartland Career Center**
hcc.k12.in.us
- Indiana Association of Career and Technical Education Districts (IAC TED)**
iacted.org
- Indiana Association of Colleges for Teacher Education (IACTE)**
inaacte.org
- Indiana Farm Bureau**
infarmbureau.com
- Indiana School Public Relations Association**
indiana-nspra.org
- Indiana State University, Bayh College of Education**
indstate.edu/education
- Indiana University Bloomington, School of Education**
education.indiana.edu

- Indiana University Bloomington, School of Education, Department of Educational Leadership and Policy Studies**
education.indiana.edu/programs/educational-leadership
- Ivy Tech Community College**
ivytech.edu
- Northern Indiana Educational Service Center**
niesc.org
- Northwest Indiana Educational Service Center**
nwiesc.k12.in.us
- Northwest Indiana Special Education Cooperative**
nisec.org
- Old National Trail Special Services**
ont.k12.in.us
- Porter County Education Services**
pces.k12.in.us
- Purdue University, College of Education**
education.purdue.edu
- Region 8 Education Service Center**
r8esc.k12.in.us
- Ripley-Ohio-Dearborn Special Education Cooperative**
rodspecialeducation.org
- South Bend Empowerment Zone**
sbezzone.org
- Southeastern Career Center**
sccusa.org
- Southern Indiana Education Center**
siec.k12.in.us
- Wabash Valley Education Center**
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