



INDIANA SCHOOL BOARDS  
ASSOCIATION

# e-Dition

## Supporting ISBA Members Through New e-Newsletter - *e-Dition!*

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

**Welcome to e-Dition!** This is the inaugural edition of an e-newsletter that we intend to provide you in months in which we do not issue the ISBA quarterly magazine, *The Journal*. You spoke and we listened! The e-newsletter is in part a response to the results of the 2017-18 ISBA membership engagement survey in which it was the second most preferred method of communication from ISBA Staff to members, next to only email updates.

We hope you enjoy reading *e-Dition* and find the content useful to you in supporting the leadership role you fulfill within your school corporation community. We will highlight timely information on key issues and programs with short columns for quick consumption and links to online resources for further information on topics of interest to you. In this first edition we examine topics addressing:

- ✓ The 2018 short session of the Indiana General Assembly (see the rest of my column);
- ✓ Guidance on the public comment period regarding the State Board of Education's proposed school accountability rule;
- ✓ Thoughts of concern and resource links to view on school safety to

ensure we are doing everything we can to protect Hoosier students;

- ✓ A board services review of abstaining from voting at meetings; and,
- ✓ A synopsis of the Public Access Counselor's opinion on summary compilations of personnel records.

I hope you have been a regular reader of the ISBA weekly legislative updates over the past two months. ISBA began the 2018 short session of the state legislature in January with tracking 110 bills that had been filed related to K-12 education and school governance. With just about three weeks of the session to go that bill tracking list has been reduced to 39 bills that are still alive and moving in the bill process. Thankfully, the list will be reduced further during the remaining days on the legislative calendar. You can view this tracking list updated in real time here: [Legislative Services](#)

There are four bills of greatest significance that should prove beneficial to Hoosier students and public schools: House Bill 1001, Senate Bill 189, House Bill 1426 and Senate Bill 177. The first two bills resolve the tuition support shortfall facing school corporations by making a distribution from the state tuition reserve account. The other two bills

move Indiana to one high school diploma with four "designations" that are the current diplomas in law. ISBA will provide a comprehensive session summary as soon as the legislature concludes its business.

I look forward to the arrival of spring and to seeing you at the ISBA Spring Regional Meetings!

*ISBA President, Kim Woodward (Avon) speaks at the Rally for Public Education. The rally brought out legislators and advocates in support of the accomplishments and need for public education.*



# Abstaining from Voting

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

Abstaining from a vote typically occurs for a couple of reasons: 1) A board member has a legal conflict of interest, and 2) A board member has an ethical conflict of interest. These can be confusing and definitions for clarity are helpful.

A public servant commits "conflict of interest" if he or she "knowing or intentionally: (1) has a pecuniary interest in; or (2) derives a profit from; a contract or purchase connected with an action by the governmental entity served by the public servant." "'Pecuniary interest' means an interest in a contract or purchase if the contract or purchase will result or is intended to result in an ascertainable increase in the income or net worth of" the public servant or a dependent." Ind. Code Ann. § 35-44.1-1-4. (National

Conference of State Legislatures, 2018).

An ethical conflict of interest can exist, without a legal conflict of interest, when there is a perception (or could be a perception) that a board member's ability to objectively make a decision is compromised because of his or her private interests in the outcome.

Board members often abstain from voting in either case but abstention is not a requirement. In the case of a legal conflict, the board member is required to file a conflict of interest statement disclosing that the conflict does exist or could exist. In an ethical conflict, no disclosure is required. So, the real question in either case is, "Should the board member abstain?"

In some circumstances, there may be legitimate reasons a board member should not abstain, such as when the vote is

necessary to facilitate the decision-making responsibilities of the board. However, if possible, I do recommend abstention in both cases. Even if a person can objectively weigh the matter under consideration, a perception of intent to further a personal agenda can ultimately do more harm to the character of the board member and to the leadership of the entire board. A board member who removes himself or herself from the decisions that represent a personal conflict of interest protects the board's decision-making and leadership credibility, as well as his or her reputation.

## QUESTIONS ON ABSTENTIONS?

Contact Dr. Michael Adamson, Director of Board Services



# Public Access Counselor Opinion

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

The Public Access Counselor has issued another advisory opinion interpreting a school corporation's duty to disclose information from an employee's personnel file. At the December School Law Seminar, there was much discussion regarding Counselor Britt's recent conclusions that school corporations, in response to a request for the factual basis for disciplinary action taken against an employee, must create a record that provides enough information that gives the public a reasonable idea as to the basis of the disciplinary action.

Later in December, the Public Access Counselor issued an opinion on whether a school's response to a request for personnel file information was sufficient. In this case, a reporter requested the name, compensation, job title, business address, business telephone number, job description, education and training background, previous work experience, and dates of first and last employment of a named employee. Recognizing that the Access to Public Records Act required the school corporation

to release the information, the school corporation responded to the request by providing the information in the form of a summary compilation taken from other public record sources. The reporter filed a complaint with the Public Access Counselor, asserting that the actual records maintained in the personnel file had to be released instead of "an amalgamation extrapolated from original records." The school corporation responded to the complaint by arguing that the law merely required the information to be disclosed and made no mention of disclosing the actual public documents. The school corporation further asserted that if the records themselves had to be disclosed, excessive redaction from the documents would be required.

Thus the Counselor considered whether the creation of a summary document with all of the information required by law was sufficient to meet the disclosure requirement or whether it was necessary for the school corporation to provide copies of actual records with sensitive information redacted.

Counselor Britt noted that typically a public agency is not required to create a record to satisfy a request for public records, but that his office has held that there are limited circumstances when "this is not only convenient, but necessary." He also noted that this particular provision of the law did not mention the words "records," "documents," or "work product" as other subsections did. Based on these statements, the Public Access Counselor then concluded a reasonable inference could be made that the General Assembly did not intend to require the information listed in statute to be the records themselves, but rather information pulled from other sources and combined to create a new record with the required information.

The Public Access Counselor emphasized that the information listed in statute had to be maintained in some shape or form by the public agency in a personnel file, but could be disseminated in an aggregate form as a new record in response to a request for the required information. Thus, the Counselor concluded the school corporation did not violate the public records law by extracting the information from original personnel files and presenting it in summary form.



# Proposed School Accountability Rules

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

At its January 2018 meeting, the Indiana State Board of Education (SBOE) adopted proposed rules for school accountability pursuant to its ESSA state plan and the requirements of ESSA. There are concerns with some of the provisions in the rule that are significant changes from the current Indiana accountability rule. The main concern is the proposed rule requires additional indicators than what is required by ESSA, which results in essentially two systems for accountability and two grades being assigned to each school and each school corporation. This will cause some confusion among parents when looking at the school's performance and to the community as a whole. ESSA requires the overall growth indicator to be capped but the proposed rule requires the subject matter growth rates to be capped at 100. This cap on subject indicators such as math and English will reduce the overall growth indicators for a school.

## ISBA Events

Spring Regional Meetings dates have been set and our calendar-at-a-glance is available on our website.

For up-to-date information on all of our upcoming events, visit our events page at:

[www.isba-ind.org/upcoming-events](http://www.isba-ind.org/upcoming-events)

The Indiana proposed rule also adds indicators to the calculation of the grade – one for elementary schools and one for high schools. The additional indicator for the elementary schools is the well-rounded educational development indicator which includes a science and social studies score. The additional indicator for high schools is called the high school on-track indicator which includes an achievement rate for students in the 9th grade in an original cohort group. In addition, the growth rate indicator at the high school level has been removed. If the graduation examination is the SAT, there will be no measurable way to track growth as this test is not a test from which growth of a student can be measured.

The accountability rules as proposed may be found [HERE](#).

As part of the rule-making process, the SBOE must have at least one public hearing on the proposed rule to receive comments from the public on the proposed rules. In addition, the SBOE is required to provide a means for the public to provide comments on the proposed rules through its website.

The public hearing will be held in Indianapolis on March 9, 2018, beginning at 8:30 A.M. The hearing will be held at the Indiana Government Center, South, Conference Room C, 302 West Washington Street, Indianapolis, IN 46204. The public notice for this hearing may be found [HERE](#).

In addition, the SBOE will be holding four public hearings around the state for those interested persons who are not able to attend the public hearing in Indianapolis. Two of the four hearings have already taken place. The remaining two public hearings will be held on the following dates and places:

### February 26, 2018, 4:00 P.M.-7:00 P.M.

University of Evansville  
Eykamp Hall, Room 251, Ridgway University Center  
1801 East Walnut Street, Evansville, IN 47714

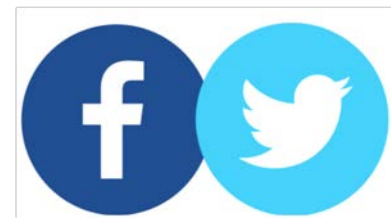
### March 01, 2018, 4:00 P.M.-7:00 P.M.

Ivy Tech Community College-Southeast  
Lecture Hall, Room 1520  
590 Ivy Tech Drive, Madison IN 47250

Mr. Terry Spradlin, ISBA Executive Director, will be testifying at the Indianapolis public hearing on March 9. Please review the proposed rule as it affects the calculations of A-F grades for schools and school corporations beginning in the 2018-2019 school year. Please send your comments, concerns, and/or suggested changes to Mr. Terry Spradlin at [tspradlin@isba-ind.org](mailto:tspradlin@isba-ind.org), so they may be included as part of the ISBA testimony.

You may send your comments, concerns, and/or suggestions directly to the SBOE at the following email address: [SBOE.Comment@sboe.in.gov](mailto:SBOE.Comment@sboe.in.gov). Please copy your local Indiana representative and senator on the email message sent to SBOE so the legislators are aware of the concerns school boards and administrators have with the proposed rule. You may find the contact information for your legislators [HERE](#).

In addition, please copy Mr. Terry Spradlin, [tspradlin@isba-ind.org](mailto:tspradlin@isba-ind.org), so ISBA knows you have submitted comments.



## ISBA is on Social Media!

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

Facebook:

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

Twitter:

<https://twitter.com/isbanews>

FAST FACTS ON INDIANA K-12 EDUCATION

# 1,139,822

Did you know that there are **1,139,822** Pre-kindergarten through Grade 12 public school students in the state?

# 6,542

2017-18 PK-12 student enrollment increased by **6,542** students in Indiana from the previous school year.

# School Safety and Preparedness—What to Know

by Brooke Orner, ISBA Coordinator of Conferences ([borner@isba-ind.org](mailto:borner@isba-ind.org))

As the nation reels from yet another horrific school shooting, ISBA wants to ensure that our members feel prepared in the event that such a tragedy befalls their own school corporation. While school safety measures will not stop all incidents, they are still important to have in place. According to the National School Boards Association:

- 98% of public schools require visitors to sign in
- 90% have a closed campus policy
- 55% use video surveillance
- 43% have an electronic notification system for school-wide emergencies

The Indiana State Board of Education requires each school corporation to have an

up-to-date emergency preparedness plan in place within 60 days of the beginning date of each school year (511 IAC 6.1-2-2.5). The plan must include provisions on protecting staff and students in cases of manmade occurrences, such as student disturbances, weapons, hostage and kidnapping incidents. Now would be an appropriate time to review those emergency preparedness plans.

A county school safety commission is a great resource for school corporations to use to enlist input and support from multiple agencies and jurisdictions. These commissions include the school safety specialists from each school corporation in the county, a sheriff of the county, a judge of the juvenile court, an Indiana State Police officer, and others. Commissions provide an analysis of school safety needs within the county, methods to improve security, and emergency preparedness, along with

discussion about assessment of children who are at high-risk of becoming juvenile offenders.

While we know that emotions run high after events such as these, we want to encourage board members to support their superintendent, school safety specialist, and other building-level administrators. There is not a one-size-fits-all plan for preventing school shootings, and each school's preparedness plans will differ. However, leaning on and learning from neighboring schools could be potentially beneficial in updating or changing your school's plans. As always, please feel free to call on ISBA for any guidance you may need.

IDOE has cultivated an extensive collection of resources aimed at School Safety Specialists. You can find it [HERE](#)

## ISBA Board of Directors (pictured at right):

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

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

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



## STAFF

Terry Spradlin—Executive Director  
Lisa Tanselle, Esq.—General Counsel  
Dr. Michael Adamson—Director of Board Services  
Julie Slavens, Esq.—Staff Attorney  
Brooke Orner—Coordinator of Conferences  
Rae Anne Motsinger—Comptroller/Office Manager  
Kayla Baldwin—Administrative Assistant



## FOR MORE INFORMATION

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