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ASSOCIATION

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As 2020-21 School Year Begins—Fiscal Issues Loom Large

By **Terry Spradlin**, Executive Director, tspradlin@isba-ind.org



COVID-19 and the Impact on Funding of ADM

As if 2020 wasn't already a peculiar, unprecedented year, the last two weeks have reinforced what an extraordinarily challenging year this has been. Just as school officials were finalizing their school corporation re-entry plans, after working tirelessly with employees over the summer months to implement COVID-19 health and safety guidance measures, they received disappointing guidance from the State House. ISBA, IAPSS, and IASBO received a letter from Senator Rod Bray, President Pro Tempore, on August 6, that we were asked to share with our members. It stated that funding for virtual education instruction may not be fully funded at 100% per ADM, if in-person classroom instruction is not offered to parents for their children. The timing of the letter from Senator Rod Bray has proved challenging and seems to alter an agreement by state leaders supporting the Indiana Department of Education guidance, issued on June 12, to provide 100% tuition support funding for an ADM count classification created for "virtual

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due to COVID.”

You have no doubt read or heard of the press coverage of this significant turn of events. As a result of the firestorm created by the Bray letter, Governor Holcomb announced his request of the State Board of Education to delay the ADM Count Day that has been scheduled for September 18, 2020, to at least a date in December. It is anticipated that the State Board of Education will hold an emergency meeting any day now to set the new date. However, this stopgap action, while greatly appreciated for the definitive leadership provided by Governor Holcomb, only delays a permanent solution. State law needs modified to accommodate full funding for K-12 education in a time no law could have ever been structured to anticipate, such as the public health crisis before us.

Senator Bray has been a strong ally to K-12 public education and helped secure the record increase of \$763 million in 2019-2021 biennium funding. He is correct that the law stipulates that any student receiving more than 50% instruction virtually will only be funded at 85%. It is also true that few people anticipated that approximately 40 school corporations would begin the year with 100% virtual education. However, we also did not anticipate the surge in COVID-19 infection rates that happened in July after the state had been fairing well in “flattening the curve.” We thought we had the solution for this issue by leaders agreeing to support 100% funding regardless of instructional methodology. The Bray letter simply creates a high degree of uncertainty and it provides no assurances of what school leaders can anticipate.

ISBA, IAPSS and IASBO received a letter from President Pro Tempore, Senator Rod Bray. Read that letter [HERE](#).

We have all heard the saying, “extraordinary times require extraordinary measures.” Now is that time! ISBA continues to advocate for decisive legislative action to remedy this critical funding matter on Organization Day scheduled for Tuesday, November 17. We have also called for the expansion of civil liability immunity coverage during the pandemic for school officials along with public health officials and other public servants. Both items could be key components of an emergency act passed by the state legislature, much like the multiple crisis measures already passed by Congress.

It is essential for the voice of school board members to continue to be heard on this matter. Please call, email, or write your area state senator to ask for their leadership to support full funding for Hoosier children enrolled in public schools this school year, regardless of in-person or e-learning instruction due to COVID-19. Legislator contact information can be found [HERE](#).

New Board Member Orientation



By **Dr. Michael Adamson**, Director of Board Services, madamson@isba-ind.org

With school board elections just around the corner, this is a great time for school boards and superintendents to review their new board member orientation process or to develop one, if you do not have a process in place.

A good orientation process represents more than a cursory review of the budget, a tour of facilities, and introductions to administrators and key staff members. Those are beneficial, but they only begin to scratch the surface. New board members benefit most from well-constructed introductions to essential practices and processes they initially need when beginning their acclimation to their new roles in governance oversight.

Some areas to consider including are:

- **Agenda Packets**
Share when these packets are available and the expectations for reviewing and asking questions for clarification or additional information, especially for administrative recommendations. Additionally, share the importance of sharing any intentions of disagreeing with an administrative recommendation with the superintendent prior to the public meeting.
- **Board meeting protocol**
Attending a board meeting is different from participating in one. What parliamentary process does your board follow? While every board follows something resembling Robert's Rules, each has their own hybrid version of parliamentary rules. Provide sample motions that illustrate your process for entertaining, speaking to, and voting during a board meeting. Identify which categories of motions can be approved by a majority of the quorum and those that must be approved by a majority of the entire board. Also, share the result of tie votes and the circumstances when members are advised to abstain from voting. Lastly, emphasize the importance of disagreeing agreeably and maintaining respect for everyone's opinions on issues where the board may be divided.
- **Technology**
Many boards utilize programs like BoardDocs to organize, house, and disseminate corporation policy and board agenda packets, as well as a host of other applications. Training for using software necessary for board agendas and communication should begin as quickly as possible following the election ideally, but certainly before the first public meeting. Do not forget to include training on the virtual platform the board and superintendent has been using to conduct virtual meetings. Even if boards are again required to be physically present in meetings for voting purposes, being able to utilize the virtual platform to stay connected when on-site attendance is impossible is extremely beneficial for members who occasionally may not be able to attend a meeting.
- **Professional Development**
Reviewing the board's expectations for board members' ongoing professional development is a great way to identify multiple opportunities board members have to acquire information, as well as to develop and maintain skills that enable the board to function at a high-level within a governance oversight framework.

Your new board member orientation process is only an initial introduction to the processes and tools your new board members will need as they begin their board tenure. There are others besides the ones mentioned in this article that you will want to include, but choosing what information is most important can be difficult. A good way to begin identifying what is most important is to ask, "What do I wish I would have known when I attended my first board meeting?" Use the answer to that question to construct of your new board member process agenda.

Appellate Court Overturns IEERB Interpretation of Bargaining Ancillary Duties

By **Lisa Tanselle**, General Counsel, ltanselle@isba-ind.org



As school officials prepare for the upcoming formal bargaining period, defined by state law as beginning on September 15 and ending 60 days later, they should be aware of a recent decision by the Indiana Court of Appeals. In Culver Community Teachers Association, Decatur County Education Association, Smith Green Community Schools Classroom Teachers Association, and West Clark Teachers Association v. Indiana Education Employment Relations Board, the appellate court reversed IEERB’s determination that the parties bargained language relating to ancillary duties was non-compliant with Indiana’s bargaining law.

In each of the collective bargaining agreements of the parties in this case there was language defining what constituted ancillary duties or limitations on the assignment of the ancillary duties in addition to the compensation that would be paid to teachers who were assigned or volunteered to provide the ancillary duties. For example, in one contract, the parties defined ancillary duties as including meetings, professional development trainings, and school activities outside of the contractual day. In another contract, the parties agreed that a teacher who supervised detention would be paid \$75 “for 12 students or less.” In its review of the agreements for compliance with the bargaining law, IEERB concluded defining what constitutes an ancillary duty and imposing parameters, restrictions, or limitations on the school employer’s assignment of the ancillary duty went beyond the permissible bargaining topic of wages and therefore was non-compliant with the law. The parties filed a joint petition for judicial review of IEERB’s decision. The trial court agreed with IEERB’s position that any definition of an ancillary duty in a collective bargaining agreement, or any limitation on an ancillary duty, would infringe on the school employer’s authority to direct the work of its employees and maintain efficient school operations. The teachers associations appealed to the Court of Appeals.

On appeal, the teachers associations relied on earlier appellate court opinions in Jay Classroom Teachers Association v. Jay School Corporation and IEERB v. Nettle Creek Classroom Teachers Association as authority for bargaining ancillary duties. IEERB acknowledged that these cases allow for the bargaining of wages for ancillary duties but argued that they did not allow the parties to bargain what the ancillary duty is. IEERB further noted that Indiana law clearly states that only the school employer has the authority to direct the work of teachers and a bargained agreement cannot contain any language that interferes with the school employer rights. The Court of Appeals concluded that the record revealed that the parties “agreed as to what constituted an ancillary duty *and bargained regarding the compensation therefor*, as is authorized by the *Jay Classroom I* and *Nettle Creek* holdings. Identifying agreed-upon ancillary duties is not the same as bargaining them.” The court also concluded that since the school employers were willing to bargain the ancillary duties at issue, it could not agree with IEERB’s conclusion that the language interfered with the employers’ rights under the collective bargaining law. Thus, the court reversed the trial court’s decision and ordered IEERB to adopt the ratified agreements of all the parties.

Student Attendance Policy for Virtual, Remote, or Blended Instructional Settings



By **Julie Slavens**, Senior Counsel and Dir. of Policy Services, jslavens@isba-ind.org

In the Indiana Department of Education (IDOE) Guidance on Instructional Time and Student Attendance issued on July 10, 2020, the IDOE encouraged school corporations to address student attendance issues related to virtual, blended, online, and remote learning in attendance policies. Later in July, the IDOE reiterated the importance of school corporations addressing through policy and other notifications to parents how student attendance in a virtual setting would be documented.

The IDOE guidance provides examples of methods that may be used to take student attendance in a virtual setting. The examples include login times, system activity logs, student logs, daily work completed, and student/teacher interactions during the day or week. Some of these items will be easier to track when students participate in a live stream of a class. The IDOE reiterates in its guidance instructional time requirements apply to virtual instruction as they do for in-person instruction.

For more information on IDOE's instructional time guidance, click [HERE](#).

IDOE suggests in the guidance separate student attendance policies for each type of virtual instruction. Student attendance for virtual instruction can be addressed in one student attendance policy as other policy provisions relating to absences, make-up work, and truancy apply to the students receiving instruction in a virtual setting. ISBA has developed language that may be added to a school corporation's student attendance policy to address the various virtual instruction attendance related issues addressed in the IDOE guidance.

Teacher Appreciation Grant Policy

As a reminder, to receive the Teacher Appreciation Grant monies (TAG), a school corporation must submit its TAG policy to the IDOE on or before September 15, 2020. School boards may submit the TAG policy adopted last year or may choose to amend it and submit the amended TAG policy. The policy must state the amount of a stipend to be given to a Highly Effective Teacher and an Effective Teacher. The stipend given to Highly Effective Teachers must be at least 25% more than the amount given to the Effective Teachers. The policy may include provisions allowing up to 50% of the stipend be added to the salary base of the teachers receiving the stipend.

Once the policy is submitted to the IDOE, it will be reviewed for approval. If approved, the school corporation will receive its TAG monies by December 5, 2020. The monies can be distributed on time this year as teacher evaluation ratings are final due to the waiver of the student achievement test scores requirement for final evaluations. Although the distribution may be delayed as it is dependent on the school corporation's ADM count. If the ADM count date is moved to December, this could delay the TAG monies distribution, unless other means are utilized by IDOE to allow the distribution to be completed on December 5.

For more information on IDOE's guidance on TAG monies and related issues, click [HERE](#).

ISBA Events Proceeding Virtually—Fall Conference Registration is Live!

By **Terry Spradlin**, Executive Director, tspradlin@isba-ind.org
& **Brooke Orner**, Events and Communications Manager, borner@isba-ind.org



ISBA is wrapping up its summer seminar/webinar series on Friday, August 21, with the ISBA/IAPSS Collective Bargaining Webinar. We previously held the semi-annual School Law Seminar on July 22 and then the ISBA/iAPSS/IASBO School Budgeting and Finance Seminar/Webinar on August 12. Thank you to all ISBA members who attended these events. While the first two events were hybrid events that drew typical attendance numbers overall, the Collective Bargaining Seminar is being offered in webinar mode only. We learned from the predominant number of registrants choosing the webinar option for the events on 7/22 and 8/12, that ISBA members prefer to participate in these professional development opportunities remotely during the global COVID-19 pandemic and state public health emergency. As a result, we have intensified our efforts to ensure a robust, engaging, and effective virtual platform for upcoming events, including the **71st Annual ISBA-IAPSS Fall Conference**.

Fall Conference Details

Safety is our number one priority for all members, exhibitors, and guest speakers that attend our Fall Conference. In order to keep you safe and follow social distancing protocols, ISBA and IAPSS are hosting the 2020 Fall Conference in a fully **virtual** format!

Don't miss out on an opportunity to educate yourself about new rules and regulations, best practices, innovative program initiatives, and success stories from fellow school corporations, the Indiana Department of Education, nationally recognized keynote speakers and others!

On September 28th and 29th, join us from the comfort of your office or home as we discuss the following strands:

- **Hot Topics for ISBA/IAPSS Members**
- **Optimizing School Budgets and Financing**
- **Developing Educational Statesmanship**
- **Ensuring Safe, Secure, and Supportive Learning Environments for Hoosier Students**
- **Ushering a New Era of Graduation Pathways and School Accountability**

For the Fall Conference agenda, click [HERE](#).

The virtual Fall Conference will offer the same access to build your own agenda, “attend” clinic sessions, interact with presenters, and network with exhibitors! We will also be offering 10 gift card prizes daily to attendees who earn the most points while visiting the Virtual Exhibitor Hall. Many exhibitors will also be offering their own door prizes as well.

By registering to attend, you will be able to hear from Governor Eric Holcomb and Dr. Woodrow “Woody” Myers, Democrat gubernatorial candidate, on their K-12 education agendas during the Day 1 General Session; and, from a dynamic national keynote speaker, Dr. Omēkongo Dibinga, on “Finding Common Ground in Uncommon Times” during the Day 2 General Session. *In addition, you will have access in real time to attend five of the 25 clinic sessions (and then later view recordings of the other sessions at your convenience).*

This will be a highly-engaging, interactive virtual conference that you won't want to miss!

DEMONSTRATING EXEMPLARY LEADERSHIP IN UNPRECEDENTED TIMES

ISBA / IAPSS

71st Annual Virtual Fall Conference
September 28 & 29, 2020

**CLICK HERE TO REGISTER FOR THE VIRTUAL FALL
CONFERENCE!**

ISBA in the News

- » [Educators say they do, will address racism, inequity](#)
- » [Schools may lose funding over virtual start](#)
- » [Unacceptable Risk](#)

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www.isba-ind.org

317.639.0330

*Terry Spradlin - Executive Director
Lisa Tanselle, Esq. - General Counsel
Dr. Michael Adamson - Director of Board Services
Julie Slavens, Esq. - Dir. of Policy Services, Senior Counsel
Brooke Orner - Events and Communications Manager
Rae Anne Motsinger - Comptroller/Office Manager
Kayla Baldwin - Administrative Assistant*

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