



ISBA
INDIANA SCHOOL BOARDS
ASSOCIATION

NOVEMBER 2021

e-Dition

In this e-Dition:

Association News for Members

by Terry Spradlin,
[pages 1-2](#)

Facing Change

by Dr. Michael Adamson, [page 3](#)

ETS Vaccination Update

by Lisa Tanselle, Esq.,
[page 4](#)

Public Records Request for Curriculum Materials

by Julie Slavens, Esq.,
[page 5](#)

Meet Steve Horton

[page 6](#)

Award Recipients

[page 7](#)

News and Links

[page 8](#)

Association News for Members



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

It was good to see so many ISBA members along with their superintendents at the 10 ISBA Fall Regional Meetings. Thank you for your attendance and commitment to keeping abreast of timely legislative and school law news shared by Lisa Tanselle, General Counsel, and me. If you were unable to attend your region meeting, you can now view ISBA's 2022 Legislative Priorities and Foundational Statements [HERE](#). Between the 72nd Annual ISBA-IAPSS Fall Conference this past October and the regional meetings, we've enjoyed reconnecting in person with you, our members. ISBA has set the dates for most of our events in 2022, including the 4th Annual ISBA State House Day on February 15, 2022, at the Indianapolis Downtown Marriott. Please note the calendar-at-a-glance on page 7.

ISBA Board of Directors' News

The 2021-2022 Officers for the ISBA Board of Directors were elected by delegates to the Annual Delegate Assembly held on October 11. They include: President – Tom Simpson, Yorktown Community Schools; 1st Vice President – Becky Gardenour, New Albany-Floyd County Schools; and 2nd Vice President – Steve

Continued on next page.

Corona, Fort Wayne Community Schools. Dr. Robert Stwalley, Lafayette School Corporation, moves to immediate past president and will continue service on the board through the 2022 Fall Conference.

In other ISBA Board of Directors news, Mr. Bill Wilson, Region 10 Director, and school board member for Clarksville Community Schools, is stepping down on December 3, 2021, from his region director service to spend more time with family. We are grateful for his strong leadership and support of ISBA and K-12 public education. ISBA is accepting applications to fill this vacancy from school board members in this region, which are due no later than November 23, 4:30 p.m.

To see the full roster of the 2021-2022 ISBA Board of Directors go [HERE](#).

ISBA Staff News

As previously announced, Dr. Michael Adamson, Director of Board Services, is retiring from ISBA after 16 years of outstanding, dedicated service to the Association and our members. ISBA is hosting an open house to honor him on Friday, December 3, 1-3 p.m., at the Association's office (1 North Capitol Avenue, Suite 1215, Indianapolis). All are welcome to attend. With this transition, we are pleased to announce the hire of Mr. Steve Horton as the new Director of Board Services. Steve has worked the past eight years with the Ohio School Boards Association as a Senior Consultant for Board Services. He begins on December 1, 2021. For a profile of Mr. Horton, please see page 6.

In addition, Brooke Orner, Events and Communications Manager, is leaving ISBA on November 23, to take a promotion opportunity to become the Director of Communications for Plainfield Community School Corporation. ISBA will be posting the job description and announcing the application window for this position in the next few days. Inquiries and resumes can be sent to me at: tspradlin@isba-ind.org. Please share with Brooke your gratitude and appreciation for her eight years of service at ISBA via: brooke.e.ornier@gmail.com

A note from Brooke Orner, e-Dition editor/ISBA Events and Communications Manager:

It has been my pleasure to work for ISBA for the last 8 years, and I will truly be sad to leave. I believe whole-heartedly in public education and the work that ISBA does, and I will continue to advocate for public schools both privately and professionally. I have enjoyed meeting so many board members and administrators throughout my time here, and I know that I have cultivated many long-lasting relationships. I'll miss the staff and our board of directors greatly as well, and I'm hopeful they'll say the same.



Thank you, ISBA, for eight wonderful years. I'm truly grateful.

**Best wishes,
Brooke**



Facing Change

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

Change is something we all acknowledge, but too often it is negatively viewed. Change is very much a part of our everyday lives, and it need not be our enemy, and certainly not the enemy of progress in general. Honestly, change and more appropriately, a series of changes is what presented the opportunity for me to come work at ISBA nearly 16 years ago.

Change is important for school board members to acknowledge as well. As much as many of us often prefer to return to a more simple time or to see our children grow up in a similar environment as we did, that just is not practical. The world is vastly different and many of our hometowns and communities look completely different than they did when we were growing up. Some have disappeared entirely.

It is not uncommon to place too much emphasis on the physical environment surrounding us where we grew up, rather than the family values, relationships, and community pride that were in place at the time. Consequently, as communities have grown or shrank and as the old homeplace disappeared, absorbed by time, and family members scattered, we have incorrectly assumed that the culprit behind our new reality was “change.” So, now when we long for the “good ‘ol days” the times we experienced or the experiences that were shared by others, we are not really wanting to go back in time, but rather to transport to the present what we recall and remember as feelings of security, safety, pride, and comfort. The reality is that reliving the romantic memories of anyone’s yesteryear is best left as a mental exercise, a quiet respite from the present or a brief interlude to recall what we believe was or could have been the best times of our lives.

There is no progress without change and change will bring challenges to initiate programs, processes and ideas never before considered or never before possible. We would be crippled in our present without the impetus for change that surrounds every aspect of our lives. Still, simply because we cannot halt the changes that will inevitably bombard various aspects of our lives, that does not mean that our values must change. In fact, I would submit that if we misplace or lose our values it is not the fault of inevitable change, but one of personal apathy and inertia.

In spite of all the changes realized in the past decades, the tenets of school board governance oversight have not changed appreciably, nor should they have. The process of governance deals with how board members are engaged in a healthy oversight process. However, while the process of oversight remains sound, board members face more today than board members from a few decades ago. The volume of work, the issues and challenges confronting public education, the relationships with their constituents, the press, social media, and school personnel have changed substantially over the years. Add a pandemic to the mix and you have the makings of a perfect storm. But this unprecedented pandemic maelstrom has taught us many lessons, forced change in areas that we would not have willingly entertained, and presented opportunities that have the potential to alter the way we offer and are engaged in public education for years to come.

The pandemic has changed us and to wish for the world to return to the way it was before the pandemic is not realistic. Learning the lessons, embracing the changes that will contribute to improving the educational climate, and accepting the challenges we face by moving out of our comfort zones is what allows for growth. It is what encourages us to leave the past and embrace the future. It does not change who we are; rather, it allows us to move from where we are to where we need to be.

I am excited to see what your next steps will be.



ETS Vaccination Update

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

Pursuant to President Biden's plan, announced in September 2021, to have as many Americans as possible vaccinated against COVID-19, the U.S. Department of Labor's Occupational Health and Safety Administration published its Emergency Temporary Standard (ETS) in the Federal Register on November 5, 2021. The standard is intended to preempt and invalidate any State or local requirements that ban or limit an employer's authority to require vaccination, face covering, or testing and will require all employers with 100 or more employees to ensure that their employees are vaccinated or be subjected to weekly COVID-19 testing. Additional requirements include providing paid leave for an employee to get vaccinated and requiring those employees who are not vaccinated to wear a face covering while at work. The standard went into effect immediately, but the implementation of the vaccination requirement does not go into effect until January 4, 2022. States with OSHA-approved state plans, like Indiana, have 30 days to adopt standards identical to the new federal standard or demonstrate that an existing state plan is at least as effective as the new federal standard. The ETS will apply to public school corporations in our state.

As soon as the ETS was published, Governor Holcomb expressed his opinion that the ETS was an overreach of the government's role and directed the Indiana Department of Labor to work with the Attorney General on a lawsuit challenging the ETS. The Office of the Indiana Attorney General, along with several other state attorney generals, joined together and filed a lawsuit challenging the ETS. To date, at least 34 lawsuits have been filed across the country. Last week, the Fifth Circuit Court of Appeals enjoined the U.S. Department of Labor from enforcing the ETS, concluding that the ETS grossly exceeds the authority of OSHA. The Department has announced that it will abide by that decision and will suspend activities related to the enforcement and implementation of the ETS while litigation is pending. Additionally, due to the multiple lawsuits, the federal government has asked that all complaints be consolidated. Earlier this week, a clerk for the U.S. Judicial Panel on Multidistrict Litigation conducted a lottery and the Sixth Circuit Court of Appeals was selected as the court to hear the consolidated cases. Most legal experts expect any decision made by the Sixth Circuit to be appealed to the US Supreme Court.

Thus, as of now, school corporations will not have to implement the mandates established in the ETS. But it may be prudent for school administrators to become familiar with the requirements so that a plan can be implemented based on the outcome of the Sixth Circuit decision. School administrators may also want to engage in discussion with the exclusive representative about the ETS since the topic would be considered a "workplace safety" issue and thus be a mandatory subject of discussion.

Please note that the ETS will be discussed in more detail at the ISBA School Law Seminar on December 14, 2021.

Public Records Request for Curriculum Materials



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

In addition to addressing mask mandate policies, Indiana school boards are also under scrutiny by members of the public for various curriculum topics. The topics include such subjects as Critical Race Theory, equity and diversity, social and emotional learning, and sexual-related subjects. While some members of the public have addressed these matters in public meetings, some people have resorted to making requests for such matters through public records requests per the Indiana Access to Public Records Act (APRA). Curriculum materials are public records and are not confidential under APRA, so members of the public are entitled to review or inspect the materials or to have copies of such materials. Following is a review of the requirements under APRA for making a request and the responsibility of the school corporation to respond along with guidance provided by the Indiana Public Access Counselor (PAC).

APRA requires a request for public records to “identify with reasonable particularity the record being requested.” See IC 5-14-3-3. General, broad terms should not be used in a public records request as this does not provide the public agency with enough information to efficiently search and find the documents compliant with the request. In October, the PAC issued an [informal opinion letter](#) addressing this issue with regard to a public records request for curriculum, which he stated was a “fairly general term” and could “encompass any manner of material and documents.” Indiana law provides for numerous mandatory and optional curriculum for public schools which could generate an overwhelming volume of materials for a patron to review or the school corporation to copy if the request asks for curriculum materials in grades K-12. Thus, there is a need to pare down the request so retrieving the documents will be more manageable for the school corporation.

The statute allows the school corporation to deny the request due to lack of particularity, but a more helpful method may be for the school corporation to deny the request with the specific reason and then ask the requester to narrow the request. The PAC suggests if the requester is wanting numerous curriculum materials it would be best to ask for such records on a piecemeal basis and not all in one request, like the PAC’s guidance on particularity for requests for email messages. Keep in mind APRA requires a school corporation to respond to a request for public records within 7 days if it is a written request and 24 hours if it’s an oral request. This does not mean the records must be produced in that timeframe but a response as to whether the records exist and a timeframe for research and production of the requested records. School corporations should work with the requester on the timing of producing the records. In addition, the records may be searched for in the normal course of business; no employee is required to cease their regular work to search for the documents.

New Hire: Meet Steve Horton, ISBA's new Director of Board Services

The Indiana School Boards Association announces the hiring of Steve Horton as Director of Board Services. He comes to ISBA from the Ohio School Boards Association, where he has spent the past eight years working directly with local school boards and district management teams.

As OSBA's senior board and management services consultant, he has led dozens of strategic planning sessions, executive searches, and educational workshops. He will provide the same kinds of services and more in Indiana. His first day at ISBA is December 1.

"We are delighted to gain his expertise and experience," said Terry Spradlin, executive director of the Indiana School Boards Association. "The reputation he brings from Ohio will be a tremendous asset to ISBA as we serve school boards during a period when excellence in education is more critical than ever."

Horton previously served as an elected school board member in his own local community of Mount Healthy, Ohio, near Cincinnati. He spent 14 years as director of education for NuVo Technologies, an audio systems company, before joining OSBA. He has a bachelor's degree in music education and taught vocal music at the middle school level for three years.

His career in Ohio has been focused in large part on helping school boards and school board members work better together as a cohesive governance team. "I think about the places where I have had a positive impact working with boards that are struggling and helping guide them to a better place," said Horton. "Being able to be right there with school boards as they work to overcome difficult situations, I find that very fulfilling."

One of his favorite aspects of the job is getting to know individual school board members and learning about their backgrounds and where their passions lie. "School boards are made up of people from all different walks of life," said Horton. "The work they do in coming together to help direct and shape the educational opportunities in their communities is critically important."

School boards from one community to the next often face similar challenges, such as communicating effectively or achieving consensus. Yet each board is also uniquely different. "The people are different, and the needs of each district are different, and so that's why it's important for me to be adept at listening and seeking to understand when providing board training and consultation."



Michael Adamson, who is retiring December 31 after 16 years as ISBA's Director of Board Services, said he was excited to learn about Horton's hire. "You'll like Steve," he said.



The School Town of Speedway is presented with their 2020 Exemplary Governance Award, the highest level a board can achieve in the Exemplary Governance Awards Program. This is their second consecutive year receiving this award. The award was presented at the Fall Region 8 Meeting on November 11, 2021.

(Pictured L-R: Jack Russell-Region 8 Director, Kyle Trebley-Superintendent, Luke Bickel-Board Vice President, William Harting-Board President, Thomas Smith-Board Secretary, John Dizney-Asst. Superintendent, Tom Simpson-ISBA President)

2021 ISBA Service Award Recipients

At 2021's ISBA/IAPSS Fall Conference, ISBA handed out two service awards--the Outstanding Boardsmanship and Lorin A. Burt Outstanding Educator awards. The Outstanding Boardsmanship Award went to Mr. Scott Flood, school board member in Plainfield Community School Corporation. The Lorin A. Burt Outstanding Educator Award went to Dr. Thomas Edington, former superintendent of Wawasee School Corporation. Join ISBA in congratulating both men on their outstanding accomplishments.



FAST FACT:

41% OF ACT TEST-TAKERS IN INDIANA'S HIGH SCHOOL GRADUATING CLASS OF 2021 MET ALL FOUR COLLEGE-READY REQUIREMENTS, THE BEST PERFORMANCE IN AT LEAST 10 YEARS.

ISBA in the News

- » [School Referendums undergo ups, downs through pandemic era](#)
- » [Yorktown's Tom Simpson named president of ISBA](#)
- » [As groups organize against social emotional learning in schools, educators call for civility](#)
- » [2 Clark-Pleasant school board members resign in wake of contentious meeting](#)
- » [Indy-area teachers, school officials harassed and intimidated](#)
- » [Schools describe bus driver shortage as 'severe'](#)

Calendar-At-A-Glance:

2.15.2022 — ISBA State House Day (Indianapolis Marriott Downtown)

4.18 - 5.4.2022 — ISBA Spring Regional Meetings

6.8.2022 — June School Law Seminar (Ivy Tech Conference Center)

6.15.2022 — ISBA/IAPSS/IASBO Budget/Finance Seminar (Ivy Tech Conference Center)

8.19.2022 — ISBA/IAPSS Collective Bargaining Seminar (Ivy Tech Conference Center)

10.3 -10.4.2022 — ISBA/IAPSS Fall Conference

11.1 - 11.17.2022 — ISBA Fall Regional Meetings

12.7.2022 — December School Law Seminar (Ivy Tech Conference Center)

Follow ISBA on social media!



Facebook



Twitter

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

Adam VanOsdol - Communications Specialist/Content Strategist

Rae Anne Motsinger - Comptroller/Office Manager

Talia Bynm - Administrative Assistant

