President’s Message

WHAT’S GOING ON . . . . .

Who’d believe it; it’s already the end of the second month of the ‘new year’! So much is happening. IASBO professional development is in high gear. Both the Treasurers’ Workshops and the 4-Part Budget Series Workshops are underway and full of eager learners and great presenters. The certification program recently completed the Winter Institute offerings, and some stand-alone professional development seminars have just occurred while another is scheduled to take place within the next few weeks. An Extra-Curricular Accounting Seminar is also on the near-term agenda. In other words, opportunities abound for all of us to learn new skills, update our current knowledge, and to share our expertise. That’s what IASBO is all about. And, that is what’s going on!

A new opportunity has been added in 2013; the IASBO Mentorship Program. While all of us have either informally mentored or been mentored by a knowledgeable colleague (or two or three), our association has developed a formalized mentorship program to provide another professional growth and development avenue. Dr. Mark Miller and Denny have taken the opportunity to visit the entire state over the past few months to promote and explain the new mentorship program. As well, regional directors have been covering the basics of the program at the regional meetings. This is a fantastic opportunity for folks to obtain targeted training in a local and low-key manner. It’s also a great opportunity for folks who might not want to present to the entire IASBO group to provide training and present in a one-to-one environment. If you haven’t considered the program yet either as a mentor or a mentee, please take a moment to do so. It’s just one more way that IASBO continues to reach out to all our members wherever they are and at whatever level they need assistance. And, this is another thing that’s going on!

This is also the time of year when we take a moment to recognize our outstanding members by voting in the regional portion of the annual Awards Program. Please give careful consideration to those nominated

continued on page 2
President’s Message . . . continued from page 1

for Treasurer of the Year, Business Official of the Year and School Support Professional of the Year in your region. While none of us do what we do to win awards, it is a special privilege and an honor to be recognized by our peers. Help recognize this year’s outstanding members from your region. And, that is yet another thing that’s going on!

The last thing going on is the BIG one; the legislative session in the General Assembly. I certainly look forward to the Denny-updates every day to find out what’s going on in that arena. Read Denny’s column for more about what’s going on!

Thank you all for your service and dedication to students, families, communities, and IASBO. It’s though your continued efforts both seen and unseen each day that we continue to provide the best quality education in the state of Indiana; PUBLIC EDUCATION. Keep up the good work. And know that our good work is what’s going on!

Lynn Kwilasz, RSBO IASBO President
IASBO Platinum Sponsor . . .

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http://ow.ly/98jzg

Design-Build  |  Guaranteed Energy Savings Contracts  |  Community Wind
Geothermal Systems  |  Energy Leadership
As Abraham Lincoln was trying to determine how to move forward with the Emancipation Proclamation in May of 1862, he was quoted as saying “You cannot be blind to the signs of the times”. Of course, he was speaking of the slavery issue and how the majority of the country was in favor of abolishing slavery. As we look at the 2013 session of the General Assembly, we have no issues that compare to the Civil War dilemma that faced President Lincoln. Still, his quote does ring true when we look at the 2013 session.

The “signs of the times” for us is the Republican super majority in both houses of the legislature and a Republican Governor. Essentially, whatever the Republicans want to pass they can get it passed. But, another “signs of the times” is the attitude in the State House where Governor Pence is not demanding that his programs become law. These are the “signs” we are dealing with, and as always IASBO is working within the system to get the best results possible in this session.

This has been a very active first half of the 2013 General Assembly. The associations are watching 215 bills that pertain to public education. 97 of these bills were heard in committee (45%) and 75 bills have passed the House and Senate (35%). Typically, only 25% of the bills pass the first house.

All 75 bills will not be detailed in this article, but the following bills have been testified on or closely watched by IASBO:

SB 1, school resource officers, Senator Pete Miller. The bill creates a matching grant to pay for school resource officers. There is a new board created to oversee the school resource officer program. IASBO supports SB 1.

SB 291, school corporation capital projects fund, Senator Hume. This bill is based on an IASBO legislative resolution regarding paying for certain contracted services from the CPF.

SB 293, government accounting study committee, Senator Pete Miller. The bill calls for a two-year study committee to review how political subdivisions perform their accounting functions. Senator Miller amended the bill on second reading to add a school business official to the committee at IASBO’s request. Further, IASBO worked to kill SB 190 which would have required school corporations to implement accrual accounting beginning on January 1, 2014. SB 190 is dead. IASBO supports SB 293.

SB 517, local government finance, Senator Pete Miller. This is the one piece of legislation dealing with circuit breaker losses. Currently, the bill has some relief for school corporations hit the hardest by circuit breaker losses. SB 517 does not contain any language to restore the grant program for these losses. This is a work in progress that IASBO supports.

HB 1001, biennial budget, Representative Tim Brown. The budget bill does provide an increase in state funding through the school distribution formula. It does not replace the $327 million that was cut 2010. The “signs of the times” tell us that the cut will not be replaced this year. Still, it is continually brought to the attention of legislators that the state appropriation for school funding and the foundation amount in the formula are still at levels less than the 2010 levels. Full-day kindergarten is added to the formula as a continuing grant program. The new February ADM count is a part of the formula, but is still a work in progress. HB 1001 changes the distribution of state support to a fiscal year basis. IASBO will continue to work with legislators and fiscal staffers to produce the best budget possible for all school corporations.

HB 1003, school scholarships, Representative Bob Behning. This is the bill that expands the voucher program. The original bill called for a large increase in the voucher amount for elementary students ($4,500 to $6,500) and expanded those who would be eligible for vouchers without attending public education. HB 1003 was amended by the House Ways & Means Committee to decrease the dollar amount to $5,000 in FY14 and $5,500 in FY15 and reduced the number of students eligible to get a voucher without attending public education. The bill passed the House by a vote of 57-36. IASBO opposes HB 1003 because the amended bill still expands the voucher program.
### 2013 Indiana ASBO Professional Development Calendar

#### 2013

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<th>Date</th>
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<th>Location</th>
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<tr>
<td>March 1</td>
<td>Treasurer's Workshop - #2</td>
<td>MSD of Pike Twp. Administration Office, Indianapolis</td>
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<td>March 6</td>
<td>Treasurer's Workshop - #3</td>
<td>MSD of Pike Twp. Administration Office, Indianapolis</td>
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<td>March 8</td>
<td>IASBO Board Meeting</td>
<td>Hilton Garden Inn, Indianapolis</td>
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<td>March 12</td>
<td>PD Seminar – Purchasing/Payment Processes</td>
<td>Primo West, Plainfield</td>
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<td>March 14</td>
<td>Extracurricular Accounting Seminar</td>
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<td>March 15</td>
<td>Budget Workshop - #2</td>
<td>MSD of Warren Township</td>
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<td>March 29</td>
<td>Good Friday</td>
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<td>April 11</td>
<td>Budget Workshop - #3</td>
<td>MSD Warren Twp., Indianapolis</td>
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<td>Treasurer's Workshop - #4</td>
<td>MSD of Pike Twp. Administration Office, Indianapolis</td>
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<td>April 13-15</td>
<td>NSBA Annual Meeting</td>
<td>San Diego, California</td>
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<td>April 17</td>
<td>Certification Courses</td>
<td>Primo West, Plainfield</td>
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- Emergency Preparedness (AM)
- Custodial Operations (PM)

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<thead>
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<th>Location</th>
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<td>May 8-10</td>
<td>IASBO Annual Meeting</td>
<td>Grand Wayne Center, Fort Wayne</td>
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<td>Certification Courses</td>
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<td>• Food Nutrition Administration (5/8 – AM)</td>
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<td></td>
<td>• School Law &amp; Administrative Rules – Advanced (5/8 – PM)</td>
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<td></td>
<td>• Accrual Accounting (5/8 – PM)</td>
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<tr>
<td>May 17</td>
<td>Budget Workshop - #4</td>
<td>MSD Warren Twp., Indianapolis</td>
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<td>May 27</td>
<td>Memorial Day</td>
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<tr>
<td>June 7</td>
<td>IASBO Leadership Conference</td>
<td>Hilton Garden Inn, Indianapolis</td>
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<tr>
<td>June 14</td>
<td>Joint School Finance Seminar</td>
<td>TBD</td>
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<tr>
<td>June 17-18</td>
<td>Summer Institute</td>
<td>Primo West, Plainfield</td>
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- School Law & Administrative Rules – Basic (6/17 – AM)
- Public Works Law & Administration (6/18 – AM)
- Construction Finance (6/18 – PM)

#### from Denny’s Desk . . . continued

HB 1004, early education scholarship pilot program, Representative Behning. This is Governor Pence’s concept for a pre-K pilot program for low income children. The bill will expand the voucher program when these students begin kindergarten. This is the only early childhood bill alive, and that is why it passed the House 92-6. At this time, IASBO is neutral on the bill.

HB 1110, use of capital projects fund, Representative McNamara. This is the IASBO bill to allow the continued use of CPF monies for utilities and property insurance for the next two calendar years.

Now the bills move to the second house for committee hearings and floor action. One thing is for sure – 75 bills dealing with public education will not pass. Many of these bills will die in the second house.

As the “signs of the times” move forward, IASBO will strive to work with the various bills that deal with school business management.
IASBO PURCHASING ISSUES SEMINAR

On March 12 at Primo West in Plainfield, Indiana ASBO will sponsor a Purchasing Issues Seminar. The seminar focuses on efficiencies and technology for purchasing purposes. Please share this information with those in your office who have responsibilities regarding purchasing. The registration form for the seminar is attached and can be found on the IASBO website. The agenda for March 12 is as follows:

8:30 a.m.  **Registration**

9:00 a.m.  **Leveraging Technology to Create Purchasing Efficiencies**  
*(Panel discussion covering online methods, streamlining processes, and utilizing resources)*

**Panel Members:**
Barney Summers, Cooperative Purchasing Coordinator, Central IN Educational Service Center
Kurt Novotny, Contract/Vendor Manager, Indiana Department of Administration
Tom Jackson, President, BPS
Erin Kremer, Associate, Ikaso Consulting
Lorri Lefevers, Office Manager, Special Services of Johnson County
Charles Tait, Assistant Superintendent/Business Manager, Lebanon Community Schools
Dr. Diane Schweitzer, Director of Buildings & Grounds, School City of Hammond

10:15 a.m.  Break

10:30 a.m.  **Cashless Payments-Collections and Disbursements**

*Electronic Disbursement Process and RFP*

Rod Rathge, Director of Purchasing Services, Fort Wayne Community Schools
Stefan Pittenger, Director of Fiscal Affairs, Fort Wayne Community Schools
Rob Perdue, Commerce Bank VP Commercial Card Sales
Electronic Receipts Process
Rod Rathge and Stefan Pittenger, Fort Wayne Community Schools
Dave Thorson, President, and Sherrie Erdenberg, Senior Account Manager, RevTrak

Noon  **Lunch**

1:00 p.m.  **Maximizing CPF Purchasing Power**

*Accounting practices, facility related purchasing, and energy savings practices*

Dr. Thomas Dykiel, Chief Financial Officer, Greater Clark County Schools

2:00 p.m.  **Disposal of Surplus**

*Auctions: traditional vs. silent vs. online, sealed bids, and recycling*

David Koch, Director of Purchasing, MSD of Pike Township
Rod Rathge, Director of Purchasing, Fort Wayne Community Schools
Dr. Diane Schweitzer, Director of Buildings & Grounds, School City of Hammond
Megan Gatwood, Great Lakes Customer Service Representative, PublicService.com

3:00 p.m.  **Adjournment**
IASBO Seminar Registration Form

Purchasing Issues Seminar

March 12, 2013
Primo West, Plainfield IN

Corporation ________________________________________________________________

Phone or email ____________________________________________________________

The following individual(s) plan to attend the seminar on March 12, 2013:

<table>
<thead>
<tr>
<th>Name/Title</th>
<th>IASBO Member $115</th>
<th>Non-Member $155</th>
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☐ Enclosed is a check ☐ Please bill the corporation (PO#_______)

Please return this form to:

IASBO
One N. Capitol Ave., Suite 1215
Indianapolis, IN 46204-2095
317-639-3586
317-639-4360 (fax)

To receive a refund, cancellation must be received in writing by March 5, 2013.
IASBO Mentorship Program

Roles and Responsibilities

INTRODUCTION

As school business officials, we pride ourselves in helping others in the profession. Advice has been given because of personal experience on what to watch out for and how to make sure you don’t get caught in a trap. If you are a new school business official, do you know who to contact, or where to turn to have a pressing question answered? The IASBO Mentorship Program will give you that direction.

Many IASBO members have been Mentors during their careers assisting their peers with knowledge and experience. But, this type of mentoring is on an "as needed" basis. The Indiana ASBO Mentorship Program formalizes the mentorship activities and gives direction to both the Mentor and the Protégé.

The IASBO Mentorship Program is designed to be another tool for new school business officials as they navigate the “mine field” of school business management. The goal of the program is to build a more solid framework around the informal mentoring that is already happening around the state. IASBO has developed this program to assist with the transition of new school business officials into the profession with the guidance from their peers. The program will create lasting, positive relationships between the Mentors and the Protégés.

PROGRAM ELIGIBILITY & REQUIREMENTS

The IASBO Mentoring Program is a one-year program that will begin when the protégé’s application is approved. The program is designed for school business officials who have less than two years of experience in the profession or in a specific business management function.

Protégé

- Must be a member of the Indiana Association of School Business Officials
- Must be enrolled in the IASBO Certification Program
- Must agree to the Mentorship Program commitments
  1. A professional commitment to sharing openly, communicating effectively, and learning from the mentor.
  2. A personal commitment of my time to attend training.
- Must have their Superintendent sign-off on their participation in the program

Mentor

- Must be a member or a recently retired member of the Indiana Association of School Business Officials
- Must agree to the Mentorship Program commitments
  1. A professional commitment to sharing openly, communicating effectively, and learning from the protégé.
  2. A personal commitment of my time to attend training.
- Must have bimonthly meetings with the protégé
- Must complete the Mentor Application and send it to the IASBO office

TRAINING

Training for the mentor will be performed by the IASBO staff and IASBO regional directors. Training will be held at IASBO regional meetings and at the IASBO Annual Meeting. The training session will be an hour long.
PROGRAM OPERATION

Potential mentors will complete and send an application to the IASBO office. A pool of mentors by IASBO region will be compiled by the IASBO office, and shared with each IASBO Regional Director.

Individuals interested in participating in the Mentorship Program will complete and send the protégé application to the IASBO office. The IASBO Executive Director will coordinate the program and call the protégé to explain the program. The protégé’s IASBO Regional Director and the IASBO staff will determine which mentor will be selected to work with the protégé. Once the mentor has been selected, the one-year timeline begins. The IASBO Regional Director and IASBO staff will monitor the program’s progress, and resolve any potential conflicts between the protégé and mentor.

MY ROLE AS A PROTÉGÉ

It should be clearly understood at the start of any mentorship that to gain from the program, the Protégé must reach out, grasp and draw in lessons that the Mentor offers. The Protégé must be honest, forthcoming and willing to share thoughts with the Mentor. Accepting advice and feedback from the Mentor is an important role for the Protégé. The Protégé can only experience the beneficial gifts of mentoring by assuming ownership of what the Mentor has to offer.

MY ROLE AS A MENTOR

It seems simple at first, the notion of being a Mentor: someone who spends time with a “Protégé” and provides knowledge, advice and resources. Successful implementation can be challenging, however.

Here are some basic guidelines to help you determine your role with your Protégé:

YOU ARE . . .

• a role model.
• a confidant.
• a nurturer of possibilities
• a friend.

AS A MENTOR YOU SHOULD:

• Value the Protégé as a person
• Develop mutual trust and respect
• Maintain confidentiality

• Listen to what is being said and how it is being said
• Help the Protégé solve his/her own problem, rather than give direction
• Focus on the Protégé’s development and resist the urge to produce a clone

MENTOR VS. CONSULTANT

Understand your role as a Mentor. The expectation is for you to assist the Protégé with their transition into their role, provide peer support, educate them on the priorities of their new role, and help guide them to be more effective in their new role. YOU SHOULD NOT put yourself into the position where you are providing consulting services or completing the work for the Protégé. Remember to give them the tools and knowledge to do the work themselves and solve their own problems.

MENTOR BENEFITS

• Mentors will receive IASBO Certification Program hours for time spent with the Protégé
• Mentors will be recognized at the IASBO Annual Meeting for their service
• Reserved tables for the Mentors and Protégés will be available at the Thursday lunch at the IASBO Annual Meeting
• The positive feeling of assisting one’s peers and the profession of school business management

PROGRAM FEE

There will be a one-time fee of $100 paid per mentor by the protégé’s school corporation or by the protégé to Indiana ASBO. The fee will be reimbursed to the mentor at the completion of the one-year program commitment. The fee is to help defray the costs of travel and other reimbursable items during the program.

Indiana Association of School Business Officials
Office of Executive Director
One N. Capitol, Suite 1215
Indianapolis, IN 46204
(317) 639-3586 x106
FAX (317) 639-4360
E-mail: dcosterison@indiana-asbo.org
www.indiana-asbo.org
IASBO MENTOR APPLICATION FORM
2013 IASBO Mentoring Program

Contact Information

First Name _______________________________________

Last Name _______________________________________

Email Address ___________________________________

Phone # ________________________________________

School Corporation Information

Title ____________________________________________

School Corporation _______________________________________

Corporation ADM _______________________________________

General Fund Budget _______________________________________

Length of Service _______________________________________

IASBO Region _______________________________________

Your Preference for a Protégé

_____________________________________________________

_____________________________________________________

_____________________________________________________

Program Commitment

I understand that working as a mentor can be an extremely rewarding experience, and I appreciate that the beneficial outcomes require:

- A professional commitment to sharing openly, communicating effectively, and learning from each other.
- A personal commitment of my time to attend training.
- A supporting commitment from my supervisor for participation in the program.

Signature _________________________________________
IASBO MENTOR AREAS OF EXPERTISE

NAME ______________________________________

Please check the following areas of school business management that you feel competent in assisting a protégé with:

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<td>FACILITIES</td>
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<td>RISK MANAGEMENT</td>
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<td>REPORTING</td>
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IASBO InterCom February 2013 - 11
IASBO PROTÉGÉ APPLICATION FORM
2013 IASBO MENTORING PROGRAM

Contact Information

First Name ______________________________________
Last Name ______________________________________
Email Address __________________________________
Phone # ________________________________________
Length of Service __________________________________

School Corporation Information

Title ___________________________________________
School Corporation __________________________________
Corporation ADM _____________________________
General Fund Budget ___________________________
IASBO Region _________________________________

Preferences in a Mentor

____________________________________________________________________
____________________________________________________________________

Program Commitment
I understand that working in a mentor/protégé relationship can be extremely rewarding, and I appreciate that the beneficial outcomes require:

- A professional commitment to sharing openly, communicating effectively, and learning from each other.
- A personal commitment of my time to attend training.
- A supporting commitment from my supervisor for participation in the program.

Signature ______________________________________
**IASBO PROTÉGÉ AREAS OF NEED**

**NAME** ________________________________

Please check the following school business management areas that you need assistance with:

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**OTHER** _____ (please specify)
Welcome IASBO New Members

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<th>Region 8</th>
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<tr>
<td>MICHAEL BOSKOVICH</td>
<td>MIKE BUSH</td>
<td>LYNN LOTZ</td>
<td>REBECCA COURTNEY-KNIGHT</td>
<td>SUZANNE BLAKE</td>
<td>DEENA BURKS</td>
</tr>
<tr>
<td>Superintendent</td>
<td>Superintendent</td>
<td>Executive Secretary</td>
<td>Interim Superintendent</td>
<td>Superintendent</td>
<td>Insurance Services Manager</td>
</tr>
<tr>
<td>Highland</td>
<td>Wes-Del</td>
<td>Cloverdale</td>
<td>Clark-Pleasant</td>
<td>Pike County</td>
<td>New Albany-Floyd County</td>
</tr>
<tr>
<td>NICOLE THORN</td>
<td>LARRY JOHN</td>
<td>DANIEL NOEL</td>
<td>NATHAN DAVIDSON</td>
<td>LORI EDWARDS</td>
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<tr>
<td>Director of Finance</td>
<td>Executive Director</td>
<td>Superintendent</td>
<td>Director of Technology</td>
<td>Deputy Treasurer</td>
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<tr>
<td>Portage Township</td>
<td>East Central Ed. Service Center</td>
<td>North Putnam</td>
<td>MSD of Lawrence Township</td>
<td>North Daviess</td>
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<tr>
<td>STACEY SCHMIDT</td>
<td>BRIAN LIPSCOMB</td>
<td>DAWN PUCKETT</td>
<td>WILLIAM HOCHGESANG</td>
<td>TRACY LOREY</td>
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<tr>
<td>Superintendent</td>
<td>Chief of Security &amp; Operations</td>
<td>Acting Superintendent</td>
<td>Superintendent</td>
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<td>Muncie</td>
<td>Greencastle</td>
<td>Northeast Dubois</td>
<td>Greater Jasper</td>
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<td>DANIEL NOEL</td>
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IASBO EXTRACURRICULAR ACCOUNTING SEMINAR

Indiana ASBO will sponsor an Extracurricular Accounting Seminar on March 14 at Primo West in Plainfield. This seminar is sponsored by the IASBO Accounting & Budgeting Research Committee. Online registration will be available on the IASBO website. The registration form for the seminar is attached. Each participant will receive a handbook on extracurricular accounting that contains over 200-pages of practical information. Please share this information with your extracurricular accounting treasurers. The agenda for March 14 is as follows:

8:30 a.m. **Registration**

9:00 a.m. **Cash & Receipts:** Treasurer Responsibilities, General Requirements, Cash, Receipts, Fund Raisers, Vending Machines, Investments, Expenditures & Purchasing: Purchasing, Expenditures, Textbook Rental, Athletics, Bank Reconcilements, Month & Year End Balancing

10:30 a.m. **Break**

10:45 a.m. Finish with Expenditures & Purchasing

11:00 a.m. **Audit:** Audit, Top 10 Audit Results and Comments, Sales Tax, Gift Cards, Donations, Field Trips, School Lunch, Record Retention

Noon **Lunch**

1:00 p.m. **Break-Out Group Discussions**
Discussions will be broken down by Elementary ECA Treasurers and Middle and/or High School ECA Treasurers

2:30 p.m. **Adjournment**

**IASBO TREASURER NOMINATIONS**

The Indiana ASBO Nominating Committee will meet on March 8 to interview perspective candidates for the position of IASBO Treasurer. IASBO is asking for your assistance in nominating members to the position. The IASBO Treasurer is an officer position on the IASBO Board of Directors. Please contact Fred McWhorter II, IASBO Immediate Past President and Chair of the Nominating Committee, with your nominations. The only eligibility requirement is that the nominee must be an IASBO member. If you have questions on the position and its responsibilities, please contact Denny Costerison.
Fred can be contacted at fmowhierter@nafcs.k12.in.us or 812-542-2129.
REGISTRATION FORM

SCHOOL CORPORATION: ____________________________________________

CONTACT PERSON: _________________________________________________

TELEPHONE AND/OR EMAIL: _________________________________________

Number of people attending:

_________ Number of Participants: $60 per person (includes lunch)

Participant Names: _________________________________________________

____________________________________

Attendee Information:

_________ Number of Elementary School Treasurers

_________ Number of Middle and/or High School Treasurers

Billing Information:

_________ Enclosed is a check for the registration fee.

_________ Please bill the corporation (PO#: _____________ )

***Please list a billing address below if you want the invoice mailed to somewhere other than the school corporation main office***

Billing address: _________________________________________________

____________________________________

PLEASE RETURN THIS FORM VIA EMAIL, MAIL OR FAX TO:

eadamson@indiana-asbo.org

Indiana Association of School Business Officials
One N. Capitol Ave., Suite 1215, Indianapolis, IN 46204
FAX: 317-639-4360

To receive a refund, cancellation must be received in writing by March 7, 2013.
Appellate court affirms district court’s decision to deny school district’s motion for judgment as a matter of law in case wherein an employee alleged that the school district failed to accommodate her disability.

Concluding there was evidence to support the jury’s determination, the Seventh Circuit Court of Appeals denied the school district’s motion challenging the sufficiency of the evidence. Ekstrand v. School District of Somerset, 683 F.3d 826 (7th Cir. 2012).

In the spring of 2005, Ekstrand was assigned to teach 1st grade in a classroom that had no exterior windows. She requested a change in classroom on several occasions, asking for a classroom with natural light, but each request was denied. Shortly after the start of the 2005-2006 school year, Ekstrand experienced symptoms of seasonal affective disorder, a form of depression. Her doctors believed her symptoms were the result of the fact that her classroom had no exterior windows. She again requested different classroom, but was denied. Her doctors recommended that she take a three-month leave of absence. She returned to work for a few months, but eventually took another medical leave for the rest of the year. She sued the school district, alleging school officials failed to accommodate her disability when they refused to assign her to a classroom with exterior windows. The district court granted the school’s motion for summary judgment, but the Seventh Circuit reversed that decision, believing there were triable issues of fact as to whether the teacher was a qualified individual with a disability and whether the school district was aware of her disability. See Ekstrand v. School District of Somerset, 583 F.3d 972 (7th Cir. 2009).

At trial in the district court, the jury returned a verdict in favor of the teacher. The school district moved for judgment as a matter of law, challenging the sufficiency of the evidence. The district court denied the motion and the school district appealed again to the Seventh Circuit.

Before the appellate court, the school district challenged whether there was sufficient evidence for the jury to find that the teacher was a qualified individual with a disability and whether there was sufficient evidence for a jury to find that the school district knew of the disability. With respect to school’s assertions, the court noted several pieces of evidence that could have convinced the jury that the teacher was disabled and that the school district knew of the disability. In the opinion of the court, this evidence was the basis for the appellate court’s decision in 2009. Furthermore, the court noted that the school district had not raised any new legal theory that was not present in 2009 and thus its arguments in this appeal were particularly weak. Concluding there was ample evidence at the post-trial stage for a reasonable jury to conclude that the teacher was a qualified individual with a disability and that the school district knew about her disability and failed to accommodate her with a new classroom, the court affirmed the district court’s order.

School corporation reasonably accommodated a student with severe allergies to perfumes.

The school’s refusal to ban the spraying of perfumes and colognes at school was not unreasonable in light of the fact that there was no evidence that such action would have protected the student. Zandi v. Fort Wayne Community Schools, 2012 WL 4472006 (N.D.Ind. 2012).

During his junior year, the student began suffering allergic reactions to the scent of certain perfumes, fragrances, and lotions. He did not react to all perfumes and/or colognes and could not identify which ones triggered a reaction. His reactions included swelling of the face and throat, tightness in his chest, and difficulty breathing. The severity of his reactions also varied in intensity.

His allergic reactions continued during his senior year. His mother asked the school nurse and the principal about banning the spraying of perfumes at school. Her requests were denied. In an effort to accommodate the student, the school nurse emailed the student’s teachers, informing them of the student’s
allergy and encouraging them to tell students not to spray fragrances while at school. The school also advised the student body during morning announcements to not spray outside of the restrooms. Lastly, an article was run in the student newspaper to raise awareness of the issue.

As the year went on, more accommodations were provided to the student. But, during the spring, the student was hospitalized for five days as a result of a reaction. The student was given homebound instruction for the remainder of the year. His parents sued the school corporation, alleging the school corporation failed to provide him with reasonable accommodations under Section 504 and Title II of the Americans with Disabilities Act.

The court concluded the accommodations provided by the school corporation were reasonable in light of the mild or moderate intensity of his allergic reactions. Furthermore, the court opined that the student failed to introduce evidence that banning the spraying of perfumes would have prevented his allergic reactions. In light of the fact that the student never saw anyone spraying before he had a reaction and that there was no medical opinion establishing that perfume sprayed in the building elicited a different reaction that perfume already sprayed on a person who enters the building, the court concluded the student failed to prove that the ban was necessary.

Parents reported to the athletic director that the high school’s girls’ junior volleyball coach was giving foot rubs to his players and rubbing lotion on their backs. The athletic director documented these acts as “inappropriate behavior” in the coach’s personnel file and gave the coach a list of things that were not appropriate behavior for a coach in regards to the players. The coach continued to engage in the inappropriate behavior and was forced to resign about a year later. Local law enforcement officials conducted an investigation and eventually charged the coach with committing unspecified sex offenses against one of the players. The Indiana State Police conducted a separate investigation, which led to the State charging the athletic director with two counts of failure to report child abuse or neglect. Throughout the proceedings, the athletic director testified that he knew that the coach had given foot rubs and back rubs to his players, but had no knowledge of any sexual activity between the coach and any player.

The athletic director filed a motion to dismiss, asserting among other things that the prosecution was barred by the statute of limitations and that the charging information failed to state facts sufficient to constitute an offense, apprise him of the charges against him, and allow him to prepare a defense. The trial court denied his motion and the athletic director filed an interlocutory appeal to the Court of Appeals.

The appellate court rejected the allegation that the prosecution was barred by the statute of limitations after concluding that the athletic director concealed the fact that he had reason to believe a student was a victim of child abuse or neglect. With respect to the sufficiency allegations, the court noted that the charging information and the testimony from the probable cause hearing gave him sufficient notice of the charges.

Appellate court concludes that the charging information filed by the State, alleging that an athletic director failed to report alleged child abuse or neglect, was sufficient and therefore a jury should determine whether the employee failed to make the required report.

Finding that the facts alleged in the charging information, combined with the testimony from the probable cause hearing gave the athletic director sufficient notice of the charges against him, the court concluded that it was up to a jury to decide whether the school employee failed to make a report of suspected child

Excerpts from The ISBA Legal Educator continued . . .
abuse or neglect. Specifically, the athletic director asserted that he had no knowledge of a sexual relationship between the coach and player and therefore he had no duty to report suspected child abuse or neglect. The Court of Appeals rejected this argument, noting that the crimes of sexual misconduct with a minor and child seduction do not require the fondling or touching of a sexual organ. They merely require fondling or touching a child between the ages of 14 and 15 in cases of sexual misconduct and fondling or touching a child between 16 and 17 in cases of child seduction “with the intent to arouse or satisfy the sexual desires of either the child or the adult.” In the opinion of the appellate court, it was for a jury to decide whether the athletic director had reason to believe that a player was a victim of child abuse or neglect based on his knowledge that the coach had given foot rubs to one of the players and rubbed lotion on her back.

Note: The high school varsity volleyball coach was also charged with failure to report suspected child abuse or neglect and raised similar arguments. See Lebo v. State, 977 N.E.2d 1031 (Ind.App. 2012).

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Public Access Counselor Opinions

Request for emails was not made with reasonable particularity, but school corporation should have requested clarification as opposed to denying the request.

While concluding that a patron’s request for emails was universal rather than particular, the Public Access Counselor still found that the school corporation violated the Access to Public Records Act by denying the request as opposed to seeking further clarification. Formal Complaint 12-FC-146, Public Access Counselor, July 12, 2012.

A patron requested all emails sent or received by the superintendent in the period from August 1, 2011 through May 7, 2012. The school corporation initially responded that it was compiling and reviewing the records and that there would be a cost of $.10 per page. When the school corporation informed the patron there were 20,000 records responsive to the request and the approximate cost would be $4000, the patron asked for the records to be provided electronically. In an amended response, the school corporation informed the patron that the request for records was not made with reasonable particularity and therefore was denied.

The Public Access Counselor (PAC) noted numerous opinions on an agency’s duty to disclose email correspondence. To be reasonably particular, a request for email messages must include the sender, receiver, and a date range. For example, according to the PAC, a request for emails to or from Jane Doe for a range of dates is not reasonably particular. However, a request for emails from Jane Doe to Jim Smith for a range of dates would be reasonably particular. Since the request in this case was for all emails sent or received by the superintendent, it was deemed a universal and thus overly broad request. However, the PAC concluded the school corporation violated the Access to Public Records Act (APRA) by denying the request. Since the public policy of APRA favors disclosure and the burden of proof for nondisclosure is placed on the agency, the PAC opined that the school corporation should have sought further clarification rather than simply denying the request.

With respect to the issue of providing the emails in an electronic format, the PAC opined that an agency must make reasonable efforts to provide records in the medium requested, when the records are maintained in an electronic data storage system. Further, the agency can charge the direct cost of supplying the information in the form of a computer tape, disc, or analogous record system. In this case, the school corporation’s reason for not providing the records electronically was its assertion that the software capable of electronically redacting nondisclosable information was not available on the computers of the employees who may review and redact records. The PAC opined the lack of software availability on some computers might affect the timeliness of the school’s response, but would not justify a refusal to provide the records on the medium requested by the patron.

continued on page 21
School corporation did not violate APRA by denying request for discipline records that was not particularized by employee name.

A request for disciplinary actions taken by the school corporation for the past five years was properly denied by the school corporation on the basis that it was not made with reasonable particularity and was not mandated by statute. Formal Complaint 12-FC-274, Public Access Counselor, September 24, 2012.

An attorney requested copies of all disciplinary records for all employees over the past five years. The school corporation denied the request, asserting that it was not made with reasonable particularity as required by IC 5-14-3-3(a)(1) and that the duty to disclose certain discipline records under IC 5-14-3-4(b)(8) did not apply to a disclosure on all employees or for groups of employees without the request being particularized by employee name.

The attorney filed a complaint with the Public Access Counselor (PAC), who concluded the school corporation properly denied the request. The PAC noted previous opinions of the office wherein the PAC had concluded that a request that was not particularized by employee name was not made with reasonable particularity. The PAC further noted the statutory language at IC 5-14-3-4(b)(8)(C) that does not require disclosure of personnel information generally or for groups of employees without the request being particularized by name. Based on these statutory provisions, the PAC concluded the school corporation did not violate APRA by denying the request for records.

If you have a questions or would like a copy of any documents referred to in this article, please contact Lisa Tanselle, Staff Attorney, Indiana School Boards Association, by phone 317-639-0330, ext. 110 or by email ltanselle@isba-in.org.
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