



INDIANA STATE BOARD OF EDUCATION

To: Indiana State Board of Education

From: William Ottensmeyer, Staff Attorney

Date: April 10, 2024

RE: Approval of Governing Body Change – Concord Community Schools

Recommendation: Approve the proposed governing body plan change

Pursuant to IC 20-23-8, the Board of School Trustees of Concord Community Schools (“CSC”) adopted a resolution to initiate a change to CSC’s governing body plan. After adopting the resolution, CSC submitted the attached materials for the Indiana State Board of Education’s (“Board”) review and consideration, in accordance with the requirements set forth in IC 20-23-8-15.

Indiana Department of Education (“Department”) staff reviewed the attached material and determined that CSC’s plan and the manner in which it was initiated satisfy the requirements set forth in IC 20-23-8. As such, CSC’s new governing body plan is recommended for approval.

March 22, 2024

Admitted in Indiana
and Michigan

Thomas E. Warrick
Retired

Gary D. Boyn*
James V. Woodsmall*
Cynthia S. Gillard
Randall G. Hesser
Timothy S. Shelly
Andrew M. Hicks
Dean E. Leazenby
Christopher T. Pottratz
Rachel A. Schnetzler
Jamie R. Richardson**

*Of Counsel

**Admitted in Indiana and Illinois

Dr. Katie Jenner, Chair
Indiana State Board of Education
200 West Washington Street, Room 228
Indianapolis, Indiana 46204

RE: Concord Community Schools Governing Plan

Dear Dr. Jenner:

We represent Concord Community School Corporation. On November 20, 2023, the Concord Board of School Trustees adopted a resolution to amend its governing plan pursuant to Indiana Code 20-23-8. On November 22, 2023, notice of the resolution was published in the *Goshen News* and *Elkhart Truth*. A copy of the resolution and proofs of publication are enclosed.

This resolution removes the prohibition of family members of school board members being employed by the school corporation. In recent years, it has become increasingly difficult to hire employees, including summer maintenance and lifeguard positions. Concord Schools hopes that removing this restriction will alleviate some of its hiring difficulties. All other terms of the existing governing plan remain unchanged.

The deadline for filing a petition opposing the plan was March 21, 2024. No petition was filed in the Elkhart County Clerk's Office. The only remaining step in adopting the new governing plan is certification by the State Board of Education pursuant to Indiana Code 20-23-8-15.

We ask that the Board of Education approve the new governing plan at its April 10, 2024 meeting. If you need any additional information or documents from me, please contact me at (574) 294-7491 or cpottratz@warrickandboyn.com.

Sincerely,

Christopher T. Pottratz

CTP/cck

Enclosures

RESOLUTION

WHEREAS, Indiana Code 20-23-8 provides that a school corporation may amend its governing plan; and

WHEREAS, the statute provides that amendment of the governing plan may be initiated by a resolution of the governing body.

NOW, THEREFORE, BE IT RESOLVED by the Board of School Trustees of the Concord Community Schools that the Plan of School Organization of the Concord Community Schools adopted by appropriate resolution and approved and certified by the Indiana State Board of Education is hereby amended and restated as follows:

- (1) The Board of School Trustees of Concord Community Schools shall be composed of five (5) members, and each member of said Board as it is now constituted shall continue as a member until his or her respective term of office expires.
- (2) The Board of School Trustees of the Concord Community Schools shall be elected in conformance with the provisions of I.C. 20-23-4 as follows:
 - a) All members of the Board of School Trustees shall be elected on a district-wide basis, with each qualified voter in the school district privileged to cast a ballot for one candidate for each vacancy to be filled.
 - b) There shall be at least two (2) and no more than three (3) members residing in each of the following residency districts at the time of their election:
 - District 1 – (West Side/South Side Districts) Bounded on the North by the Elkhart City Limits as of March 31, 1966; on the South by the township line (County Road 28); on the West by State Road 19; and on the East and North by the Conrail Railroad right-of-way.
 - District 2 – (East Side/Ox Bow Districts) The balance of Concord Township outside the city limits of Elkhart, Indiana as those city limits existed on March 31, 1966.
 - c) The election of members of the Board of School Trustees shall be held at the time of the general election at which County Officials are elected.

- d) The election of members of the Board of School Trustees shall be a non-partisan ballot.
- e) Filings for election to the Board of School Trustees shall be by petition method with each petition to bear the signatures of the candidate and at least ten (10) other registered voters residing within the boundaries of the Concord Community Schools.
- f) Vacancies occurring on the Board of School Trustees shall be filled by appointment, which appointment shall be by the majority vote of the remaining members of the Board of School Trustees. The appointed member shall serve the remainder of the unexpired term until his successor is elected to that office. If there is a tie vote or if such appointment is not made within thirty (30) days it shall be made by the Judge of the Circuit Court in accordance with present law.

(3) The terms of office of the members of said Board of School Trustees shall be on a staggered basis to ensure continuity in the conduct of the business and affairs of said Board. Two (2) members shall be elected in the general election held in November, 2024, for a term of four (4) years, such term of office to commence on January 1, 2025, and to expire and terminate on December 31, 2028.

Three (3) members shall be elected in the general election held in November 2026, for a term of four years, such term of office to commence on January 1, 2027, and to expire and terminate on December 31, 2030.

In each subsequent election all members elected to said Board of School Trustees shall be for a four (4) year term, such term to begin and commence on January 1st next following their election to said Board of School Trustees.

(4) The limitations and qualifications of members of the Board of School Trustees are as follows:

a) Residential Qualifications:

- (1) A registered voter.
- (2) A resident of the School Board member residency district in which he/she resides within the Concord Community Schools for a minimum period of one (1) year prior to the election.


- b) No member of the Board of School Trustees shall be an employee of the school corporation. Any employee elected to serve as a member of the Board of School Trustees shall resign their employment with the school corporation the day following the election.
 - c) No member of the Board of School Trustees shall hold any other public elected office.
- (5) The Board of School Trustees shall organize itself at its first regular meeting in January of each year by electing the following officers:
- a) A president
 - b) A vice-president
 - c) A secretary

The election of the aforesaid officers shall be in accordance with the laws of the State of Indiana as may be promulgated for such purpose from time to time.


- (6) The Board of School Trustees of said Concord Community Schools shall have the rights, powers, duties, and liabilities vested in the governing body of a School Corporation under the laws of the State of Indiana.
- (7) Each member of said Board of School Trustees shall receive such remuneration and compensation for serving on said Board of School Trustees as set by said Board annually, and within the limits provided by law.
- (8) The Plan of School Board Organization set forth herein shall hereafter constitute and be the Plan of the Board of School Trustees of said Concord Community Schools, and all prior Plans are repealed upon the adoption of this Plan.
- (9) This Resolution and the Plan set forth herein shall be in full force and effect upon its adoption pursuant to I.C. 20-23-8.

Duly passed and adopted at a duly constituted meeting of the Board of School Trustees of Concord Community Schools this ~~6th~~ day of November, 2023.

20th



Kami Wait




Jennifer Davis



Tara Towner



Tim Yoder



Mike Malooley

AFFP
LEGAL NOTICE

Affidavit of Publication

STATE OF IN }
COUNTY OF ELKHART } SS

LEGAL NOTICE

The Board of School Trustees of Concord Community Schools has adopted the following Resolution to amend its Plan of School Organization. Any registered voter residing within the Concord Community Schools has the right to file a petition for alternative plans or a petition protesting the adoption of the plan.

Heather Purk, being duly sworn, says:

RESOLUTION

That she is Accounting Clerk of the Elkhart Truth, a daily newspaper of general circulation, printed and published in Elkhart, Elkhart County, IN; that the publication, a copy of which is attached hereto, was published in the said newspaper on the following dates:

WHEREAS, Indiana Code 20-23-8 provides that a school corporation may amend its governing plan; and

November 22, 2023

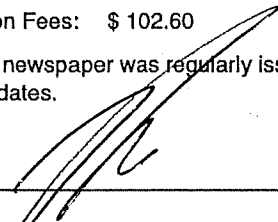
WHEREAS, the statute provides that amendment of the governing plan may be initiated by a resolution of the governing body.

NOW, THEREFORE, BE IT RESOLVED by the Board of School Trustees of the Concord Community Schools that the Plan of School Organization of the Concord Community Schools adopted by appropriate resolution and approved and certified by the Indiana State Board of Education is hereby amended and restated as follows:

Publication Fees: \$ 102.60

That said newspaper was regularly issued and circulated on those dates.

SIGNED:



Subscribed to and sworn to me this 22nd day of November 2023.

(1) The Board of School Trustees of Concord Community Schools shall be composed of five (5) members, and each member of said Board as it is now constituted shall continue as a member until his or her respective term of office expires.

(2) The Board of School Trustees of the Concord Community Schools shall be elected in conformance with the provisions of I.C. 20-23-4 as follows:

a) All members of the Board of School Trustees shall be elected on a district-wide basis, with each qualified voter in the school district privileged to cast a ballot for one candidate for each vacancy to be filled.

b) There shall be at least two (2) and no more than three (3) members residing in each of the following residency districts at the time of their election:

• District 1 – (West Side/South Side Districts) Bounded on the North by the Elkhart City Limits as of March 31, 1966; on the South by the township line (County Road 28); on the West by State Road 19; and on the East and North by the Conrail Railroad right-of-way.

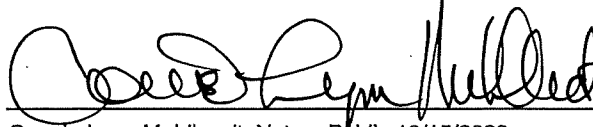
• District 2 – (East Side/Ox Bow Districts) The balance of Concord Township outside the city limits of Elkhart, Indiana as those city limits existed on March 31, 1966.

c) The election of members of the Board of School Trustees shall be held at the time of the general election at which County Officials are elected.

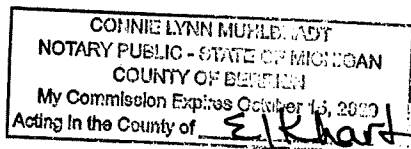
d) The election of members of the Board of School Trustees shall be a non-partisan ballot.

e) Filings for election to the Board of School Trustees shall be by petition method with each petition to bear the signatures of the candidate and at least ten (10) other registered voters residing within the boundaries of the Concord Community Schools.

f) Vacancies occurring on the Board of School Trustees shall be filled by appointment, which appointment shall be by the majority vote of the remaining members of the Board of School Trustees. The appointed member shall serve the remainder of the unexpired term until his successor is elected to that office. If there is a tie vote or if such appointment is not made within thirty (30) days it shall be made by the Judge of the Circuit Court in



Connie Lynn Muhlbardt, Notary Public 10/15/2029



70016804 70824316

Warrick & Boyn, LLP
861 Parkway Avenue
Elkhart, IN 46516

accordance with present law.

(3) The terms of office of the members of said Board of School Trustees shall be on a staggered basis to ensure continuity in the conduct of the business and affairs of said Board. Two (2) members shall be elected in the general election held in November, 2024, for a term of four (4) years, such term of office to commence on January 1, 2025, and to expire and terminate on December 31, 2028.

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b) No member of the Board of School Trustees shall be an employee of the school corporation. Any employee elected to serve as a member of the Board of School Trustees shall resign their employment with the school corporation the day following the election.

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(5) The Board of School Trustees shall organize itself at its first regular meeting in January of each year by electing the following officers:

a) A president

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The election of the aforesaid officers shall be in accordance with the laws of the State of Indiana as may be promulgated for such purpose from time to time.

(6) The Board of School Trustees of said Concord Community Schools shall have the rights, powers, duties, and liabilities vested in the governing body of a School Corporation under the laws of the State of Indiana.

(7) Each member of said Board of School Trustees shall receive such remuneration and compensation for serving on said Board of School Trustees as set by said Board annually, and within the limits provided by law.

(8) The Plan of School Board Organization set forth herein shall hereafter constitute and be the Plan of the Board of School Trustees of said Concord Community Schools, and all prior Plans are repealed upon the adoption of this Plan.

(9) This Resolution and the Plan set forth herein shall be in full force and effect upon its adoption pursuant to I.C. 20-23-8.

Duly passed and adopted at a duly constituted meeting of the Board of School Trustees of Concord Community Schools this 20th day of November, 2023.
hspaxlp

Proof of Publication


COPY

Ad # 1859205

STATE OF INDIANA,
Elkhart County, } ss:

I, being duly sworn, on oath say that THE GOSHEN NEWS is a daily newspaper of general circulation, printed and published in the City of Goshen, in the County and State of aforesaid; that the annexed true copy was published in said newspaper one consecutive week as follows:

On the day of November 22, 2023



Kristine F. Erb

Subscribed and sworn before me this day of November 22, 2023

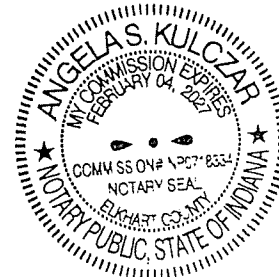


Angela S. Kulczar Notary Public

\$141.31

My commission expires February 04, 2027
Commission # NP0718334

The Goshen News
114 S. Main St., Goshen, IN 46526
ID # 82-2664009



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November 22 hspaxlp