

# State laws on hiring school employees

By **Lisa Tanselle**, General Counsel, [ltanselle@isba-ind.org](mailto:ltanselle@isba-ind.org)



With the end of the school year approaching, some school administrators may be busy hiring new employees for the upcoming school year. There are no hiring procedures established in statute, but there are some laws that impact the hiring process. Below is a brief summary of some of those laws.

## Duty to Contact Employment References

The General Assembly in 2017 required school boards to adopt a policy that requires school officials to contact employment references and, if applicable, the most recent employer of a prospective employee, before hiring the individual. See [IC 20-26-5-10.5](#). Any administrator with the responsibility of checking employment references should document who was contacted, the date of the contact, and a summary of the information provided.

## Duty to Conduct a Criminal History Background Check

Current Indiana law requires school boards to adopt policies that require school corporations to conduct an expanded criminal history background check on applicants for employment with the school corporation who are likely to have direct, ongoing contact with children within the scope of their employment. See [IC 20-26-5-10](#). The background check must be completed before or not later than 30 days after the start date of the applicant's employment. A school corporation is prohibited from hiring an individual who has been convicted of an offense requiring license revocation, unless the conviction has been reversed, vacated, or set aside on appeal. The list of those offenses can be found at [IC 20-28-5-8\(c\)](#).

Starting July 1, 2022, school corporations *shall consider* whether information obtained through the background check, and specifically whether an individual has been convicted of certain crimes, constitutes grounds to not employ the individual. See [P.L. 125-2022](#), Section 5, which amends [IC 20-26-5-11](#). Currently the law states school corporations "may use" the information obtained. With this change, school officials may want to document that the information in the background check was reviewed and that the information resulted in a decision to employ or not employ the individual.

Administrators should also note that the legislature added the offense of "public indecency" to the list of offenses that could result in an individual not being hired. Again, see P.L. 125-2022, Section 5.

In addition to the requirement to conduct an expanded criminal history background check on a prospective employee who is likely to have direct, ongoing contact with children, a school corporation must conduct an Indiana expanded child protection index check on that individual. The Indiana expanded child protection index check must be completed before or within 60 days after the start date of the individual's employment.

*Continued on page six . . .*

## School Board Changes

Smith-Green Community Schools selected **Brian E. Clark** of Churubusco to fill the vacancy on the Board of Education following the resignation of **Jane Elliot**. Clark completed a Transition to Teaching program in elementary education and is currently a trainer with the State of Indiana's IMPACT program, which provides employment services to residents who receive welfare benefits.

Lafayette School Corporation named **Allison McKay** to the Board of Trustees. She replaces **Rebecca Sprague**, who resigned after 20 years of board service.

North Putnam Community School Corporation Board of Education member **Rachel Mandeville** has stepped down. She served on the board since January 2021.

Culver Community Schools Corporation School Board member **Karen Lee** announced that she will be leaving the board at the end of May after a little more than four years.

## In Memorial

Salem Community Schools Board of Schools Trustee **Richard Trueblood**, 76, died on April 8 in the Palliative Care Unit of Baptist Health Louisville. In addition to his school board service, he taught art in the Salem schools for 50 years.

## State laws on hiring school employees, continued from page 3 . . .

### Recommendation to the School Board

Indiana law requires the superintendent and/or the principal to recommend to the school board the employment of all employees necessary to the operation of the school corporation. The school board must approve the employment recommendation. See [IC 20-26-5-4.5](#).

### Entering into a Written Contract

Indiana law requires teachers (excluding substitute teachers) to be employed by a written contract. See [IC 20-28-6-4](#). School boards have the discretion to employ noncertified employees as at-will employees or by a written contract. All employment contracts must be approved by a majority of the members of the school board.

## ISBA Board of Directors

President — Tom Simpson, Yorktown Community Schools  
 First Vice President — Rebecca Gardenour, New Albany-Floyd County Consolidated School Corporation  
 Second Vice President — Steve Corona, Fort Wayne Community Schools  
 Past President — Bob Stwalley, Lafayette School Corporation

Region 1 — Thomas Hoffman, Crown Point Community School Corporation  
 Region 2 — Becky Linnemeier, Wawasee Community School Corporation  
 Region 3 — Tim Ehlerding, North Adams Community Schools  
 Region 4 — Milt Hess, Logansport Community School Corporation  
 Region 5 — Layla Spanenberg, Carmel Clay Schools  
 Region 6 — Wade Beatty, Charles A. Beard Memorial School Corporation  
 Region 7 — John Preble, Linton-Stockton School Corporation  
 Region 8 — Jack Russell, Center Grove Community School Corporation  
 Region 9 — Travis Nolcox, North Gibson School Corporation  
 Region 10 — Lee Ann Wiseheart, New Albany-Floyd County Consolidated School Corporation