



Employee Background Checks and Contracts

by Julie M. Slavens, ISBA Staff Attorney (jslavens@isba-ind.org)

Summer is upon us! Soon it will be time to hire employees for the upcoming school year. The 2018 Indiana General Assembly made changes to laws affecting the hiring of employees. These updates are discussed below as are other requirements for hiring employees.

Expanded Child Protection Index -- Applicants

The Indiana General Assembly amended IC 20-26-5-10 concerning expanded criminal history checks and expanded child protection index checks. The amendment changes the requirements for obtaining expanded child protection index checks. Beginning July 1, 2018, school corporations are required to obtain only an Indiana expanded child protection check on applicants. The Indiana expanded child protection index must be done before the individual begins employment or not later than 60 days after the person begins work for the school corporation. The new law allows school corporations to obtain expanded child protection checks from other states, but they are not required to do so.

Expanded Criminal History Check – Current Employees

In addition, the new law amended the requirement to get expanded criminal history checks on all employees every five years. School corporations are required to do so every five years but only on employees who are likely to have direct, ongoing contact with children within the scope of their employment. Thus, for employees who do not have contact with children on a regular basis, no expanded criminal history checks will need to be conducted. This will include employees such as central office personnel and who work during non-school hours.

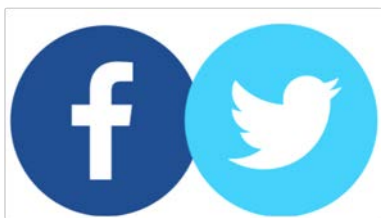
The amendments must be in the school board's policy on criminal history checks as the law requires school boards to have a policy on these background checks. ISBA will be sending out additional information on this law and other laws passed by the 2018 Indiana General Assembly affecting board policy including sample policies in June.

School Board Approval of Hiring School Employees

Indiana has a statute relating to the hiring of school employees. IC 20-26-5-4.5 states the superintendent is responsible for selecting central office staff and administrators, principals, and other employees necessary for the operation of the school corporation. This statute also provides the superintendent and the principal are responsible for selecting teachers, teacher aides, building administrators and other employees necessary for the operations of a school building. But the person selected by the superintendent or principal to fill these positions must be approved by the school board. While this statute requires the superintendent or principal to be responsible for the hiring process and selection of a final candidate for a position, the school board must approve the person selected by the superintendent.

School Board Approval of Employment Contracts

Some persons hired will be on a regular teacher's contract as required by law and some persons will be on an employment contract per board policy. In both cases, IC 20-26-4-8 requires the contract to be approved by the majority of the entire school board (and not the majority of school board members present at the meeting). Once the contract is approved by the board, the law requires the board president and the board secretary to sign the contract (the board vice president may sign the contract in the absence of the president or the secretary). Once these actions are completed, the contract is considered "entered into" by law.



ISBA is on Social Media!

ISBA has joined the Facebook and Twitter worlds! Be sure to follow us, as we'll be posting exclusive content on our pages!

Facebook:
<https://www.facebook.com/IndianaSchoolBoards/>

Twitter:
<https://twitter.com/isbanews>

UPCOMING ISBA EVENTS

6.1.2018--ISBA June School Law Seminar
[REGISTER HERE!](#)

6.13.2018—ISBA/IAPSS/IASBO Joint Budget & Finance Seminar
[REGISTER HERE!](#)

9.10.2018 – 9.11.2018—ISBA/IAPSS 69th Annual Fall Conference

[REGISTRATION COMING SOON!](#)