

# The Use of Temporary Teacher Contracts



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

Many school boards and administrative teams are currently considering how to use the federal monies granted to school corporations to address the coronavirus pandemic experienced in the 2020-2021 school year. While some of the monies must be reserved to address learning loss, schools are otherwise given much discretion to spend the monies on other student and employee needs as well as on facility improvements designed to reduce the risk of virus transmission.

In light of this broad discretion, some school boards may be contemplating hiring additional personnel to meet the needs of students. If so, the board may also want to consider hiring these individuals by using the temporary teacher contract form as opposed to the traditional regular teacher contract form.

The temporary teacher contract form has historically been available to school boards to use when the board was hiring a teacher to serve in the absence of a teacher who had been granted a leave of absence from his/her teaching duties. But in 2011, the General Assembly expanded the use of the temporary teacher contract to include when hiring a “new teacher” to serve in a position “funded by a grant outside the school funding formula for which funding is available only for a specified period or purpose.” The temporary teacher contract may also be used to hire a “new teacher” for a position vacated by a teacher serving under a regular teacher contract and who temporarily accepts a teaching position that is funded by a grant. See IC 20-28-6-6(a)(2). Clearly the funds made available to schools through the Coronavirus Aid, Relief, and Economic Security Act, the Coronavirus Response and Relief Supplemental Appropriations Act, and the American Rescue Plan Act are grant monies that are available for a specified period or purpose. Thus, it is permissible for a board that is hiring a new teacher with these monies to use the temporary teacher contract.

The primary benefit of using the temporary teacher contract is the ability to terminate the contract on its expiration date without having to provide any due process to the teacher. Because Indiana law states that the provisions of the temporary teacher contract may not provide for any “continued tenure of position” and must contain an expiration date, both parties understand that employment for this new teacher is temporary and likely dependent on a demonstrated need for the position and the availability of additional funding. Using this form of contract as opposed to the regular teacher contract gives school boards greater flexibility in addressing the short-term needs of the school corporation while still assessing future or on-going needs.

The temporary teacher contract forms may be found [HERE](#). Please note the three different forms when selecting the one for your specific purpose.