

LEGISLATIVE BILL 82

Approved by the Governor February 26, 1975

Introduced by Simpson, 46

AN ACT to amend section 79-1254, Reissue Revised Statutes of Nebraska, 1943, and section 79-1254.02, Revised Statutes Supplement, 1974, relating to schools; to require just cause to terminate a teacher's or administrator's contract; to provide a probationary period; to define just cause; to provide procedures for the termination of a superintendent's or associate superintendent's contract; to repeal the original sections; and to declare an emergency.

Be it enacted by the people of the State of Nebraska,

Section 1. That section 79-1254, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-1254. The original contract of employment with an administrator or a teacher and a board of education of a Class I, II, III, or VI district shall require the sanction of a majority of the members of the board. Any Except for the first two years of employment under any contract entered into after the effective date of this act, any contract of employment between an administrator or a teacher who holds a certificate which is valid for a term of more than one year and a Class I, II, III, or VI district shall be deemed renewed and shall remain in full force and effect until a majority of the members of the board vote on or before May 15 to amend or to terminate the contract for just cause at the close of the contract period. The first two years of the contract shall be a probationary period during which it may be terminated without just cause. Any superintendent or associate superintendent may have his contract of employment terminated without just cause at the close of the contract period. ~~;-Provided;-that-the~~ The secretary of the board shall, not later than April 15, notify each administrator or teacher in writing of any conditions of unsatisfactory performance or other conditions because of a reduction in staff members or change of leave of absence policies of the board of education which the board considers may be just cause to either terminate or amend the contract for the ensuing school year. Any teacher or administrator so notified shall have the right to file within five days of receipt of such notice a

written request with the board of education for a hearing before the board. Upon receipt of such request the board shall order the hearing to be held within ten days, and shall give written notice of the time and place of the hearing to the teacher or administrator. At the hearing evidence shall be presented in support of the reasons given for considering termination or amendment of the contract, and the teacher or administrator shall be permitted to produce evidence relating thereto. The board shall render the decision to amend or terminate a contract based on the evidence produced at the hearing. As used in this section and section 79-1254.02, the term just cause shall mean incompetency, neglect of duty, unprofessional conduct, insubordination, immorality, physical or mental incapacity, other conduct which interferes substantially with the continued performance of duties or a change in circumstances necessitating a reduction in the number of administrators or teachers to be employed by the board of education. No member of the board of education may cast a vote in favor of the election of any teacher when such member of the board is related by blood or marriage to such teacher.

Sec. 2. That section 79-1254.02, Revised Statutes Supplement, 1974, be amended to read as follows:

79-1254.02. The contracts of the teaching staff employed by the governing board of any state technical community college, educational service unit, or any educational program administered by the State Department of Education, the Department of Public Institutions, or any political subdivision of the state, shall require the sanction of a majority of the members of such governing board. Each such contract shall be deemed renewed and in force and effect until a majority of the board votes, sixty days before the close of the contract period, to amend or terminate the contract for just cause. The secretary of the board shall notify each teacher in writing at least ninety days before the close of the contract period of any conditions of unsatisfactory performance or a reduction in teaching staff that the board considers may be just cause to either amend or terminate the contract for the ensuing year. Any teacher so notified shall have the right to file within five days of receipt of such notice a written request with the board for a hearing before the board. Upon receipt of such request, the board shall order the hearing to be held within ten days, and shall give written notice of the time and place of the hearing to the teacher. At the hearing, evidence shall be presented in support of the reasons given for considering amendment or termination of the contract, and the teacher shall be permitted to produce evidence related thereto. The board shall render

the decision to amend or terminate a contract based on the evidence produced at the hearing.

Sec. 3. The board of education of a Class I, II, III, or VI school district shall give notice in writing, not later than April 15, of its intention to terminate the contract of any superintendent or associate superintendent. Any superintendent or associate superintendent receiving such notice shall have the right to file within five days of receipt of such notice a written request for a hearing before the board. Upon receipt of such request, the board shall order the hearing to be held within ten days, and shall give written notice of the time and place of the hearing to the superintendent or associate superintendent. At the hearing, evidence shall be presented in support of the reasons given for considering termination of the contract, and the superintendent or associate superintendent shall be permitted to produce evidence related thereto. The board shall render its final decision within ten days following the hearing. If no request for a hearing is received, the board may proceed to terminate the contract.

Sec. 4. That original section 79-1254, Reissue Revised Statutes of Nebraska, 1943, and section 79-1254.02, Revised Statutes Supplement, 1974, are repealed.

Sec. 5. Since an emergency exists, this act shall be in full force and take effect, from and after its passage and approval, according to law.