

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 474

Introduced by Chambers, 11

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to public records; to amend sections
2 48-233, 79-824, 79-828, 79-829, 79-831, 79-833, 79-837,
3 79-838, 79-839, 79-840, 79-846, 79-847, 79-851, 79-8,109,
4 79-1215, 79-1234, 79-1235, 79-1236, 79-1237, and 79-1238,
5 Reissue Revised Statutes of Nebraska; to provide for
6 certain misconduct by school teachers, school nurses,
7 and police officers to be a public record; to harmonize
8 provisions; to provide an operative date; and to repeal
9 the original sections.

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

1 Section 1. Any disciplinary action involving a town
2 marshal, a chief of police or a local police officer, a sheriff or
3 a deputy sheriff, a deputy state sheriff, a special deputy sheriff,
4 the Superintendent of Law Enforcement and Public Safety, an officer
5 of the Nebraska State Patrol, a carrier enforcement officer, a Game
6 and Parks Commission conservation officer, or any other person with
7 similar authority to make arrests under authority granted by this
8 state or by any of its political subdivisions shall be considered
9 a public record.

10 Sec. 2. Section 48-233, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 48-233 (1) In addition to the penalties provided in
13 the Uniform Controlled Substances Act, any employee of a state
14 agency, political subdivision, or institution who possesses,
15 dispenses, delivers, administers, uses, or knowingly allows a
16 subordinate employee or a student attending such employee's
17 employing institution to possess, dispense, deliver, administer,
18 or use an anabolic steroid unless such substance is needed for a
19 valid medical purpose:

20 (a) For the first conviction, shall be dismissed from
21 employment and shall not be an employee of the dismissing entity or
22 any other state agency, political subdivision, or institution for a
23 period of one year after his or her dismissal; and

24 (b) For a second or any subsequent conviction, shall be
25 dismissed from employment and shall not thereafter be an employee

1 of the dismissing entity or any other state agency, political
2 subdivision, or institution.

3 (2) Any sanction imposed pursuant to this section shall
4 be subject to the Administrative Procedure Act except for those
5 employees governed by sections 79-824 to 79-842 and section 12 of
6 this act.

7 (3) The use of an anabolic steroid for the purpose of
8 hormonal manipulation that is intended to increase muscle mass,
9 strength, or weight without a medical necessity to do so or for the
10 intended purpose of improving physical appearance or performance in
11 any form of exercise, sport, or game shall not be a valid medical
12 purpose or in the course of professional practice.

13 Sec. 3. Section 79-824, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 79-824 For purposes of sections 79-824 to 79-842 and
16 section 12 of this act, unless the context otherwise requires:

17 (1) Certificated employee means and includes all teachers
18 and administrators as defined in section 79-101, other than
19 substitute teachers, who are employed one-half time or more by
20 any class of school district;

21 (2) School board means the governing board or body of any
22 class of school district;

23 (3) Probationary certificated employee means a teacher
24 or administrator who has served under a contract with the school
25 district for less than three successive school years in any school

1 district, unless extended one or two years by a majority vote
2 of the board in a Class IV or V school district, except that
3 after September 1, 1983, in Class IV and V school districts the
4 requirement shall be three successive school years. Probationary
5 certificated employee also means superintendents, regardless of
6 length of service;

7 (4) Just cause means: (a) Incompetency, which includes,
8 but is not limited to, demonstrated deficiencies or shortcomings
9 in knowledge of subject matter or teaching or administrative
10 skills; (b) neglect of duty; (c) unprofessional conduct; (d)
11 insubordination; (e) immorality; (f) physical or mental incapacity;
12 (g) failure to give evidence of professional growth as required in
13 section 79-830; or (h) other conduct which interferes substantially
14 with the continued performance of duties;

15 (5) Permanent certificated employee means a teacher or
16 administrator who has served the probation period as defined in
17 this section; and

18 (6) School year, for purposes of employment, means
19 three-fourths of the school year or more on duty, exclusive of
20 summer school.

21 A certificated employee who has been hired to fulfill the
22 duties of another certificated employee who is on leave of absence
23 shall not accrue rights under sections 79-824 to 79-842 and section
24 12 of this act during the period that the employee is fulfilling
25 such duties.

1 Sec. 4. Section 79-828, Reissue Revised Statutes of
2 Nebraska, is amended to read:

3 79-828 (1) The contract of a probationary certificated
4 employee shall be deemed renewed and remain in full force and
5 effect unless amended or not renewed in accordance with sections
6 79-824 to 79-842 and section 12 of this act.

7 (2) The purpose of the probationary period is to allow
8 the employer an opportunity to evaluate, assess, and assist the
9 employee's professional skills and work performance prior to the
10 employee obtaining permanent status.

11 All probationary certificated employees employed by Class
12 I, II, III, and VI school districts shall, during each year of
13 probationary employment, be evaluated at least once each semester,
14 unless the probationary certificated employee is a superintendent,
15 in accordance with the procedures outlined below:

16 The probationary employee shall be observed and
17 evaluation shall be based upon actual classroom observations for
18 an entire instructional period. If deficiencies are noted in
19 the work performance of any probationary employee, the evaluator
20 shall provide the teacher or administrator at the time of the
21 observation with a list of deficiencies, a list of suggestions
22 for improvement and assistance in overcoming the deficiencies, and
23 followup evaluations and assistance when deficiencies remain.

24 If the probationary certificated employee is a
25 superintendent, he or she shall be evaluated twice during the first

1 year of employment and at least once annually thereafter.

2 Any certificated employee employed prior to September
3 1, 1982, by the school board of any Class I, II, III, or VI
4 school district shall serve the probationary period required by law
5 prior to such date and shall not be subject to any extension of
6 probation.

7 (3) If the school board or the superintendent or
8 superintendent's designee determines that it is appropriate to
9 consider whether the contract of a probationary certificated
10 employee or the superintendent should be amended or not renewed for
11 the next school year, such certificated employee shall be given
12 written notice that the school board will consider the amendment
13 or nonrenewal of such certificated employee's contract for the
14 ensuing school year. Upon request of the certificated employee,
15 notice shall be provided which shall contain the written reasons
16 for such proposed amendment or nonrenewal and shall be sufficiently
17 specific so as to provide such employee the opportunity to prepare
18 a response and the reasons set forth in the notice shall be
19 employment related.

20 (4) The school board may elect to amend or not renew
21 the contract of a probationary certificated employee for any reason
22 it deems sufficient if such nonrenewal is not for constitutionally
23 impermissible reasons, and such nonrenewal shall be in accordance
24 with sections 79-824 to 79-842 and section 12 of this act.
25 Amendment or nonrenewal for reason of reduction in force shall be

1 subject to sections 79-824 to 79-842 and section 12 of this act and
2 79-846 to 79-849.

3 (5) Within seven calendar days after receipt of
4 the notice, the probationary certificated employee may make a
5 written request to the secretary of the school board or to the
6 superintendent or superintendent's designee for a hearing before
7 the school board.

8 (6) Prior to scheduling of action or a hearing on
9 the matter, if requested, the notice of possible amendment
10 or nonrenewal and the reasons supporting possible amendment or
11 nonrenewal shall be considered a confidential employment matter as
12 provided in sections 79-539, 79-8,109, and 84-1410 and shall not be
13 released to the public or any news media.

14 (7) At any time prior to the holding of a hearing or
15 prior to final determination by the school board to amend or not
16 renew the contract involved, the probationary certificated employee
17 may submit a letter of resignation for the ensuing year, which
18 resignation shall be accepted by the school board.

19 (8) The probationary certificated employee shall be
20 afforded a hearing which shall not be required to meet the
21 requirements of a formal due process hearing as set forth in
22 section 79-832 but shall be subject to section 79-834.

23 Sec. 5. Section 79-829, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-829 The contract of a permanent certificated employee

1 shall be deemed continuing and shall be renewed and remain in
2 full force and effect unless amended or terminated in accordance
3 with the provisions of sections 79-824 to 79-842 and section 12
4 of this act. The school board by a vote of the majority of its
5 members may determine that such permanent certificated employee's
6 contract shall be amended or terminated for any of the following
7 reasons: (1) Just cause as defined in section 79-824; (2) reduction
8 in force as set forth in sections 79-846 to 79-849, or change of
9 leave-of-absence policies; (3) failure of the certificated employee
10 upon written request of the school board or the administrators
11 of the school district to accept employment for the next school
12 year within the time designated in the request, except that
13 the certificated employee shall not be required to signify such
14 acceptance prior to March 15 of each year; or (4) revocation or
15 suspension by the State Board of Education of the certificate of a
16 certificated employee whose duties require such a certificate.

17 Sec. 6. Section 79-831, Reissue Revised Statutes of
18 Nebraska, is amended to read:

19 79-831 Any probationary or permanent certificated
20 employee whose contract of employment may be amended, terminated,
21 or not renewed for the next school year shall be notified in
22 writing on or before April 15 of each year of such possible action
23 on the contract. If the certificated employee wishes a hearing,
24 a written request shall be sent to the secretary of the school
25 board or the superintendent of schools or the superintendent's

1 designee within seven calendar days after receipt of the written
2 notice. Unless (1) continued by written agreement between the
3 parties or their representatives as provided in this section or
4 (2) a hearing officer is utilized as provided in sections 79-840
5 to 79-842, final action by the school board must be taken on or
6 before May 15 of each year. If a hearing on amendment, nonrenewal,
7 cancellation, or termination is not requested within the time
8 provided for in sections 79-824 to 79-842 and section 12 of this
9 act, the school board shall make a final determination. With regard
10 to all hearings provided for under such sections, either formal due
11 process hearings or informal hearings, the certificated employee
12 shall be advised in writing at least five days prior to the date
13 of hearing of the date, time, and place of the hearing. Except as
14 provided in section 79-840, all such hearings shall be held within
15 thirty days of the date of the request for hearing. The parties or
16 their representatives by mutual agreement, confirmed in writing,
17 may extend the times for hearings or final determinations by the
18 board under sections 79-824 to 79-842 and section 12 of this act.

19 Sec. 7. Section 79-833, Reissue Revised Statutes of
20 Nebraska, is amended to read:

21 79-833 In error proceedings to reverse, vacate, or modify
22 a final order by a school board made pursuant to sections 79-824
23 to 79-842 and section 12 of this act, the school district,
24 school board, or both may be named as defendants in error in
25 the proceedings. The proceedings shall not be defeated and the

1 court shall not be deprived of subject matter jurisdiction because
2 the petitioner named the school board rather than the school
3 district or the school district rather than the school board as the
4 defendant in error.

5 This section shall apply to all error proceedings pending
6 in the district court or the Supreme Court on June 11, 1991, and to
7 error proceedings commenced after such date.

8 Sec. 8. Section 79-837, Reissue Revised Statutes of
9 Nebraska, is amended to read:

10 79-837 The school board may on its own behalf, or
11 shall upon the request of the certificated employee or his or
12 her representative or at the request of the school district
13 administration or the superintendent or the superintendent's
14 designee, (1) subpoena and compel the attendance of witnesses
15 residing either within or outside the state for the purpose of
16 appearing and testifying at any hearing provided for in sections
17 79-824 to 79-842 and section 12 of this act and for the purpose of
18 having such witnesses' depositions taken, in the manner prescribed
19 by law for the taking of depositions in civil actions in the
20 district court, and (2) issue subpoenas for the production of any
21 papers, books, accounts, and documents.

22 Sec. 9. Section 79-838, Reissue Revised Statutes of
23 Nebraska, is amended to read:

24 79-838 Any school board, upon written request, may grant
25 a leave of absence to a permanent certificated employee for such

1 reasons as the school board deems appropriate, including, but not
2 limited to, study, military service, or professional improvement
3 or because of physical disability or sickness, or as otherwise
4 required by law, subject to such rules and regulations governing
5 leaves of absence as may be adopted by the school board. A school
6 board may require a permanent certificated employee, because of
7 physical disability or sickness, to take a leave of absence for a
8 period not exceeding one year. In any such case, the procedure to
9 be followed and the rights of the permanent certificated employee
10 shall be the same as those prescribed in sections 79-824 to
11 79-842 and section 12 of this act for termination of a permanent
12 certificated employee.

13 Sec. 10. Section 79-839, Reissue Revised Statutes of
14 Nebraska, is amended to read:

15 79-839 Sections 79-824 to 79-842 and section 12 of this
16 act do not provide any certificated employee a right to a specific
17 assignment so long as such certificated employee is assigned to
18 duties for which he or she is qualified by reason of certification,
19 endorsement, or college preparation.

20 Sec. 11. Section 79-840, Reissue Revised Statutes of
21 Nebraska, is amended to read:

22 79-840 Any school board of a Class IV or Class V school
23 district or certificated employee thereof may require that hearings
24 held pursuant to sections 79-824 to 79-839 and such other hearings
25 as designated by the school board be conducted by a hearing officer

1 as specified in sections 79-841 and 79-842 and section 12 of this
2 act. If a hearing is held before such a hearing officer, the
3 requirements of section 79-831 that final action must be taken by
4 the school board on or before May 15 of each year and that a
5 hearing must be held within thirty days of the date of the request
6 for a hearing shall not apply.

7 Sec. 12. Any disciplinary action involving a
8 certificated employee, probationary certificated employee,
9 permanent certificated employee, school nurse, or other person
10 required to have a certificate from the State Department of
11 Education shall be considered a public record.

12 Sec. 13. Section 79-846, Reissue Revised Statutes of
13 Nebraska, is amended to read:

14 79-846 Prior to January 1, 1979, every school board,
15 board of education, or governing board of any educational
16 institution in Nebraska covered by the provisions of sections
17 79-824 to 79-842 and section 12 of this act shall adopt a
18 reduction-in-force policy covering employees subject to such
19 statutory provisions to carry out the intent of sections 79-846 to
20 79-849. No such policy shall allow the reduction of a permanent
21 or tenured employee while a probationary employee is retained to
22 render a service which such permanent employee is qualified by
23 reason of certification and endorsement to perform or, in cases in
24 which certification is not applicable, by reason of college credits
25 in the teaching area. If employee evaluation is to be included as

1 a criterion to be used for reduction in force, specific criteria
2 such as frequency of evaluation, evaluation forms, and number and
3 length of classroom observations shall be included as part of the
4 reduction-in-force policy.

5 Sec. 14. Section 79-847, Reissue Revised Statutes of
6 Nebraska, is amended to read:

7 79-847 Before a reduction in force occurs, the school
8 board or board of education and the school district administration
9 shall present competent evidence demonstrating that a change in
10 circumstances has occurred necessitating a reduction in force. Any
11 alleged change in circumstances must be specifically related to
12 the teacher or teachers to be reduced in force, and the board,
13 based upon evidence produced at the hearing required by sections
14 79-824 to 79-842 and section 12 of this act, shall be required to
15 specifically find that there are no other vacancies on the staff
16 for which the employee to be reduced is qualified by endorsement or
17 professional training to perform.

18 Sec. 15. Section 79-851, Reissue Revised Statutes of
19 Nebraska, is amended to read:

20 79-851 The unified system or reorganized school district
21 or districts may terminate, in accordance with sections 79-824 to
22 79-842 and section 12 of this act, the contracts of employment of
23 teachers whose employer's school district was or is to be closed,
24 merged, or otherwise altered as provided for unified systems or
25 reorganized school districts in section 79-850, except that such

1 teachers shall for the purpose of reduction in force be considered
2 teachers of the unified system or reorganized school district or
3 districts and the teachers shall be given full credit for the years
4 of teaching experience they had acquired as well as the same tenure
5 or permanent status rights they had in the school district or
6 districts affected by the unification or reorganization.

7 Sec. 16. Section 79-8,109, Reissue Revised Statutes of
8 Nebraska, is amended to read:

9 79-8,109 Any teacher, administrator, or full-time
10 employee of any public school district shall, upon his or her
11 request, have access to his or her personnel file maintained by
12 the district and shall have the right to attach a written response
13 to any item in such file. Such teacher, administrator, or employee
14 may in writing authorize any other person to have access to such
15 file, which authorization shall be honored by the district. Such
16 access and right to attach a written response shall not be granted
17 with respect to any letters of recommendation solicited by the
18 employer which appear in the personnel file. No other person except
19 school officials while engaged in their professional duties shall
20 be granted access to such file, except as provided in sections 12
21 and 23 of this act, and the contents thereof shall not be divulged
22 in any manner to any unauthorized person.

23 Sec. 17. Section 79-1215, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-1215 (1) Within one year after the date of approval

1 of any plan of reorganization, the county treasurer of each
2 county shall adjust the tax list of the educational service unit
3 in accordance with the changes in boundaries of the educational
4 service units pursuant to sections 79-1206 to 79-1211 so that the
5 uncollected taxes levied upon property that has been transferred to
6 another educational service unit shall when collected be placed to
7 the credit of the reorganized educational service unit to which the
8 property is a part.

9 (2) The board of every existing educational service unit
10 that is to become reorganized pursuant to sections 79-1206 to
11 79-1211 shall not employ any person for a term greater than one
12 year. Any contract or lease made by such a governing body is hereby
13 declared to be null and void if it extends for a period greater
14 than one year unless validated by the board of the reorganized
15 educational service unit. This subsection is not inconsistent
16 with and does not negate any rights of any educational service
17 unit certificated employees to continued employment pursuant to
18 sections 79-846 to 79-849 and 79-1234 to 79-1239 and section 23
19 of this act. The provisions of this subsection do not negate
20 any previously negotiated collective-bargaining agreements between
21 educational service unit certificated employees and the educational
22 service unit covering a period of time greater than one year.

23 (3) Any certificated employee who, in the year
24 immediately preceding a reorganization, has been employed one-half
25 time or more by an educational service unit which is affected by

1 an approved petition to change educational service unit boundaries
2 shall, upon the effective date of the reorganization of the
3 educational service unit boundaries pursuant to sections 79-1206
4 to 79-1211, have the option, for purposes of reduction in force,
5 to be considered an employee of either the educational service
6 unit at which he or she has been employed or of the educational
7 service unit which will provide services to the affected school
8 district. If such employee elects to be considered an employee of
9 the educational service unit which will serve the affected school
10 district, the employee shall not lose any right of seniority or
11 tenure status after the transfer. If the certificated employee in
12 the year immediately preceding reorganization is assigned less than
13 one-half time to a school district petitioning or a school district
14 in an educational service unit petitioning for reorganization, then
15 such certificated employee shall continue to be an employee of the
16 educational service unit existing prior to reorganization.

17 (4) All official records of existing educational service
18 units which are reorganized in whole or in part pursuant to
19 sections 79-1206 to 79-1211 shall be transferred to the office of
20 the Commissioner of Education for storage.

21 Sec. 18. Section 79-1234, Reissue Revised Statutes of
22 Nebraska, is amended to read:

23 79-1234 For purposes of sections 79-1234 to 79-1239 and
24 section 23 of this act, unless the context otherwise requires:

25 (1) Board means the governing board of any educational

1 service unit;

2 (2) Certificated employee means any teacher, nurse,
3 or other person required to have a certificate from the State
4 Department of Education who is employed by an educational service
5 unit;

6 (3) Just cause means incompetency, neglect of duty,
7 unprofessional conduct, insubordination, immorality, physical or
8 mental incapacity, or other conduct which interferes substantially
9 with the continued performance of duties or a change in
10 circumstances such as financial exigency or a diminution of demand
11 for services by the school districts served by the educational
12 service unit necessitating a reduction in the number of teachers or
13 nurses to be employed by the board;

14 (4) Permanent certificated employee means a certificated
15 employee (a) who has served under a contract with the educational
16 service unit for at least three successive years under any contract
17 which was entered into to create initial employment on or after
18 September 1, 1986, or (b) who was initially employed by the
19 educational service unit prior to September 1, 1986; and

20 (5) Probationary certificated employee means a
21 certificated employee who has served under a contract with the
22 educational service unit for less than three successive years under
23 any contract which was entered into to create initial employment on
24 or after September 1, 1986.

25 Sec. 19. Section 79-1235, Reissue Revised Statutes of

1 Nebraska, is amended to read:

2 79-1235 The contract of a certificated employee shall be
3 deemed renewed and remain in full force and effect unless amended,
4 terminated, or not renewed in accordance with sections 79-1234 to
5 79-1239 and section 23 of this act.

6 Sec. 20. Section 79-1236, Reissue Revised Statutes of
7 Nebraska, is amended to read:

8 79-1236 (1) Any certificated employee whose contract of
9 employment may be amended, terminated, or not renewed for the
10 following school year shall be notified in writing on or before
11 April 15 of each year of such possible action on the contract. If
12 the certificated employee wishes a hearing, a written request shall
13 be sent to the secretary of the board or the administrator of the
14 educational service unit within seven calendar days after receipt
15 of the written notice. If a hearing on such amendment, termination,
16 or nonrenewal is not requested within the time provided in this
17 section, the board shall make a final determination. With regard to
18 all hearings under sections 79-1234 to 79-1239 and section 23 of
19 this act, the certificated employee shall be advised in writing at
20 least five days prior to the hearing of the date, time, and place
21 of the hearing. All such hearings shall be held within thirty days
22 after the date of the request for the hearing, except when the
23 parties or their representatives, by a mutual agreement confirmed
24 in writing, extend the time for hearings or final determinations
25 by the board under such sections. Unless continued by written

1 agreement between the parties or their representatives, final
2 action by the board shall be taken on or before May 15 of each
3 year.

4 (2) Prior to the hearing or action on the matter, if
5 requested by the certificated employee, the notice of possible
6 amendment, termination, or nonrenewal and the supporting reasons
7 shall be considered a confidential employment matter as provided in
8 sections 79-539, 79-8,109, and 84-1410 and shall not be released to
9 the public or news media.

10 Sec. 21. Section 79-1237, Reissue Revised Statutes of
11 Nebraska, is amended to read:

12 79-1237 The board may on its own behalf, or shall
13 upon the request of the certificated employee, his or her
14 representative, or the educational service unit's administration,
15 (1) subpoena and compel the attendance of witnesses residing within
16 or outside this state for the purpose of appearing and testifying
17 at any hearing provided for in sections 79-1234 to 79-1239 and
18 section 23 of this act and for the purpose of taking the deposition
19 of such witnesses in the manner prescribed by law for the taking of
20 depositions in civil actions in the district courts and (2) issue
21 subpoenas for the production of any papers, books, accounts, and
22 documents.

23 Sec. 22. Section 79-1238, Reissue Revised Statutes of
24 Nebraska, is amended to read:

25 79-1238 (1) Upon request by the probationary certificated

1 employee as provided in subsection (1) of section 79-1236, notice
2 shall be provided which shall contain written reasons for the
3 proposed amendment or nonrenewal of the probationary certificated
4 employee's contract and shall be sufficiently specific so as to
5 provide such employee the opportunity to prepare a response. The
6 reasons set forth in the notice shall be employment related.

7 (2) The board may elect to amend or not renew
8 the contract of a probationary certificated employee for any
9 reason it deems sufficient if such nonrenewal or amendment
10 is employment related and such nonrenewal or amendment is not
11 for constitutionally impermissible reasons. Such nonrenewal or
12 amendment shall be in accordance with sections 79-1234 to 79-1239
13 and section 23 of this act. Amendment or nonrenewal for reasons
14 of reduction in force shall be in accordance with the procedures
15 provided in sections 79-846 to 79-849 and 79-1234 to 79-1239 and
16 section 23 of this act.

17 (3) At any time prior to the holding of a hearing or
18 prior to final determination by the board to amend or not renew
19 the contract involved, the probationary certificated employee may
20 submit a letter of resignation for the ensuing school year, which
21 resignation shall be accepted by the board.

22 (4) The hearing, if requested, involving the question
23 of the nonrenewal or amendment of a probationary certificated
24 employee's contract shall not be a formal due process hearing
25 but shall be an informal hearing before the board at which

1 the probationary certificated employee involved or his or her
2 representative shall be afforded the opportunity to discuss and
3 explain to the board his or her position with regard to continued
4 employment, to present information, and to ask questions of those
5 appearing on behalf of the administration of the educational
6 service unit. Such hearing shall be in closed session at the
7 request of the probationary certificated employee involved or his
8 or her representative and upon affirmative vote of the majority of
9 the board members present and voting, but the formal action of the
10 board for nonrenewal or amendment shall be in open session.

11 (5) The hearing for a probationary certificated employee
12 may be held before a committee of the board consisting of not less
13 than three of the board's total members, and total membership of
14 the committee shall be odd numbered. Notice of such hearing shall
15 be sent to all board members five days prior to such hearing. If
16 a hearing is held before a committee, the majority opinion of the
17 committee shall constitute a recommendation to the board, with the
18 final determination being made by a majority vote of the members of
19 the board without additional hearing.

20 Sec. 23. Any disciplinary action involving a certificated
21 employee, probationary certificated employee, or permanent
22 certificated employee shall be considered a public record.

23 Sec. 24. This act becomes operative on January 1, 2008.

24 Sec. 25. Original sections 48-233, 79-824, 79-828,
25 79-829, 79-831, 79-833, 79-837, 79-838, 79-839, 79-840, 79-846,

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1 79-847, 79-851, 79-8,109, 79-1215, 79-1234, 79-1235, 79-1236,
2 79-1237, and 79-1238, Reissue Revised Statutes of Nebraska, are
3 repealed.