

LEGISLATURE OF NEBRASKA
ONE HUNDRED SIXTH LEGISLATURE
FIRST SESSION

LEGISLATIVE BILL 537

Introduced by Lathrop, 12.

Read first time January 22, 2019

Committee: Education

- 1 A BILL FOR AN ACT relating to school districts; to amend section 79-826,
- 2 Reissue Revised Statutes of Nebraska; to change provisions relating
- 3 to a certificated employee's performance or conduct; and to repeal
- 4 the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 79-826, Reissue Revised Statutes of Nebraska, is
2 amended to read:

3 79-826 The superintendent or the superintendent's designee may take
4 action with regard to a certificated employee's performance or conduct
5 which is deemed reasonably necessary to assist the certificated employee
6 and further school purposes, including: (1) Counseling; (2) oral
7 reprimand; (3) written reprimand; ~~and~~ (4) performance improvement plan or
8 other form of administrative directive to address alleged performance
9 deficiencies; and (5) suspension without pay for not to exceed thirty
10 working days.

11 Prior to taking any action under subdivision (3) or (4) of this
12 section, the certificated employee shall be advised of the alleged
13 reasons for the proposed action and provided the opportunity to present
14 the certificated employee's version of the facts. The certificated
15 employee may proceed under the school district's grievance procedure if
16 the school district has such a grievance procedure which provides for a
17 review of such action or may, within seven calendar days after the
18 superintendent or superintendent's designee takes such action, appeal
19 challenge the decision to the school board through the administrative
20 chain of command.

21 Prior to taking any action under subdivision (5) ~~(4)~~ of this
22 section, the certificated employee shall be advised in writing of the
23 alleged reasons for the proposed action and provided the opportunity to
24 present the certificated employee's version of the facts. Within seven
25 calendar days after receipt of such notice, the certificated employee may
26 make a written request to the secretary of the school board or the
27 superintendent or superintendent's designee for a formal due process
28 hearing under section 79-832. If such a request is not delivered within
29 such time, the action of the superintendent or the superintendent's
30 designee shall become final.

31 Sec. 2. Original section 79-826, Reissue Revised Statutes of

1 Nebraska, is repealed.