

LEGISLATIVE BILL 166

Approved by the Governor April 10, 1991

Introduced by Coordsen, 32

AN ACT relating to education; to amend sections 79-12,107 and 79-12,108, Reissue Revised Statutes of Nebraska, 1943; to redefine a term; to change provisions relating to tenure of certain employees as prescribed; and to repeal the original sections.

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

Section 1. That section 79-12,107, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-12,107. As used in For purposes of sections 79-12,107 to 79-12,121, unless the context otherwise requires:

(1) Certificated employee shall mean and include all teachers and administrators as defined in section 79-101, other than substitute teachers, who are employed ~~four-fifths~~ one-half time or more by any class of school district;

(2) School board shall mean the governing board or body of any class of school district;

(3) Probationary certificated employee shall mean a teacher or administrator who has served under a contract with the school district for less than three successive school years in any school district, unless extended one or two years by a majority vote of the board in a Class IV or V school district, except that after September 1, 1983, in Class IV and V school districts the requirement shall be three successive school years, and shall also mean superintendents, regardless of length of service;

(4) Just cause shall mean: (a) Incompetency, which shall include, but not be limited to, demonstrated deficiencies or shortcomings in knowledge of subject matter or teaching or administrative skills; (b) neglect of duty; (c) unprofessional conduct; (d) insubordination; (e) immorality; (f) physical or mental incapacity; (g) failure to give evidence of professional growth as required in section 79-12,113; or (h) other conduct which interferes substantially with the continued performance of duties;

(5) Permanent certificated employee shall mean

a teacher or administrator who has served the probation period as defined in this section; and

(6) School year, for purposes of employment, shall mean three-fourths of the school year or more on duty, exclusive of summer school.

A certificated employee who has been hired to fulfill the duties of another certificated employee who is on leave of absence shall not accrue rights under sections 79-12,107 to 79-12,121 during the period that the employee is fulfilling such duties.

Sec. 2. That section 79-12,108, Reissue Revised Statutes of Nebraska, 1943, be amended to read as follows:

79-12,108. (1) Part-time certificated employees shall become permanent certificated employees based upon the following formula:

(a) For certificated employees employed four-fifths time or more each such year of employment shall count as a full successive school year; and

(b) For certificated employees employed ~~more~~ than one-half time or more but less than four-fifths time, each such year of employment shall be credited against the three-year requirement for acquiring permanent certificated employee status in an amount proportionate to the term of such employment for each year. Such certificated employees shall become eligible for permanent certificated status at the beginning of the school year next succeeding the year in which they attain the proportionate amount of time.

(2) Any certificated employee who achieves permanent certificated employee status shall not lose such permanent certificated employee status because of reduction in force resulting in a contract amendment which would reduce such certificated employee to any part-time employment position.

Sec. 3. That original sections 79-12,107 and 79-12,108, Reissue Revised Statutes of Nebraska, 1943, are repealed.