

## 4033

### Rights of Probationary Certificated Employees

**Procedural Entitlement.** The superintendent of schools may, at his or her discretion, notify a probationary certificated employee that his or her employment contract may not be renewed or may be amended. In the event of consideration of nonrenewal or amendment of a probationary certificated employee's employment contract at the close of the school year, the affected employee shall be provided with written notice of the proposed nonrenewal on or before April 15, including notice that he or she is entitled to a hearing before the board prior to any final decision on the proposed contract action. To secure such a hearing, the employee must send a written request to the secretary of the board, the superintendent or the superintendent's designee within seven (7) calendar days of receipt of notice of possible nonrenewal or amendment. An employee who requests a hearing shall be given written notice of the employment-related reasons for the proposed action at least five (5) calendar days prior to the hearing. The hearing shall be an informal hearing at which the employee or the employee's representative shall be given an opportunity to discuss and explain the employee's position regarding continued employment, to present information, and to ask questions of those appearing on behalf of the school district. At the conclusion of the hearing, the board may elect to amend or not renew the contract of a probationary certificated employee for any reason it deems sufficient if the nonrenewal is in accordance with the provisions of Nebraska statutes and is not for constitutionally impermissible reasons.

**Hearing by Board Committee.** At its discretion, the board may conduct the hearing regarding the nonrenewal or amendment of a probationary employee's employment by a committee of the board that consists of not fewer than three board members. If the board proceeds with a hearing by committee, notice of the hearing must be sent to all board members five (5) days prior to the date of the hearing, the majority opinion of such a committee will constitute a recommendation to the board as a whole, and the final decision must be made by a majority vote of the members of the board without additional hearing. The meeting to make a final determination must be held in open session.

**Public Notice of Meeting.** The board shall give proper notice of any board meeting in accordance with the Nebraska Public Meetings Law.

Adopted on: **November 15, 2010**

Revised on: \_\_\_\_\_

Reviewed on: \_\_\_\_\_