

Before You Ask, Here are the Answers!

The 22 Questions Most Frequently Asked by Your Colleagues.

- What is the minimum requirement for the number of times that a probationary teacher shall be evaluated each year?

ANSWER: Once a semester.

- Should I tell my principal if he/she forgets to evaluate me as directed by law?

ANSWER: No.

- If you are hired for a specific position with a school district, can administration move you to a different position at any time if you are qualified for that new position?

ANSWER: Yes.

- What is the deadline for teachers to be notified if their contract will not be renewed for the following year?

ANSWER: April 15.

- If a teacher is notified that their contract will not be renewed, how long does the teacher have to decide if they want to appeal that decision?

ANSWER: Seven (7) days. Community college faculty have five (5) days.

- After hearing both sides of the story, who makes the final decision about whether a probationary teacher's contract should be renewed?

ANSWER: The local school board.

- What is the minimum amount of time that school districts must provide to teachers for a lunch period?

ANSWER: A 30 minute duty-free lunch.

- What is the minimum amount of time that school districts must provide to teachers for planning time each day?

ANSWER: There is no state statute giving teachers planning time. Such time is available only if it has been negotiated through local bargaining.

- What is the earliest date that a school district can require a teacher to sign a contract for the following year?

ANSWER: March 15.

- In the late spring, a teacher signs their contract for the next year, but later decides they would rather take a job somewhere else. What will happen if the teacher decides to leave without being formally released from their contract by the school district?

ANSWER: The school district will likely file a complaint with the Nebraska Department of Education (NDE). The State Board of Education, along with the Commissioner of Education may then revoke your teaching certificate for one year. Revocation begins on the date of the State Board's action.

- If a teacher is dismissed from their job because of Reduction in Force (RIF), how long will they retain preferred rights to re-employment in that school district if there is an opening for which they are qualified?

ANSWER: 24 months from the end of the teacher's contract. For example, if the last day of your contract is May 20, the two-year recall period begins on that date.

- Can district administration lawfully deny a teacher or full-time employee from attaching a written response to items in their personnel file?

ANSWER: Except for letters of recommendation, employees have the right to respond in writing to items in their file. It is recommended that you have your NSEA Organizational Specialist review your response before adding it to your file.

- Who has access to your personnel file at the school district where you are employed?

ANSWER: Only school district administrators, while engaged in their professional duties, have access to a teacher's personnel file. However, teachers may grant others access. Should a

teacher move to a different school district, the file does not follow them.

- Can the district or school board amend or not renew the contract of a certificated employee for any reason?

ANSWER: Only probationary certificated employees can have their contract amended or non-renewed for any constitutionally-permissible reason.

- What is “just cause?”

ANSWER: In general, this refers to an incompetency of professional skills, neglect of duties, unprofessional conduct, insubordination, immorality, physical or mental incapacity, or failure to meet the professional growth requirement.

- Once a certificated teacher earns a degree, are they done taking classes?

ANSWER: No. Permanent certificated employees must provide evidence of professional growth every six years.

- What is a teacher’s right to privacy regarding the use of technology (computers, cellphones, and surveillance cameras, etc.) in the school?

ANSWER: Teachers do not receive the protection of privacy under the Fourth Amendment for their work in a school or classroom. They are subject to FOIA requests. FERPA protects the identity of students in the school, but not teachers.

- Can an NSEA member cancel membership during the year?

ANSWER: No. It is an annual membership.

- Does the overtime law have an impact on teachers?

ANSWER: Teachers are exempt from overtime laws.

- Is a staff member obligated to sign a document the district has handed them that requests their signature?

ANSWER: Understand what you are signing. If you are directed by your administrator to sign a document, but have concerns or questions, add a disclaimer such as “My signature indicates only that I have received a copy and not that I agree with it.” Get a copy of the document and contact your NSEA Organizational Specialist. Keep copies for your records.

- When called to a meeting with an administrator, is it OK for a teacher to go in alone?

ANSWER: It is best to ask about the purpose of the meeting in advance. If the purpose is unknown or has something to do with a disciplinary, personnel or job security matter, then it is best to bring an Association colleague along. This person serves as a note-taker and may ask questions for clarification at the end of the meeting.

- If the District reports to me they have overpaid me for a period, could I be required to pay this overage back?

ANSWER: Yes. It is the responsibility of employees to track their pay and compare it to their yearly and monthly salary. Call NSEA to discuss options.

- If I’m upset with the administration regarding an issue, is it OK to talk to a school board member if they are a friend?

ANSWER: No. It may be seen as “insubordination.” Your contract could easily be canceled as you have not followed the chain of command. You should follow your district’s grievance policy.

In Search of More Answers?
Contact Your NSEA Organizational Specialist at (800) 742-0047

