

1 by other error of law, is unsupported by substantial evidence in view of the entire record as
2 submitted, or is arbitrary or capricious. However, the right of a noncertified employee to appeal
3 decisions of a local board under subdivision (3) of this subsection shall only apply to decisions
4 concerning the dismissal, demotion, or suspension without pay of the noncertified employee. ~~A~~
5 ~~noncertified employee may request and shall be entitled to receive written notice as to the~~
6 ~~reasons for the employee's dismissal, demotion, or suspension without pay. The notice shall be~~
7 ~~provided to the employee prior to any local board of education hearing on the issue. No~~
8 noncertified employee shall be dismissed, demoted, or suspended for disciplinary reasons,
9 except for just cause. In cases of such disciplinary action, the employee shall, before the action
10 is taken by the board, be furnished with a statement in writing setting forth in numerical order
11 the specific acts or omissions that are the reasons for the disciplinary action and the employee's
12 appeal rights. A noncertified employee shall have the right to representation by counsel at a
13 local board of education hearing on the issue. This subsection shall not alter the employment
14 status of a noncertified employee."

15 **SECTION 2.** This act becomes effective October 1, 2009, and applies to
16 administrative decisions on or after that date.