



1 grounds that the local board's decision is in violation of constitutional provisions, is in excess of  
2 the statutory authority or jurisdiction of the board, is made upon unlawful procedure, is affected  
3 by other error of law, is unsupported by substantial evidence in view of the entire record as  
4 submitted, or is arbitrary or capricious. However, the right of a noncertified employee to appeal  
5 decisions of a local board under subdivision (3) of this subsection shall only apply to decisions  
6 concerning the dismissal, demotion, or suspension without pay of the noncertified employee. A  
7 ~~noncertified employee may request and shall be entitled to receive written notice as to the~~  
8 ~~reasons for the employee's dismissal, demotion, or suspension without pay. The notice shall be~~  
9 ~~provided to the employee prior to any local board of education hearing on the issue. In cases of~~  
10 such disciplinary action, the noncertified employee shall, before the action is taken by the local  
11 board of education, be furnished with a statement in writing setting forth in numerical order the  
12 specific acts or omissions that are the reasons for the disciplinary action and the employee's  
13 appeal rights. A noncertified employee shall have the right to representation by counsel at the  
14 employee's expense at a local board of education hearing authorized by this subsection,  
15 provided that the employee provide prior notice in accordance with the local board of  
16 education's policy. This subsection shall not alter the employment status of a noncertified  
17 employee."

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