

## Article - Education

7-304.

(E) (1) A HANDICAPPED STUDENT MAY NOT BE REMOVED FROM THE STUDENT'S CURRENT EDUCATIONAL PLACEMENT FOR MORE THAN 10 SCHOOL DAYS EACH SEMESTER UNLESS:

(I) THE ADMISSION, REVIEW, AND DISMISSAL COMMITTEE HAS DETERMINED THAT THE CONDUCT WHICH PROMPTED THE DISCIPLINARY ACTION WAS NOT A MANIFESTATION OF THE STUDENT'S HANDICAPPING CONDITION AND THE STUDENT'S PARENTS HAVE NOT APPEALED THE DETERMINATION ~~WITHIN THE PERIOD SPECIFIED IN § 8-415 OF THIS ARTICLE;~~

(II) THE STUDENT'S PARENTS HAVE AGREED TO AN ALTERNATIVE OR INTERIM EDUCATIONAL PLACEMENT; OR

(III) 1. ~~THE STUDENT POSES A CONTINUING DANGER TO THE HEALTH OR SAFETY OF THE STUDENT OR OF OTHERS~~ THE MAINTENANCE OF THE STUDENT'S CURRENT EDUCATIONAL PLACEMENT IS SUBSTANTIALLY LIKELY TO RESULT IN INJURY TO THE STUDENT OR TO OTHERS;

2. THE STUDENT'S PARENTS HAVE NOT AGREED TO AN ALTERNATIVE OR INTERIM EDUCATIONAL PLACEMENT; AND

3. A COURT OF COMPETENT JURISDICTION HAS TEMPORARILY ENJOINED THE STUDENT FROM REMAINING IN THE STUDENT'S CURRENT EDUCATIONAL PLACEMENT.

(2) IN INJUNCTIVE PROCEEDINGS UNDER PARAGRAPH (1)(III)3 OF THIS SUBSECTION, ~~THE STUDENT'S CURRENT EDUCATIONAL PLACEMENT IS PRESUMED TO BE CORRECT~~ THERE IS A PRESUMPTION IN FAVOR OF MAINTAINING THE STUDENT'S CURRENT EDUCATIONAL PLACEMENT. THE COUNTY SUPERINTENDENT OR THE SUPERINTENDENT'S DESIGNATED REPRESENTATIVE MAY ~~ONLY~~ OVERCOME THIS PRESUMPTION BY SHOWING THAT MAINTAINING THE STUDENT'S CURRENT EDUCATIONAL PLACEMENT IS SUBSTANTIALLY LIKELY TO RESULT IN INJURY EITHER TO THE STUDENT OR TO OTHERS.

(3) WHENEVER A STUDENT HAS BEEN ENJOINED FROM ATTENDING THE STUDENT'S CURRENT EDUCATIONAL PLACEMENT UNDER PARAGRAPH (1)(III)3 OF THIS SUBSECTION, THE COUNTY SUPERINTENDENT SHALL ENSURE THAT THE STUDENT CONTINUES TO RECEIVE EDUCATIONAL SERVICES IN ACCORDANCE WITH THE STUDENT'S INDIVIDUALIZED EDUCATION PLAN APPROPRIATE EDUCATIONAL AND RELATED SERVICES TO THE EXTENT PRACTICABLE.