

[(e)](F) (1) A handicapped student may not be removed from the student's current educational placement for more than 10 school days each school year 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;

(ii) The admission, review, and dismissal committee has determined in accordance with regulations adopted by the State Board of Education that the cumulative effect of 2 or more suspensions totaling more than 10 school days each school year does not create a pattern of exclusion that significantly impacts upon the student's educational program and the student's parents have not appealed the determination;

(iii) The student's parents have agreed to an alternative or interim educational placement; or

(iv) 1. 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)(iv) 3 of this subsection, there is a presumption in favor of maintaining the student's current educational placement. The county superintendent or the superintendent's designated representative may 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)(iv) 3 of this subsection, the county superintendent shall ensure that the student continues to receive appropriate educational and related services to the extent practicable.

SECTION 2. AND BE IT FURTHER ENACTED, That should Public Law 103-382, Section 14601 *et seq.* of the United States Code, Improving America's Schools Act of 1994, be repealed or otherwise found unenforceable, § 7-304(e) of the Education Article, as enacted by this Act, shall be abrogated and of no further force and effect, with no further action required by the General Assembly.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 1995.

Approved May 18, 1995.