

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.

(g) (1) This subsection does not apply if the student is referred to the Department of Juvenile Justice.

(2) If a student violates a State or local law or regulation and during or as a result of the commission of that violation damaged, destroyed, or substantially decreased the value of school property or property of another that was on school property at the time of the violation, as part of a conference on the matter with the student, the student's parent or guardian and any other appropriate person, the principal shall require the student or the student's parent to make restitution.

(3) The restitution may be in the form of monetary restitution not to exceed the lesser of the fair market value of the property or \$2,500, or the student's assignment to a school work project, or both.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1997.

Approved April 29, 1997.