(I)   INFORMING THE INDIVIDUALIZED EDUCATION PROGRAM TEAM AT THE MOST RECENT MEETING THE PARENT ATTENDED BEFORE THE REMOVAL OF THE CHILD; OR

(II)   PROVIDING THE LOCAL SCHOOL SYSTEM WITH WRITTEN NOTICE AT LEAST 10 BUSINESS DAYS, INCLUDING HOLIDAYS THAT OCCUR ON BUSINESS DAYS, BEFORE THE REMOVAL OF THE CHILD.

(4)   IF THE PARENT DECIDES TO ENROLL THE CHILD IN A NONPUBLIC SCHOOL WITHOUT THE CONSENT OF OR REFERRAL BY THE LOCAL SCHOOL SYSTEM, AN IMPARTIAL HEARING OFFICER OR A COURT MAY REQUIRE THE LOCAL SCHOOL SYSTEM TO REIMBURSE THE PARENT FOR THE REASONABLE COSTS OF THE PLACEMENT IF THE:

(I)   CHILD HAD PREVIOUSLY RECEIVED SPECIAL EDUCATION AND RELATED SERVICES UNDER THE AUTHORITY OF THE LOCAL SCHOOL SYSTEM; AND

(II)   AN IMPARTIAL HEARING OFFICER OR COURT DETERMINES THAT THE LOCAL SCHOOL SYSTEM HAD NOT MADE A FREE APPROPRIATE PUBLIC EDUCATION AVAILABLE TO THE CHILD IN A TIMELY MANNER BEFORE THE PARENT ENROLLED THE CHILD IN THE NONPUBLIC SCHOOL.

(5)   REIMBURSEMENT MAY BE REDUCED OR DENIED BY THE IMPARTIAL HEARING OFFICER OR COURT IF THE:

(I)   PARENT FAILED TO NOTIFY THE LOCAL SCHOOL SYSTEM OF THE DECISION AS REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION;

(II)   PARENT'S ACTIONS WERE UNREASONABLE; OR

(III)   PARENT FAILED TO MAKE THE CHILD AVAILABLE FOR ASSESSMENT *EVALUATION* BEFORE THE CHILD'S REMOVAL AND AFTER THE LOCAL SCHOOL SYSTEM PROVIDED THE PARENT WITH WRITTEN NOTICE OF ITS INTENTION TO ASSESS *EVALUATE* THE CHILD, *INCLUDING AN APPROPRIATE AND REASONABLE STATEMENT OF THE PURPOSE OF THE EVALUATION.*

(6)   AN IMPARTIAL HEARING OFFICER OR COURT MAY NOT REDUCE OR DENY REIMBURSEMENT FOR FAILURE TO PROVIDE NOTICE AS REQUIRED UNDER PARAGRAPH (3) OF THIS SUBSECTION IF:

(I)   THE PARENT IS ILLITERATE AND CANNOT WRITE IN ENGLISH;

(II)   PROVIDING NOTICE WOULD LIKELY RESULT IN PHYSICAL OR SERIOUS EMOTIONAL HARM TO THE CHILD;

(III)   THE LOCAL SCHOOL SYSTEM PREVENTED THE PARENT FROM PROVIDING NOTICE; OR

(IV)   THE PARENT WAS NOT PROVIDED WITH A COPY OF THE PROCEDURAL SAFEGUARDS NOTICE IN ACCORDANCE WITH COMAR 13A.05.01.11A, INCLUDING THE REQUIREMENTS OF THIS SUBSECTION.