

8-405

(F)(1) EXCEPT AS PROVIDED IN PARAGRAPH 2 OF THIS SUBSECTION, THE INDIVIDUALIZED EDUCATION PROGRAM TEAM SHALL OBTAIN WRITTEN CONSENT FROM A PARENT IF THE TEAM PROPOSES TO:

- (I) ENROLL THE CHILD IN AN ALTERNATIVE EDUCATION PROGRAM THAT DOES NOT ISSUE OR PROVIDE CREDITS TOWARD A MARYLAND HIGH SCHOOL DIPLOMA;
- (II) IDENTIFY THE CHILD FOR THE ALTERNATE ASSESSMENT ALIGNED WITH THE STATE'S ALTERNATE CURRICULUM;
- (III) USE RESTRAINT OR SECLUSION TO ADDRESS A STUDENT'S BEHAVIOR AS DESCRIBED IN COMAR 13A.08.04.05A(1)(a)(ii) and COMAR 13A.08.04.05(B)(1)(b);
- (IV) INITIATE A CHANGE IN THE CHILD'S EDUCATIONAL PLACEMENT.

(2) IF THE PARENT DOES NOT PROVIDE WRITTEN CONSENT TO AN ACTION PROPOSED IN PARAGRAPH (1) OF THIS SUBSECTION AT THE INDIVIDUALIZED EDUCATION PROGRAM TEAM MEETING, THE INDIVIDUALIZED EDUCATION PROGRAM TEAM SHALL SEND THE PARENT WRITTEN NOTICE NO LATER THAN 5 BUSINESS DAYS AFTER THE INDIVIDUALIZED EDUCATION PROGRAM MEETING THAT INFORMS THE PARENT THAT:

(I) THE PARENT HAS THE RIGHT TO EITHER CONSENT TO OR REFUSE TO CONSENT TO AN ACTION PROPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION; AND

(II) IF THE PARENT DOES NOT PROVIDE WRITTEN CONSENT OR A WRITTEN REFUSAL TO CONSENT TO AN ACTION PROPOSED UNDER PARAGRAPH (1) OF THIS SUBSECTION WITHIN 15 BUSINESS DAYS OF THE INDIVIDUALIZED EDUCATION PROGRAM TEAM MEETING, THE INDIVIDUALIZED EDUCATION PROGRAM TEAM MAY IMPLEMENT THE PROPOSED ACTION.

(III) IF A PARENT REFUSES TO CONSENT TO THE ACTION PROPOSED, THE INDIVIDUALIZED EDUCATION PROGRAM TEAM MAY USE THE DISPUTE RESOLUTION OPTIONS LISTED IN 8-413 OF THIS SUBTITLE TO RESOLVE THE MATTER.