

(ii) The placement of the child in the program;

(iii) The cost of the program; and

(iv) The amount of payment or reimbursement.

(2) Department approval is not required for a nonpublic program if:

(i) The county board approves the placement of the child in the program;

(ii) The county board makes the payment or reimbursement from funds available to the county board established under Section 8-417.3(c) and (d) (1) of this subtitle; and

(iii) The placement does not require an additional State contribution under § 8-417.2(d)(2) or § 8-417.3(d)(2) of this subtitle.

(3) The State Board shall adopt bylaws that establish standards and guidelines for approvals required by (2) of this subsection.

(d) A nonpublic placement recommended by a county board for approval under subsection (c)(1) of this section shall be approved or disapproved pursuant to the bylaws of the State Board. However, the Department may not disapprove a nonpublic placement recommended by a county board for a child unless the Department provides an appropriate alternative placement in conformity with the bylaws of the State Board and applicable federal laws and regulations. The Department may not terminate funding for the last approved nonpublic placement of a child during the pendency of an administrative or judicial review of a recommended placement change.

(e) (1) Except for a placement that results from an appeal from a decision of the Department taken under the Administrative Procedure Act, a child may not be placed in a nonpublic educational program at public expense by any court unless the placement is in accordance with this section.

(2) The Department shall be notified of each case in which the placement of a child in a nonpublic educational program at public expense is sought or is under consideration by a court.

(3) The Department shall be made a party to the proceeding.