

STATE BOARD OF EDUCATION SHALL ADOPT BYLAWS SETTING FORTH STANDARDS AND GUIDELINES FOR THESE APPROVALS. [[A CHILD MAY NOT BE PLACED IN A NONPUBLIC EDUCATIONAL PROGRAM AT PUBLIC EXPENSE BY ANY COURT EXCEPT IN ACCORDANCE WITH THIS SUBSECTION (G).]] EXCEPT FOR A PLACEMENT RESULTING FROM AN APPEAL FROM A DECISION OF THE STATE DEPARTMENT OF EDUCATION TAKEN UNDER THE ADMINISTRATIVE PROCEDURES ACT, A CHILD MAY NOT BE PLACED IN A NONPUBLIC EDUCATIONAL PROGRAM AT PUBLIC EXPENSE BY ANY COURT UNLESS THE PLACEMENT IS IN ACCORD WITH THIS SUBSECTION (G). THE STATE DEPARTMENT OF EDUCATION SHALL BE NOTIFIED OF EVERY CASE IN WHICH PLACEMENT OF A CHILD IN A NONPUBLIC EDUCATIONAL PROGRAM AT PUBLIC EXPENSE IS SOUGHT OR IS UNDER CONSIDERATION BY THE COURT, AND SHALL BE MADE A PARTY TO THE PROCEEDING.

SECTION [[4]] 3. AND BE IT FURTHER ENACTED, That new Sections 106E-1 through 106E-7, inclusive, to be under new Chapter 7D. "State and Local Financial Assistance for Special Educational Services" be and they are hereby added to Article 77 - Public Education, of the Annotated Code of Maryland (1975 Replacement Volume and 1975 Supplement) to read as follows:

Article 77 - Public Education

CHAPTER 7D.

STATE AND LOCAL FINANCIAL ASSISTANCE FOR SPECIAL EDUCATIONAL SERVICES

106E-1. PURPOSE.

THE PURPOSE OF THIS CHAPTER IS TO PROVIDE A FORMULA FOR FUNDING THE PROGRAMS REQUIRED UNDER §106D OF THIS ARTICLE, AND TO FIX THE OBLIGATION OF THE STATE AND THE COUNTIES WITH RESPECT TO SUCH FUNDING THROUGH FISCAL YEAR 1981.

106E-2. DEFINITIONS.

(A) AS USED IN THIS CHAPTER, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "BASIC COST", AS TO EACH COUNTY, MEANS THE AVERAGE AMOUNT EXPENDED BY THE COUNTY FROM COUNTY, STATE, AND FEDERAL SOURCES FOR THE PUBLIC EDUCATION OF A NONHANDICAPPED CHILD. THE TERM DOES NOT INCLUDE AMOUNTS SPECIFICALLY ALLOCATED AND EXPENDED FOR IDENTIFIABLE COMPENSATORY PROGRAMS FOR DISADVANTAGED CHILDREN.

(C) "COUNTY" INCLUDES BALTIMORE CITY AND, WHERE APPROPRIATE, "COUNTY BOARD OF EDUCATION" INCLUDES THE MAYOR AND CITY COUNCIL OF BALTIMORE CITY.

(D) "EXCESS COST" MEANS THE COST OF PROVIDING SPECIAL EDUCATIONAL SERVICES UNDER §106D OF THIS ARTICLE IN EXCESS OF THE BASIC COST DEFINED IN SUBSECTION (B) OF THIS SECTION, BUT EXCLUDING (I) FEDERAL FUNDS RECEIVED OR