

## BY renumbering

Article - Education  
 Section 8-409(d)  
 to be Section 8-409(e)  
 Annotated Code of Maryland  
 (As enacted by Chapter \_\_\_\_ of the Acts  
 of the General Assembly of 1978)

## BY adding to

Article - Education  
 Section 8-409(d)  
 Annotated Code of Maryland  
 (As enacted by Chapter \_\_\_\_ of the Acts  
 of the General Assembly of 1978)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That section(s) of the Annotated Code of Maryland be repealed, amended, or enacted to read as follows:

## Article 77 - Public Education

106D.

(g) A child in need of special educational services that are not then provided in a public county, regional, or State program shall be placed in an appropriate nonpublic educational program offering these services. The cost of the nonpublic educational program shall be paid by the State and the county in which the child is domiciled in accordance with § 106G-3 (d) or § 106G-4 (d), as applicable. However, payment or reimbursement for a nonpublic program may not be provided unless (1) the nonpublic program, (2) the placement in it, (3) the cost of the program, and (4) the amount of payment or reimbursement, are approved by the State Department of Education. As part of the authority granted to it by subsection (a) of this section, the State Board of Education shall adopt bylaws setting forth standards and guidelines for these approvals. ~~THE STATE DEPARTMENT OF EDUCATION SHALL NOT DISAPPROVE A NONPUBLIC PLACEMENT APPROVED BY A LOCAL BOARD OF EDUCATION EXCEPT PURSUANT TO STANDARDS AND GUIDELINES SET FORTH IN DULY ADOPTED BYLAWS OF THE STATE BOARD OF EDUCATION. THE STATE DEPARTMENT OF EDUCATION SHALL NOT DISAPPROVE A NONPUBLIC PLACEMENT APPROVED BY A LOCAL BOARD OF EDUCATION UNLESS PROVISION IS MADE FOR AN APPROPRIATE ALTERNATIVE PLACEMENT AND UNLESS AN INDIVIDUALIZED EDUCATIONAL PROGRAM CONFORMING TO FEDERAL LAW AND REGULATIONS AND BYLAWS OF THE STATE BOARD OF EDUCATION IS PREPARED BEFORE THE CHILD IS TRANSFERRED FROM HIS LAST APPROVED PLACEMENT. THE STATE DEPARTMENT OF EDUCATION SHALL NOT DISAPPROVE A NONPUBLIC PLACEMENT APPROVED BY A LOCAL BOARD OF EDUCATION IN CIRCUMSTANCES IN WHICH THE DEPARTMENT'S ACTION WILL PREVENT THE CHILD FROM CONTINUING~~