

~~IN A PREVIOUSLY APPROVED PLACEMENT AT PUBLIC EXPENSE PENDING ADMINISTRATIVE AND JUDICIAL REVIEW OF THE DEPARTMENT'S ACTION OR IN CIRCUMSTANCES IN WHICH THE NONPUBLIC PLACEMENT MAY NOT BE HELD OPEN FOR THE CHILD DURING THE PERIOD UNTIL ADMINISTRATIVE AND JUDICIAL REVIEW OF THE DEPARTMENT'S ACTION HAS BEEN COMPLETED. A NONPUBLIC PLACEMENT RECOMMENDED BY A COUNTY BOARD FOR APPROVAL UNDER 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 IF THE CHILD WILL BE PREVENTED FROM CONTINUING IN THE LAST APPROVED PLACEMENT DURING THE NEXT PLACEMENT YEAR 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 PENDING OF AN ADMINISTRATIVE OR JUDICIAL REVIEW OF A RECOMMENDED PLACEMENT CHANGE.~~ 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 2. AND BE IT FURTHER ENACTED, That Section(s) 8-409(d) of Article - Education, of the Annotated Code of Maryland (as enacted by Chapter ____ of the Acts of the General Assembly of 1978) be renumbered to be Section(s) 8-409(e).

SECTION 3. AND BE IT FURTHER ENACTED, That section(s) of the Annotated Code of Maryland (as enacted by Chapter ____ of the Acts of the General Assembly of 1978) be repealed, amended, or enacted to read as follows:

Article - Education

8-409.

~~(D) THE DEPARTMENT MAY NOT DISAPPROVE A NONPUBLIC PLACEMENT APPROVED BY A COUNTY BOARD;~~

~~(1) UNLESS DISAPPROVAL IS MADE IN ACCORDANCE WITH STANDARDS AND GUIDELINES IN THE BYLAWS OF THE STATE BOARD;~~

~~(2) UNLESS THE DEPARTMENT PROVIDES FOR AN APPROPRIATE ALTERNATIVE PLACEMENT IN AN INDIVIDUALIZED EDUCATIONAL PROGRAM THAT;~~

~~(1) CONFORMS TO FEDERAL LAW AND REGULATIONS AND STATE BOARD BYLAWS; AND~~