

## 8-417.3(D)(2) OF THIS SUBTITLE.

[(2)] (3) The State Board shall adopt bylaws that establish standards and guidelines for [these] 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.

8-409.1.

ALL PROCEEDINGS HELD AND DECISIONS MADE PURSUANT TO § 8-409 OR § 8-415 OF THIS SUBTITLE SHALL BE IN CONFORMANCE WITH APPLICABLE FEDERAL LAW.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall--take-effect-July-17-1980. is hereby declared to be an emergency measure and necessary for the immediate preservation of the public health and safety and having been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, the same shall take effect from the date of its passage.

Approved April 22, 1980.

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