

(ii) The local current expense per student in the service providing local education agency.

(2) If the service providing local education agency determines that a child in an out-of-county living arrangement is handicapped and needs [a] public school [Level] INTENSITY IV or V Special Education [Program,] SERVICES, the financially responsible county shall pay the service providing local education agency for each such child an amount equal to the ~~lesser~~ GREATER of:

(i) Three times the local current expense per student in the financially responsible county; or

(ii) Three times the local current expense per student in the service providing local education agency.

~~(3)~~ (i) If the local current expense per student in the financially responsible county is less than the local current expense per student in the service providing local education agency, the State shall pay to the service providing local education agency the difference for each student in an out-of-county living arrangement who attends a public school in the service providing local education agency.

(ii) The necessary funds shall be provided in the appropriation to the State Board.

~~(4)~~ (3) If the service providing local education agency determines that a child in an out-of-county living arrangement is handicapped and needs a nonpublic educational program as provided by § 8-409 of this article, the financially responsible county shall pay for each such child the amount provided by § 8-417.3(d)(1) of this article.

(d) (1) Each service providing local education agency shall notify the State Superintendent of the name of each child in an out-of-county living arrangement as of [September 30] DECEMBER 31 of each year and make a preliminary determination of the financially responsible county for each child. The service providing local education agency shall send a copy of this notice to the financially responsible county by [October 30,] JANUARY 31, and at the same time shall send the notice to the State Superintendent.

(2) The county which was initially determined to be financially responsible may appeal that determination to the State Superintendent within 30 days of the date on which the notice was mailed.

(3) The State Superintendent shall decide all appeals which are made under paragraph (2) of this subsection, and make a final determination regarding the financially responsible county for each child in an out-of-county living arrangement.

(4) By January 15 of each year each county board shall provide the State Superintendent the data necessary to compute the local current expense per student under this section.

(5) If by May 15 a financially responsible county fails to make the required payment to a service providing local education agency, the State Superintendent shall