

IN ACCORDANCE WITH § 8-415(D) OF THIS SUBTITLE, IF A STATE OR LOCAL AGENCY DOCUMENTS THAT THE CHILD'S PARENT OR LOCAL GUARDIAN IS UNABLE TO PROVIDE THE WRAPAROUND SERVICES.

[(c)] (D) (1) Payment or reimbursement for a nonpublic program may not be provided if the payment or reimbursement would require an additional contribution from the State under § 8-415(d)(2) of this subtitle unless the Department approves:

- (i) The nonpublic program;
- (ii) The placement of the child in the program;
- (iii) The cost of the program; and
- (iv) The amount of payment or reimbursement.

(2) FOR WRAPAROUND SERVICES, PAYMENT OR REIMBURSEMENT MAY NOT BE PROVIDED IN ACCORDANCE WITH § 8-415(D) OF THIS SUBTITLE IF ~~NOT ELIGIBLE FOR RETURN/DIVERSION, OR:~~

(I) THE CHILD IS ELIGIBLE FOR FUNDING FOR OUT-OF-STATE PLACEMENT OF CHILDREN UNDER ARTICLE 49D, §§ 4.3 AND 20.1 OF THE CODE; OR

(II) ALTERNATIVE FEDERAL, STATE, OR LOCAL FUNDING IS AVAILABLE.

[(2)] (3) Department approval is not required for a nonpublic program if:

- (i) The local school system approves the placement of the child in the program; and
- (ii) The local school system makes the payment or reimbursement from local funds.

[(3)] (4) The State Board shall adopt regulations that establish standards and guidelines for approvals required by paragraph [(2)] (3) of this subsection.

[(d)] (E) A nonpublic placement recommended by a local school system for approval under subsection [(c)(1)] (D)(1) of this section shall be approved or disapproved pursuant to the regulations of the State Board. However, the Department may not disapprove a nonpublic placement recommended by a local school system for a child unless the Department provides an appropriate alternative placement in conformity with the regulations 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)] (F) In addition to meeting the requirements of this subtitle, a local school system seeking nonpublic tuition payment must also meet the requirements of Article 49D of the Code, as applicable, and obtain funding approval from the local coordinating council and the State Coordinating Council.