

SERVICES IN ORDER TO ENSURE THAT THE CHILD IS NOT DEPRIVED OF A FREE APPROPRIATE PUBLIC EDUCATION BY VIRTUE OF THE NORMAL BREAK IN THE REGULAR SCHOOL YEAR

8-406.

(a) [(1)] A child WITH A DISABILITY who needs special [educational] EDUCATION AND RELATED services that [are not] CANNOT BE provided in a public county, regional, or State program shall be placed in an appropriate nonpublic educational program that offers these services.

(2) For fiscal years 1983, 1984, and 1985, for the purposes of this section, the provisions of this subtitle applicable to nonpublic special education programs apply to the special education day programs of the Children's Residential School of the Institute of Psychiatry and Human Behavior at the University of Maryland Hospital.]

(b) 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 § 8-415(d) of this subtitle, as appropriate.

(c) (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) Department approval is not required for a nonpublic program if:

(i) The [county board] LOCAL SCHOOL SYSTEM approves the placement of the child in the program; AND

(ii) The [county board] LOCAL SCHOOL SYSTEM makes the payment or reimbursement from LOCAL funds available to the [county board] LOCAL SCHOOL SYSTEM established under § 8-415(c) and (d)(1) of this subtitle; and

(iii) ~~The placement does not require an additional State contribution under § 8-415(d)(2) of this subtitle.~~

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

(d) A nonpublic placement recommended by a [county board] LOCAL SCHOOL SYSTEM for approval under subsection (c)(1) of this section shall be approved or disapproved pursuant to the [bylaws] REGULATIONS of the State Board. However, the Department may not disapprove a nonpublic placement recommended by a [county board] LOCAL SCHOOL SYSTEM for a child unless the Department provides