**24:05:14:01.  Interagency agreements.** The department shall develop and implement interagency agreements with the Departments of Social Services, Health, Human Services, and Corrections for the purpose of describing the role that each of these agencies plays in providing or paying for special education or related services for children with disabilities. These interagency agreements shall define the financial responsibility of each agency for providing children with disabilities with free appropriate public education, establish procedures for resolving interagency disputes among agencies that are parties to the agreement, and establish conditions, terms, and procedures under which local educational agencies may initiate proceedings in order to secure reimbursement from agencies that are parties to the agreement or otherwise implement the provisions of the agreement.

The financial responsibility of each noneducational public agency described in this section, including the state Medicaid agency and other public insurers of children with disabilities, precedes the financial responsibility of local educational agencies or the state agency responsible for developing the child's individualized education program.

This section does not allow an agency to reduce medical and other assistance available to children with disabilities to receive services that are also part of a free appropriate public education or to alter the requirements and eligibility of a child with disabilities under Title V, maternal and child health; Title XIX, Medicaid; or Title XXI of the Social Security Act; or under any other public benefits or insurance program including those required by federal statute.

**Source:** 16 SDR 41, effective September 7, 1989; 23 SDR 31, effective September 8, 1996; 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007.

**General Authority:** SDCL 13-37-1.1.

**Law Implemented:** SDCL 13-37-1.1.