**24:05:14:01.02.  Obligation of noneducational public agencies.** If any public agency other than an educational agency is otherwise obligated under federal or state law, or assigned responsibility under state policy or pursuant to § 24:05:14:01, to provide or pay for any services that are also considered special education or related services such as assistive technology devices and services, related services described under § 24:05:27:16, supplementary aids and services, and transition services described under § 24:05:27:13.02, that are necessary for providing a free appropriate public education to children with disabilities within the state, the public agency shall fulfill that obligation or responsibility, either directly or through contract or other arrangements pursuant to § 24:05:14:01.

A noneducational public agency may not disqualify an eligible service for Medicaid reimbursement because that service is provided in a school context.

If a public agency other than an educational agency fails to provide or pay for the special education and related services described in this section, the school district or state agency responsible for developing the student's IEP shall provide or pay for these services to the student in a timely manner. The school district or state agency may then claim reimbursement for the services from the public agency that failed to provide or pay for these services and that agency shall reimburse the school district or state agency in accordance to the terms of the interagency agreements described in § 24:05:14:01.

**Source:** 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.