**24:05:14:01.05.  Children with disabilities covered by private insurance**. With regard to services required to provide FAPE to an eligible student under this article, a public agency may access a parent's private insurance proceeds only if the parent provides informed consent consistent with this article. Each time the public agency proposes to access the parent's private insurance proceeds, it must:

 (1)  Obtain parent consent in accordance with this article; and

 (2)  Inform the parents that their refusal to permit the public agency to access their private insurance does not relieve the public agency of its responsibility to ensure that all required services are provided at no cost to the parents.

 **Source:** 26 SDR 150, effective May 22, 2000; 40 SDR 40, effective September 11, 2013.

 **General Authority:** SDCL 13-37.1.1.

 **Law Implemented:** SDCL 13-37.1.1.