**24:05:17:05.  Children included in report.** The department may include children with disabilities in its report who are enrolled in a school or program which is operated or supported by a public agency and which either provides them with both special education and related services or provides them only with special education, if a related service is not required, that meet state standards.

In the case of children with disabilities enrolled by their parents in private schools, the public agency provides them with special education or related services, or both, consistent with chapter 24:05:32 that meet state standards.

**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.