**24:05:19:01.  Local education agency entitlements.** From the total amount of funds received by the state education agency under the Individuals with Disabilities Education Act, Part B, for any fiscal year, the department shall distribute any funds not reserved under §§ 24:05:19:09, 24:05:19:10, and 24:05:19:11 to local education agencies that have established their eligibility under this article for use in accordance with Part B of the IDEA. Beginning with funds that became available on July 1, 2009, the department shall distribute funds to eligible local education agencies, even if the local education agency is not serving any children with disabilities. The department shall distribute these federal funds to local education agencies according to the following criteria:

(1)  Local education agencies shall receive 75 percent of the amount they would have received under section 611 of IDEA for fiscal year 1999, as that section was then in effect;

(2)  Eighty-five percent of remaining funds shall be allocated to local education agencies based on the relative numbers of children enrolled in public and private elementary and secondary schools within each local education agency's jurisdiction; and

(3)  Fifteen percent of remaining funds shall be allocated to local education agencies based on their relative numbers of children living in poverty, as determined by the state education agency.

**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; 36 SDR 96, effective December 8, 2009.

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

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