**24:05:19:01.01.  Base payment adjustments.** For any fiscal year after 1999, the base payment described in subdivision 24:05:19:01(1) shall be adjusted under the following circumstances:

(1)  If a new local education agency is created, the department shall divide the base allocation determined under this section for the local education agencies that would have been responsible for serving children with disabilities now being served by the new local education agency, among the new local education agency and affected local education agencies based on the relative numbers of children with disabilities ages 3 through 21;

(2)  If one or more local education agencies are combined into a single new local education agency, the department shall combine the base allocations of the merged local education agencies; and

(3)  If, for two or more local education agencies, geographic boundaries or administrative responsibility for providing services to children with disabilities ages 3 through 21 change, the base allocations of affected local education agencies shall be redistributed among affected local education agencies based on the relative numbers of children with disabilities ages 3 through 21.

If a local education agency received a base payment of zero in its first year of operation, the department shall adjust the base payment for the first fiscal year after the first annual child count in which the local education agency reports that it is serving any children with disabilities. The department shall divide the base allocation determined under § 24:05:19:01 for the local education agencies that would have been responsible for serving children with disabilities now being served by the local education agency, among the local education agency and affected local education agencies based on the relative numbers of children with disabilities ages 3 through 21, or ages 6 through 21 currently provided special education by each of the local education agencies. This requirement takes effect with funds that became available on and after July 1, 2009.

**Source:** 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.