**24:05:19:05.03.  Permissive use of funds.** Notwithstanding federal requirements governing excess cost, use of Part B funds to supplement state, local and other federal funds and not supplant those funds, maintenance of effort, and commingling requirements, IDEA Part B funds provided to a school district may be used for the following activities:

 (1)  For the costs of special education and related services and supplementary aids and services provided in a regular class or other education related setting to a student with a disability in accordance with the individual education program of the student, even if one or more nondisabled students benefit from these services;

 (2)  To develop and implement coordinated, early intervening educational services in accordance with this chapter; and

 (3)  To establish and implement cost or risk sharing funds, consortia, or cooperatives for the school district itself, or for school districts working in a consortium of which the district is a part, to pay for high cost special education and related services.

 A school district may use funds received under Part B of the IDEA to purchase appropriate technology for recordkeeping, data collection, and related case management activities of teachers and related services personnel providing services described in the IEP of children with disabilities, that is needed for the implementation of those case management activities.

 **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.