**24:05:19:05.06.  Early intervening services -- General.** A district may not use more than 15 percent of the amount the district receives under Part B of the IDEA for any fiscal year, less any amount reduced by the district pursuant to § 24:05:19:05.05, if any, in combination with other amounts, which may include amounts other than education funds, to develop and implement coordinated, early intervening services, which may include interagency financing structures, for students in kindergarten through grade 12, with a particular emphasis on students in kindergarten through grade three, who are not currently identified as needing special education or related services, but who need additional academic and behavioral support to succeed in a general education environment.

 Nothing in this section either limits or creates a right to FAPE under Part B of the IDEA or delays appropriate evaluation of a child suspected of having a disability.

 Funds made available to carry out this section may be used to carry out coordinated, early intervening services aligned with activities funded by, and carried out under, the ESEA if those funds are used to supplement, and not supplant, funds made available under the ESEA for the activities and services assisted under this section.

 **Source:** 33 SDR 236, effective July 5, 2007.

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

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