**24:05:19:08.  Valid obligations enforceable.** Nothing in this article relieves an insurer or a similar third party from an otherwise valid obligation to provide or pay for services provided to a child with disabilities.

Consistent with the IEP requirements in this article regarding the provision of services in a timely manner, the department shall ensure that there is no delay in implementing a child's IEP, including any case in which the payment source for providing or paying for special education and related services to the child is being determined.

If placement in an approved public or private residential program is necessary to provide special education and related services to a child with disabilities, the program, including nonmedical care and room and board, must be provided at no cost to the parent of the child.

**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.