**24:05:22:01.  District required to identify children in need of special education or special education and related services.** Each school district shall develop and utilize a system for the identification, location, and evaluation of children in need of special education or special education and related services. The system must include all children residing within the jurisdiction of the district who are ages birth through 21 regardless of the severity of their disability, including children in all public and private agencies and institutions, private schools, including religious schools, and children receiving alternative instruction under SDCL 13-27-3 within the legal boundaries of the district. The requirements of this section apply to:

 (1)  Wards of the state and highly mobile children with disabilities such as migrant children and homeless children; and

 (2)  Children who are suspected of being children with disabilities under this article and in need of special education, even though they are advancing from grade to grade.

 **Source:** 16 SDR 41, effective September 7, 1989; 20 SDR 33, effective September 8, 1993; 23 SDR 31, effective September 8, 1996; 26 SDR 150, effective May 22, 2000; 33 SDR 236, effective July 5, 2007.

 **General Authority:** SDCL 13-1-12.1, 13-37-1.1.

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