**24:05:28:08.  Physical education services.** Physical education services, specially designed if necessary, shall be made available to every child in need of special education or special education and related services, unless the public agency enrolls children without disabilities and does not provide physical education to children without disabilities in the same grades. Each child shall be afforded the opportunity to participate in the regular physical education program available to children without disabilities unless the child is enrolled full time in a separate facility or the child needs specially designed physical education which cannot be provided in the regular physical education program.

 If specially designed physical education is prescribed in the child's individual education program, the school district responsible for the education of the child shall provide the services directly or make arrangements for it to be provided through other public or private programs.

 For children enrolled in separate facilities, the district responsible for the education of the child shall ensure that the child receives appropriate physical education services.

 **Source:** 16 SDR 41, effective September 7, 1989; 23 SDR 31, effective September 8, 1996; 33 SDR 236, effective July 5, 2007.

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

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