**24:05:31:02.  Responsibility of department.** The department shall ensure that an eligible child who is placed in or referred to a private school or facility by a school district is provided special education or special education and related services in conformance with an individual educational program which meets the requirements of this article at no cost to the parents and is provided an education which meets the standards that apply to state and local school districts, including the requirements in this chapter, with the exception of requiring qualified special education teachers. The eligible child has all of the rights of a child with a disability served by a school district.

 **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; 46 SDR 149, effective July 6, 2020.

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

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