**24:05:32:01.05.  Consultation.** To ensure timely and meaningful consultation, a school district, or, if appropriate, the department shall consult with private school representatives and representatives of parents of parentally-placed private school children with disabilities during the design and development of special education and related services for the children regarding the following:

(1)  The child find process, including:

(a)  How parentally-placed private school children suspected of having a disability can participate equitably; and

(b)  How parents, teachers, and private school officials will be informed of the process;

(2)  The determination of the proportionate share of federal funds available to serve parentally-placed private school children with disabilities under this chapter, including the determination of how the proportionate share of those funds was calculated;

(3)  The consultation process among the district, private school officials, and representatives of parents of parentally-placed private school children with disabilities, including how the process will operate throughout the school year to ensure that parentally-placed children with disabilities identified through the child find process can meaningfully participate in special education and related services;

(4)  How, where, and by whom special education and related services will be provided for parentally-placed private school children with disabilities, including a discussion of:

(a)  The types of services, including direct services and alternate service delivery mechanisms;

(b)  How special education and related services will be apportioned if funds are insufficient to serve all parentally-placed private school children; and

(c)  How and when those decisions will be made; and

(5)  How, if the district disagrees with the views of the private school officials on the provision of services or the types of services, whether provided directly or through a contract, the district will provide to the private school officials a written explanation of the reasons why the district chose not to provide services directly or through a contract.

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

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

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