**24:05:36:05.  Application -- Approval criteria.** When determining whether to approve a school district's application for early intervening services funding, the department shall consider whether the district has:

 (1)  Met the maintenance of effort requirement for the prior two fiscal years;

 (2)  Requested no more than fifteen percent of local need;

 (3)  Complied with coordinated early intervening reporting for a previous year or years, if applicable;

 (4)  Maintained a FAPE for all students with disabilities; and

 (5)  Timely corrected all findings of IDEA Part B noncompliance in the prior two school years.

 **Source:** 40 SDR 40, effective September 11, 2013.

 **General Authority:** SDCL 13-37-1.1, 13-37-58.

 **Law Implemented:** SDCL 13-37-1.1, 13-37-35.1, 13-37-40, 13-37-55 to 13-37-59, inclusive.