**24:05:20:23.  Compliance.** If a school district either fails to voluntarily take steps to correct an identified deficiency or fails to take any of the corrective actions specified by the department or incorporated in a corrective action plan submitted by the school district and approved by the department, the department must notify the school district of the following:

(1)  The failure to voluntarily correct an identified deficiency constitutes a failure on their part to administer their special education program in compliance with federal law;

(2)  The actions the department intends to take in order to enforce compliance with state and federal law;

(3)  The right to a hearing prior to the department's exercise of its enforcement responsibility; and

(4)  The consequence the department's enforcement action would have on continued and future state and federal funding of that school district's special education programs.

**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.