**24:05:29:04.  Access rights.** Each school district shall permit parents to inspect and review any education records relating to their student which are collected, maintained, or used by the agency under this chapter. The agency shall comply with a request without unnecessary delay and before any meeting regarding an individual education program or hearing relating to the identification, evaluation, or placement of the student, or discipline hearing, or resolution session, and in no case more than 45 calendar days after the request has been made.

The right to inspect and review education records under this section includes the following:

(1)  The right to response from the district to reasonable requests for explanations and interpretations of the records;

(2)  The right to request that the district provide copies of the records containing the information if failure to provide these copies would effectively prevent the parent from exercising the right to inspect and review the records; and

(3)  The right to have a representative of the parent inspect and review the records.

The district may presume that the parent has authority to inspect and review records relating to the parent's child unless the agency has been advised that the parent does not have the authority under applicable state law governing such matters as guardianship, separation, divorce, or custody.

**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.

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

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

**Cross-References:**

Divorce and separate maintenance, SDCL chapter 25-4.

Jurisdiction and venue of guardianships, SDCL chapter 30-26.

Appointment, qualification, bonds and removal of guardians, SDCL chapter 30-27.

Custody, care and maintenance of wards, SDCL chapter 30-28.