**24:05:29:11.  Hearing procedures.** At a minimum, a district's hearing procedures must include the following elements:

(1)  The hearing must be held within 30 days after the district received the request, and the parent of the student or eligible student shall be given notice of the date, place, and time 5 days in advance of the hearing;

(2)  The hearing may be conducted by any party, including an official of the district, who does not have a direct interest in the outcome of the hearing;

(3)  The parent of the student or eligible student shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or be represented by individuals of the parent's choice at the parent's own expense, including an attorney;

(4)  The district shall make its decision in writing within 30 days after the conclusion of the hearing; and

(5)  The decision of the district shall be based solely upon the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

**Source:** 16 SDR 41, effective September 7, 1989; 17 SDR 30, effective August 27, 1990; 23 SDR 31, effective September 8, 1996.

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

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