**24:05:30:06.02.  Procedural safeguards notice -- Contents.** The procedural safeguards notice must include a full explanation of all of the procedural safeguards available under this article and the state complaint procedures relating to:

(1)  Independent educational evaluation;

(2)  Prior written notice;

(3)  Parental consent;

(4)  Access to educational records;

(5)  Opportunity to present and resolve complaints through the due process complaint and state complaint procedures, including:

(a)  The time period in which to file a complaint;

(b)  The opportunity for the district to resolve the complaint; and

(c)  The difference between the due process complaint and the state complaint procedures, including the jurisdiction of each procedure, what issues may be raised, filing and decisional timelines, and relevant procedures;

(6)  The child’s placement during pendency of any due process complaint;

(7)  Procedures for students who are subject to placement in an interim alternative educational setting;

(8)  Requirements for unilateral placement by parents of children in private schools at public expense;

(9)  The availability of mediation;

(10)  Hearings on due process complaints, including requirements for disclosure of evaluation results and recommendations;

(11)  Civil actions, including the time period in which to file those actions; and

(12)  Attorneys' fees.

The form of the notice must be consistent with § 24:05:30:06, including written evidence that the requirements in this section have been met.

**Source:** 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.