**24:05:30:08.06.  District response to due process complaint.** If the district has not sent a prior written notice under this chapter to the parent regarding the subject matter contained in the parent's due process complaint, the district shall, within ten days of receiving the due process complaint, send to the parent a response that includes:

 (1)  An explanation of why the district proposed or refused to take the action raised in the due process complaint;

 (2)  A description of other options that the IEP Team considered and the reasons why those options were rejected;

 (3)  A description of each evaluation procedure, assessment, record, or report the district used as the basis for the proposed or refused action; and

 (4)  A description of the other factors that are relevant to the district's proposed or refused action.

 A response by the district under this section does not preclude the district from asserting that the parent's due process complaint was insufficient, if appropriate.

 **Source:** 33 SDR 236, effective July 5, 2007.

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

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