**24:05:30:10.  Impartial hearing officer.** A hearing may not be conducted by a person who is an employee of the department or a school district which is involved in the education or care of the child or by any person having a personal or professional interest that conflicts with the person's objectivity in the hearing.

A hearing officer shall:

(1)  Possess knowledge of, and the ability to understand, the provisions of IDEA, federal and state regulations pertaining to IDEA, and legal interpretations of IDEA by federal and state courts;

(2)  Possess the knowledge and ability to conduct hearings in accordance with appropriate, standard legal practice; and

(3)  Possess the knowledge and ability to render and write decisions in accordance with appropriate, standard legal practice.

An individual who otherwise qualifies to conduct a hearing is not an employee of the department solely because the individual is paid by the department to serve as a hearing officer.

Each school district shall keep a list of the persons who serve as hearing officers. The list must include a statement of the qualifications of each of those persons.

**Source:** 16 SDR 41, effective September 7, 1989; 23 SDR 31, effective September 8, 1996; 33 SDR 236, effective July 5, 2007; 36 SDR 96, effective December 8, 2009.

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

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