**24:05:30:12.  Hearing rights.** Any party to a hearing, under this chapter or chapters 24:05:26 and 24:05:26.01, has the right to:

(1)  Be accompanied and advised by counsel and by individuals with special knowledge or training concerning the problems of children with disabilities, except that neither party has the right to be represented by a nonattorney at a hearing;

(2)  Present evidence and confront, cross-examine, and compel the attendance of witnesses;

(3)  Prohibit the introduction of any evidence at the hearing that has not been disclosed to that party at least five business days before the hearing;

(4)  Obtain a written or, at the option of the parents, electronic verbatim record of the hearing; and

(5)  Obtain written or, at the option of the parents, electronic findings of fact and decisions. The public agency shall transmit those findings and decisions, after deleting any personally identifiable information, to the state advisory counsel and shall make those findings and decisions available to the public.

Parents involved in hearings must be given the right to have the child who is the subject of the hearing present and open the hearing to the public. The record of the hearing and the findings of fact and decisions must be provided at no cost to the parents.

**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; 36 SDR 96, effective December 8, 2009.

**General Authority:** SDCL 13-37-1.1, 16-18-1.

**Law Implemented:** SDCL 13-37-1.1, 16-18-1.