**24:05:31:06.  Limitation on reimbursement.** The cost of reimbursement described in § 24:05:31:05 may be reduced or denied if:

 (1)  At the most recent individualized education program team meeting that the parents attended before removal of the child from the public school:

 (a)  The parents did not inform the individualized education program team that they were rejecting the placement proposed by the school district to provide a free appropriate public education to their child, including stating their concerns and their intent to enroll their child in a private school at public expense; or

(b)  At least ten business days, including any holidays that occur on a business day, before the removal of the child from the public school, the parents did not give written notice to the school district of the information described in subsection (a);

 (2)  Before the parents’ removal of the child from the public school, the school district informed the parents, through the notice requirements described in chapter 24:05:30, of its intent to evaluate the child, including a statement of the purpose of the evaluation that was appropriate and reasonable, but the parents did not make the child available for the evaluation; or

 (3)  Upon a judicial finding of unreasonableness with respect to actions taken by the parents.

 **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.