**24:14:14:16.04.  Timeline for filing a due process complaint.** A due process complaint may not allege a violation that occurred more than two years before the date the parent, a public agency, or a nonpublic service provider knew or should have known about the alleged action that forms the basis of the due process complaint.

The timeline described in this section does not apply to a parent if the parent was prevented from filing a due process complaint due to:

(1)  Specific misrepresentations by a public agency or a nonpublic service provider that it had resolved the problem forming the basis of the due process complaint; or

(2)  A public agency's or a nonpublic service provider's withholding of information from the parent that was required under this chapter to be provided to the parent.

**Source:** 35 SDR 82, effective October 22, 2008.

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

**Law Implemented:** SDCL 13-1-23, 13-14-1, 13-37-1.1.