**24:14:14:16.23.  Impartial hearing officer.** A hearing may not be conducted by a person who is an employee of the department, by a person who is an employee of a public agency or a nonpublic service provider that is involved in the early intervention services 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.

The department 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:** 35 SDR 82, effective October 22, 2008; 39 SDR 109, effective December 17, 2012.

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

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