**24:14:14:16.24.  Decision of hearing officer.** Subject to the provisions of this section, a hearing officer shall make a determination, based on substantive grounds, of whether the child was appropriately identified, or evaluated, or placed, or whether the child with a disability and his or her family were appropriately provided early intervention services under Part C.

 In matters alleging a procedural violation, a hearing officer may find that a child did not receive appropriate identification, evaluation, placement, or provision of early intervention services for the child and the child's family under Part C only if the procedural inadequacies:

 (1)  Impeded the child's right to appropriate early intervention services; or

 (2)  Significantly impeded the parent's opportunity to participate in the decision-making process regarding these matters; or

 (3)  Caused a deprivation of educational or developmental benefit.

 Nothing in this section precludes a hearing officer from ordering a public agency or a nonpublic service provider to comply with procedural requirements under this chapter.

 **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.