**24:14:14:18.  Hearing rights.** Any party to a hearing under this article may:

(1)  Be accompanied and advised by counsel and by individuals with special knowledge of or training with respect to the problems of children with disabilities under this article;

(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 the parent 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 department shall transmit those findings and decisions, after deleting any personally identifiable information, to the state interagency coordinating council 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:** 20 SDR 223, effective July 7, 1994; 26 SDR 153, effective May 22, 2000; 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.