**24:14:14:21.  Appeal of administrative decision.** Any party aggrieved by the findings and decisions of the hearing officer under this article may bring a civil action under the Individuals with Disabilities Education Act (IDEA). A civil action may be filed in either state or federal court without regard to the amount in controversy. The party bringing the action has 90 days from the date of a hearing officer's decision to file a civil action. In any action brought under this section, the court:

(1)  Shall receive the records of the administrative proceedings;

(2)  Shall hear additional evidence at the request of a party; and

(3)  Basing its decision on the preponderance of the evidence, shall grant the relief that the court determines to be appropriate.

Nothing in Part C restricts or limits the rights, procedures, and remedies available under the Constitution, the Americans with Disabilities Act of 1990, as amended to July 1, 2012, Title V of the Rehabilitation Act of 1973, as amended to December 10, 2015, or other federal laws protecting the rights of children with disabilities, except that before the filing of a civil action under these laws, seeking relief that is also available under 20 U.S.C. § 1415(b)(6), the procedures under this chapter for a due process hearing must be exhausted to the same extent as would be required had the action been brought under 20 U.S.C. § 1415(b)(6).

**Source:** 20 SDR 223, effective July 7, 1994; 26 SDR 153, effective May 22, 2000; 35 SDR 82, effective October 22, 2008; 39 SDR 109, effective December 17, 2012; 49 SDR 7, effective July 31, 2022.

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

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