**24:14:15:11.  Hearing procedures.** At a minimum, a contractor's hearing procedures must include the following elements:

 (1)  The hearing must be held within 30 days after the contractor receives the request, and the parent of the child shall be given notice of the date, place, and time five days in advance of the hearing;

 (2)  The hearing may be conducted by any party who does not have a direct interest in the outcome of the hearing;

 (3)  The parent of the child shall be afforded a full and fair opportunity to present evidence relevant to the issues raised and may be assisted or be represented by individuals of the parent's choice at the parent's own expense, including an attorney;

 (4)  The contractor shall make its decision in writing within 30 days after the conclusion of the hearing; and

 (5)  The decision of the contractor shall be based solely on the evidence presented at the hearing and shall include a summary of the evidence and the reasons for the decision.

 **Source:** 20 SDR 223, effective July 7, 1994; 28 SDR 105, effective January 31, 2002.

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

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