**24:14:03:04.  Procedures for resolving complaints.** If a complaint is made against a public agency or nonpublic service provider, the complaint resolution procedure is as follows:

 (1)  The state director of the Part C program shall appoint a complaint investigator;

 (2)  The complainant shall have the opportunity to submit additional information, either orally or in writing, about the allegations in the complaint;

 (3)  The department, public agency, or nonpublic service provider shall have the opportunity to respond to the complaint, including at a minimum:

 (a)  At the discretion of the department, a proposal to resolve the complaint; and

 (b)  An opportunity for a parent who has filed a complaint and the department, public agency, or nonpublic service provider to voluntarily engage in mediation consistent with this article;

 (4)  The complaint investigator shall make a recommendation to the state director of the Part C program;

 (5)  After reviewing all relevant information, the state director of the Part C program shall make an independent determination as to whether the complaint is valid, what corrective action is necessary to resolve the complaint, and the time limit during which corrective action is to be completed. The state director of the Part C program shall submit a written report of the final decision to all parties involved;

 (6)  The written report shall address each allegation in the complaint, contain findings of fact and conclusions, and reasons for the final decision;

 (7)  If corrective action is not completed within the time limit set, including technical assistance and negotiations, the department shall withhold all federal funds applicable to the program until compliance with applicable federal and state statutes and rules is demonstrated by the public agency or nonpublic service provider; and

 (8)  Documentation supporting the corrective actions taken by the public agency or nonpublic service provider must be maintained by the department's Part C program and incorporated into the state's monitoring process.

 **Source:** 20 SDR 223, effective July 7, 1994; 26 SDR 153, effective May 22, 2000; 28 SDR 105, effective January 31, 2002; 35 SDR 82, effective October 22, 2008; 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.