**24:14:14:15.  Mediation process.** The department shall ensure that procedures are established and implemented to allow parties to disputes involving any matter under this article, including matters arising before the filing of a due process complaint, to resolve disputes through a mediation process at any time. Procedures for mediation are as follows:

(1)  The state director of the Part C program shall ensure that mediation is viewed as voluntary and freely agreed to by both parties and is in no way used to deny or delay a parent's right to a hearing on a parent's due process complaint, or to deny any other rights afforded under this article; and

(2)  The mediation conference is an intervening, informal process conducted in a nonadversarial atmosphere, scheduled in a timely manner, and held in a location that is convenient to the parties in dispute.

The state shall bear the cost of the mediation process, including the costs of meetings described in § 24:14:14:16.02.

**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; 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.