**24:14:14:16.16.  Resolution period -- General.** If the public agency or nonpublic service provider has not resolved a due process complaint to the satisfaction of the parties involved within 30 days of the receipt of the due process complaint, a due process hearing may occur.

Except as provided in § 24:14:14:16.18, the timeline for issuing a final decision in a due process hearing begins at the expiration of the 30-day period.

Except where the parties have jointly agreed to waive the resolution process or to use mediation, notwithstanding the above two paragraphs, the failure of a parent filing a due process complaint to participate in the resolution meeting delays the timelines for the resolution process and due process hearing until the meeting is held.

**Source:** 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.