**24:14:14:16.17.  Dismissal of complaint or initiation of hearing.** If the public agency or nonpublic service provider is unable to obtain the participation of the parent in the resolution meeting after efforts have been made and after documenting its efforts, the public agency or nonpublic service provider may, at the conclusion of the 30-day period, request that a hearing officer dismiss the parent's due process complaint.

 If the public agency or nonpublic service provider fails to hold the resolution meeting specified in § 24:14:14:16.13 within 15 days of receiving notice of a parent's due process complaint or fails to participate in the resolution meeting, the parent may seek the intervention of a hearing officer to begin the due process hearing timeline.

 **Source:** 35 SDR 82, effective October 22, 2008.

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

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