**24:05:25:02.02.  Consent for ward of the state.** For initial evaluations only, if the child is a ward of the state and is not residing with the child's parent, the school district is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if:

(1)  Despite reasonable efforts to do so, the district cannot discover the whereabouts of the parent of the child;

(2)  The rights of the parents of the child have been terminated in accordance with state law; or

(3)  The rights of the parent to make educational decisions have been subrogated by a judge in accordance with state law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.

To meet the reasonable efforts requirement in this section, the district shall document its attempts to obtain parental consent using the procedures in § 24:05:25:17.

**Source:** 33 SDR 236, effective July 5, 2007.

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

**Law Implemented:** SDCL 13-37-1.1.