**24:05:25:02.04.  Other consent requirements.** Other consent requirements include the following:

(1)  Parental consent is not required before:

(a)  Reviewing existing data as part of an evaluation or a reevaluation; or

(b)  Administering a test or other evaluation that is administered to all children unless, before administration of the that test or evaluation, consent is required of parents of all children;

(2)  A school district may not use a parent's refusal to consent to one service or activity under this section to deny the parent or child any other service, benefit, or activity of the school district, except as required by this article;

(3)  If a parent of a child who is receiving alternative instruction under SDCL 13-27-3 or placed in a private school by the parents at their own expense does not provide consent for the initial evaluation or the reevaluation, or if the parent fails to respond to a request to provide consent, the school district may not use the consent override procedures in chapter 24:05:30 including mediation and due process hearing procedures. The school district is not required to consider the child as eligible for services under chapter 24:05:32.

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

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

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