**24:14:11:01.03.  Screening procedures -- Parental notice and consent.** The department, consistent with the requirements in this chapter, shall screen children under the age of three who have been referred to the Part C program to determine whether they are suspected of having a disability under Part C.

If the department or early intervention service provider proposes to screen a child, it must:

(1)  Provide the parent notice under this article of its intent to screen the child to identify whether the child is suspected of having a disability and include in that notice a description of the parent's right to request an evaluation at any time during the screening process; and

(2)  Obtain parental consent as required in this article before conducting the screening procedures.

If the parent consents to the screening and the screening or other available information indicates that the child is suspected of having a disability, after notice is provided, and once parental consent is obtained, an evaluation and assessment of the child must be conducted. If the parent consents to the screening and the screening or other available information indicates that the child is not suspected of having a disability, the department or early intervention service provider shall ensure that notice of that determination is provided to the parent, and that the notice describes the parent's right to request an evaluation.

If the parent of the child requests and consents to an evaluation at any time during the screening process, evaluation of the child must be conducted, even if the department or early intervention service provider has determined that the child is not suspected of having a disability.

**Source:** 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.