**24:14:14:05.  Parental consent.** The department shall ensure parental consent is obtained before:

(1)  Administering screening procedures that are used to determine whether a child is suspected of having a disability;

(2)  All evaluations and assessments of a child;

(3)  Early intervention services are provided to the child under Part C;

(4)  Public benefits or insurance or private insurance is used; and

(5)  Disclosure of personally identifiable information.

If a parent does not give consent under (1), (2), or (3) above, the department shall make reasonable efforts to ensure that the parent is fully aware of the nature of the evaluation and assessment of the child or early intervention services that would be available; and understands that the child will not be able to receive the evaluation, assessment, or early intervention service unless consent is given. The department may not use the due process hearing procedures under Part C or Part B of the IDEA to challenge a parent's refusal to provide any consent that is required under this section.

**Source:** 20 SDR 223, effective July 7, 1994; 23 SDR 179, effective April 29, 1997; 28 SDR 105, effective January 31, 2002; 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.