**24:14:15:02.  Definitions.** Terms used in this chapter mean:

(1)  "Act," the Family Educational Rights and Privacy Act of 1974 and implementing regulations at 34 C.F.R. Part 99, as amended, enacted as section 444 of the General Education Provisions Act as in effect July 1, 2012.

(2)  "Destruction," physical destruction of the record or ensuring that personal identifiers are removed from a record so that the record is no longer personally identifiable under § 24:14:01:01(18);

(3)  "Directory information," information contained in the early intervention record of a child which would not generally be considered harmful or an invasion of privacy if disclosed, such as the child's name, address, telephone listing, dates in Part C program, and date and place of birth;

(4)  "Disclosure," to permit access to or the release, transfer, or other communication of early intervention records or the personally identifiable information contained in those records to any party, except the party identified as the party that provided or created the record, by any means, including oral, written, or electronic;

(5)  "Early intervention record," any information recorded in any way, including handwriting, print, video or audio tape, film, microfilm, microfiche, and computer media; and

(6)  "Participating agency," any individual, agency, entity, or institution that collects, maintains, or uses personally identifiable information to implement the requirements in Part C of IDEA and the provisions of this article with respect to a particular child. A participating agency includes the department and contractors and any individual or entity that provides any Part C services, including service coordination, evaluations and assessments, and other Part C services, but does not include primary referral sources, or public agencies, such as the state Medicaid or CHIP program, or private entities, such as private insurance companies, that act solely as funding sources for Part C services.

**Source:** 20 SDR 223, effective July 7, 1994; 26 SDR 153, effective May 22, 2000; 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.