**24:14:15:03.  Annual notification of rights.** Each contractor shall annually notify parents of children who may be eligible for early intervention services of their rights under the Act and this chapter. The notice must include a statement that the parent has a right to do the following:

 (1)  Inspect and review the child's records;

 (2)  Request the amendment of the child's records to ensure that they are not inaccurate, misleading, or otherwise in violation of the child's privacy or other rights;

 (3)  Consent to disclosure of personally identifiable information contained in the child's records, except to the extent that the Act and the regulations in this chapter authorize disclosure without consent; and

 (4)  File with the United States Department of Education a complaint concerning alleged failures by the contractor to comply with the requirements of the Act and this chapter.

 The notice shall also include the procedures for exercising the right to inspect and review early intervention records; the procedures for requesting the amendments of records; and if the agency or institution has a policy of disclosing records, a specification of criteria for determining who constitutes an early intervention program official and what constitutes a legitimate educational interest.

 The contractor may provide this notice by any means that is likely to inform the parents of their rights and that will effectively notify parents of children who have a primary or home language other than English and parents who are disabled.

 **Source:** 20 SDR 223, effective July 7, 1994; 26 SDR 153, effective May 22, 2000; 28 SDR 105, effective January 31, 2002.

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

 **Law Implemented:** SDCL 13-1-23, 13-14-1, 13-37-1.1.