**24:14:15:13.  Consent.** Parental consent must be obtained before personally identifiable information is disclosed to anyone other than authorized representatives, officials, or employees of participating agencies collecting, maintaining, or using the information under Part C, subject to this section; or used for any purpose other than meeting a requirement of Part C.

 The department or other participating agency may not disclose personally identifiable information to any party except participating agencies, including the department and contractors, that are part of the state's Part C system without parental consent unless authorized to do so under:

 (1)  Sections 24:14:15:12.01 and 24:14:13:05.01; or

 (2)  One of the exceptions enumerated in 34 C.F.R. 99.31, as amended to July 1, 2012, where applicable to Part C, which are expressly adopted to apply to Part C through this reference.

 The department shall provide policies and procedures to be used if a parent refuses to provide consent under this section, such as a meeting to explain to parents how their failure to consent affects the ability of their child to receive services under Part C, if those procedures do not override a parent's right to refuse consent under chapter 24:14:14.

 **Source:** 20 SDR 223, effective July 7, 1994; 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.

 **Cross-Reference:** 34 C.F.R. Part 99, as amended to July 1, 2012 (Family Educational Rights and Privacy).