

**281—120.420(34CFR303) Parental consent and ability to decline services.**

**120.420(1) General.** The relevant agency must ensure parental consent is obtained before:

- a.* Administering screening procedures under rule 281—120.320(34CFR303) that are used to determine whether a child is suspected of having a disability;
- b.* All evaluations and assessments of a child are conducted under rule 281—120.321(34CFR303);
- c.* Early intervention services are provided to a child under this chapter;
- d.* Public benefits or insurance or private insurance is used if such consent is required under rule 281—120.520(34CFR303); and
- e.* Disclosure of personally identifiable information consistent with rule 281—120.414(34CFR303).

**120.420(2) Parent refusal to consent.** If a parent does not give consent under paragraph 120.420(1) “*a*,” “*b*,” or “*c*,” the agency must make reasonable efforts to ensure that the parent:

- a.* Is fully aware of the nature of the evaluation and assessment of the child or early intervention services that may be available; and
- b.* Understands that the child will not be able to receive the evaluation, assessment, or early intervention services unless consent is given.

**120.420(3) Due process procedures unavailable.** The agency may not use the due process hearing procedures under this chapter to challenge a parent’s refusal to provide any consent that is required under subrule 120.420(1).

**120.420(4) Parent rights.** The parents of an infant or toddler with a disability:

- a.* Determine whether they, their infant or toddler with a disability, or other family members will accept or decline any Early ACCESS service under this chapter at any time, in accordance with state law; and
- b.* May decline a service after first accepting it, without jeopardizing other early intervention services under this chapter.

[ARC 7805C, IAB 4/17/24, effective 5/22/24]