

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.

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