§ 303.420 Parental consent and ability to decline services.

(a) The lead agency must ensure parental consent is obtained before—

1. Administering screening procedures under §303.320 that are used to determine whether a child is suspected of having a disability;
2. All evaluations and assessments of a child are conducted under §303.321;
3. Early intervention services are provided to the child under this part;
4. Public benefits or insurance or private insurance is used if such consent is required under §303.520; and
5. Disclosure of personally identifiable information consistent with §303.414.

(b) If a parent does not give consent under paragraph (a)(1), (a)(2), or (a)(3) of this section, the lead agency must make reasonable efforts to ensure that the parent—

1. Is fully aware of the nature of the evaluation and assessment of the child or early intervention services that would be available; and
2. Understands that the child will not be able to receive the evaluation, assessment, or early intervention service unless consent is given.

(c) The lead agency may not use the due process hearing procedures under this part or part B of the Act to challenge a parent’s refusal to provide any consent that is required under paragraph (a) of this section.

(d) The parents of an infant or toddler with a disability—

1. Determine whether they, their infant or toddler with a disability, or other family members will accept or decline any early intervention services under this part at any time, in accordance with State law; and
2. May decline a service after first accepting it, without jeopardizing other early intervention services under this part.

(Authority: 20 U.S.C. 1436(e), 1439(a)(3))

§ 303.421 Prior written notice and procedural safeguards notice.

(a) General. Prior written notice must be provided to parents a reasonable time before the lead agency or an EIS provider proposes, or refuses, to initiate or change the identification, evaluation, or placement of their infant or toddler, or the provision of early intervention services to the infant or toddler with a disability and that infant’s or toddler’s family.