

INCLUDES IDENTIFICATION, EVALUATION, AND PLACEMENT, AS WELL AS THE HEARING, MEDIATION, AND APPEAL PROCEDURES PROVIDED FOR IN THE BYLAWS PROMULGATED BY THE STATE BOARD OF EDUCATION.

(7) "UNKNOWN" MEANS NOT KNOWN AND NOT ASCERTAINABLE BY REASONABLE DILIGENCE OR AFTER REASONABLE INQUIRY.

(8) "UNAVAILABLE" INCLUDES BEING COMMITTED TO A MENTAL INSTITUTION, INCARCERATED IN A PENAL INSTITUTION, OTHERWISE UNABLE TO ACT AS A CHILD'S ADVOCATE IN THE EDUCATIONAL DECISION MAKING PROCESS, OR NOT PRESENT AFTER GOOD-FAITH EFFORTS TO OBTAIN PRESENCE.

(B) ANY PERSON MAY REQUEST THE ASSIGNMENT OF A PARENT SURROGATE FOR A CHILD WHO MAY NEED SPECIAL EDUCATION IF THE CHILD IS A WARD OF THE STATE, OR IF THE CHILD'S PARENT OR GUARDIAN ARE UNKNOWN OR UNAVAILABLE.

(C) WHEN A LOCAL SUPERINTENDENT OF SCHOOLS OR HIS DESIGNEE FINDS THAT A CHILD MAY REQUIRE SPECIAL EDUCATION AND THE CHILD IS A WARD OF THE STATE, OR THE CHILD'S PARENT OR GUARDIAN IS UNKNOWN OR UNAVAILABLE, THAT SUPERINTENDENT OR HIS DESIGNEE SHALL REQUEST IN WRITING THAT THE STATE BOARD APPOINT A PARENT SURROGATE TO REPRESENT THE CHILD IN THE EDUCATIONAL DECISION MAKING PROCESS. THE REQUEST TO THE STATE BOARD SHALL INCLUDE THE CHILD'S NAME, DATE OF BIRTH, SEX, DOMICILE AND RESIDENCE, A STATEMENT EXPLAINING WHY THE CHILD MEETS THE CRITERIA FOR THE APPOINTMENT OF A PARENT SURROGATE, DOCUMENTATION OF EFFORTS MADE TO LOCATE THE PARENT IF UNKNOWN, OR THE PARENT'S PRESENT LOCATION IF UNAVAILABLE, AND THE NAME AND QUALIFICATIONS OF A PROPOSED PARENT SURROGATE DEEMED APPROPRIATE TO REPRESENT THE CHILD IN THE EDUCATIONAL DECISION MAKING PROCESS.

(D) UPON THE FILING OF A REQUEST FOR THE APPOINTMENT OF A PARENT SURROGATE BY A BOARD, THE STATE BOARD SHALL APPOINT A PARENT SURROGATE AFTER A DETERMINATION THAT THE PARENT OR LEGAL GUARDIAN IS UNKNOWN OR UNAVAILABLE AND THAT THE PROPOSED PARENT SURROGATE IS NEITHER AN EMPLOYEE NOR AN AGENT OF THE STATE BOARD OR THE LOCAL BOARD INVOLVED IN THE EDUCATION OF THE CHILD AND IS OTHERWISE PROPERLY QUALIFIED TO SERVE AS AN ADVOCATE FOR THE CHILD. IF THE STATE BOARD FINDS THAT THE PROPOSED PARENT SURROGATE IS NOT QUALIFIED TO SERVE, IT SHALL REQUEST THAT THE LOCAL BOARD MAKE ANOTHER NOMINATION, OR IT MAY SELECT AND APPOINT ONE ITSELF. FINAL SELECTION SHALL BE WITHIN TEN DAYS OF A REQUEST BY THE LOCAL BOARD. ALL COSTS FOR SELECTION AND APPOINTMENT SHALL BE BORNE BY THE LOCAL BOARD.

(E) ANY PERSON AGGRIEVED BY A DECISION OF THE STATE BOARD WITH REGARD TO THE SELECTION AND APPOINTMENT OF A PARENT SURROGATE MAY SEEK REVIEW OF THE DECISION IN A COURT OF COMPETENT JURISDICTION.