

(III) DOCUMENTATION OF EFFORTS MADE TO LOCATE THE PARENT OR GUARDIAN IF UNKNOWN OR THE LOCATION OF THE PARENT OR GUARDIAN IF UNAVAILABLE; AND

(IV) THE NAME AND QUALIFICATIONS OF A PROPOSED PARENT SURROGATE WHO IS CONSIDERED APPROPRIATE TO REPRESENT THE CHILD IN THE EDUCATIONAL DECISION MAKING PROCESS.

(D) APPOINTMENT BY STATE BOARD.

(1) IF A COUNTY BOARD FILES A REQUEST FOR THE APPOINTMENT OF A PARENT SURROGATE, THE STATE BOARD SHALL APPOINT A PARENT SURROGATE IF IT FINDS THAT:

(I) THE PARENT OR GUARDIAN IS UNKNOWN OR UNAVAILABLE;

(II) THE PROPOSED PARENT SURROGATE IS NEITHER AN EMPLOYEE NOR AN AGENT OF THE STATE BOARD OR THE COUNTY BOARD THAT IS INVOLVED IN THE EDUCATION OF THE CHILD; AND

(III) THE PARENT SURROGATE IS OTHERWISE PROPERLY QUALIFIED TO BE AN ADVOCATE FOR THE CHILD.

(2) IF THE STATE BOARD FINDS THAT THE PROPOSED PARENT SURROGATE IS NOT QUALIFIED TO SERVE, THE STATE BOARD MAY:

(I) ASK THE COUNTY BOARD TO MAKE ANOTHER NOMINATION; OR

(II) CHOOSE AND APPOINT A PARENT SURROGATE.

(3) THE STATE BOARD SHALL MAKE A FINAL SELECTION OR REJECTION WITHIN 10 DAYS AFTER IT RECEIVES A REQUEST FROM THE COUNTY BOARD.

(4) THE COUNTY BOARD SHALL BEAR THE COSTS FOR SELECTION AND APPOINTMENT.

(E) RULES AND REGULATIONS.

THE STATE BOARD SHALL ADOPT RULES AND REGULATIONS IN ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT ON THE QUALIFICATIONS, SELECTION, APPOINTMENT, TRAINING, COMPENSATION, REMOVAL, AND REPLACEMENT NECESSARY TO IMPLEMENT THIS SECTION.

(F) COURT REVIEW OF STATE BOARD DECISION.

ANY PERSON WHO IS AGGRIEVED BY A DECISION OF THE STATE BOARD ON THE SELECTION AND APPOINTMENT OF A PARENT SURROGATE MAY SEEK REVIEW OF THE DECISION IN A COURT OF COMPETENT JURISDICTION.

REVISOR'S NOTE: This section presently appears as Art. 77, §106D-1.