

(3) "Educational decision making process" includes identification, evaluation, and placement, as well as the hearing, mediation, and appeal procedures provided for in the bylaws of the State Board.

(4) "Parent surrogate" means a person who is appointed by the State Board on the recommendation of a county superintendent or his designee as an advocate of a child in the educational decision making process in place of the natural parent or legal guardian of the child.

(5) "Unavailable" includes committed to a mental institution, incarcerated in a penal institution, otherwise unable to act as an advocate of a child in the educational decision making process, or not present after good faith efforts to obtain presence.

(6) "Unknown" means not known and not ascertainable by reasonable diligence or after reasonable inquiry.

(b) Any person may request that a parent surrogate be assigned for a child who may need special education if:

(1) The child is a ward of the State; or

(2) The parent or guardian of the child is unknown or unavailable.

(c) (1) If a county superintendent or his designee finds that a child may need special education and the child is a ward of the State or the parent or guardian of the child is unknown or unavailable, the county superintendent or his designee shall make a written request that the State Board appoint a parent surrogate to represent the child in the educational decision making process.

(2) The request to the State Board shall include:

(i) The name, date of birth, sex, domicile, and residence of the child;

(ii) A statement explaining why the child meets the requirements for the appointment of a parent surrogate;

(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.