

(d) (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) 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) 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.

(g) (1) A parent surrogate appointed pursuant to the provisions of this section may not be liable to the child entrusted to such parent surrogate or the parents or guardian of such child for any civil damages which result from acts or omissions of such parent surrogate which constitute ordinary negligence.

(2) This immunity does not apply to liability covered by any applicable insurance to the extent of that coverage, or to acts or omissions constituting gross, willful, or wanton negligence.]