

(8) "UNKNOWN" MEANS THAT A PUBLIC AGENCY, AFTER REASONABLE EFFORTS, CANNOT IDENTIFY THE CHILD'S PARENT.

(9) "WARD OF THE STATE" MEANS A CHILD FOR WHOM A STATE OR COUNTY AGENCY OR OFFICIAL HAS BEEN APPOINTED LEGAL GUARDIAN, OR WHO HAS BEEN COMMITTED BY A COURT OF COMPETENT JURISDICTION TO THE LEGAL CUSTODY OF A STATE OR COUNTY AGENCY OR OFFICIAL WITH THE EXPRESS AUTHORIZATION THAT THE STATE OR COUNTY AGENCY OR OFFICIAL MAKE EDUCATIONAL DECISIONS FOR THE CHILD.

(B) A PUBLIC AGENCY SHALL REQUEST THAT THE STATE SUPERINTENDENT APPOINT A PARENT SURROGATE TO REPRESENT A CHILD IN THE EDUCATIONAL DECISION MAKING PROCESS IF:

(1) THE CHILD IS A WARD OF THE STATE; OR

(2) THE PARENTS OF THE CHILD ARE UNKNOWN OR UNAVAILABLE.

(C) SUBJECT TO APPLICABLE BYLAWS, RULES, AND REGULATIONS OF THE STATE BOARD, A PUBLIC AGENCY MAY REQUEST THAT THE STATE SUPERINTENDENT APPOINT A PARENT SURROGATE IF A CHILD IS IN THE CARE AND CUSTODY OF A STATE OR COUNTY AGENCY OR OFFICIAL AND THE PARENTS OF THE CHILD HAVE VOLUNTARILY GIVEN WRITTEN CONSENT FOR THE APPOINTMENT OF A PARENT SURROGATE.

(D) ANY REQUEST TO THE STATE SUPERINTENDENT FOR THE APPOINTMENT OF A PARENT SURROGATE UNDER SUBSECTION (B) OR (C) SHALL INCLUDE:

(1) THE NAME, DATE OF BIRTH, SEX, LEGAL DOMICILE, AND PRESENT RESIDENCE OF THE CHILD;

(2) A STATEMENT THAT THE CHILD IS ELIGIBLE FOR THE APPOINTMENT OF A PARENT SURROGATE IN ACCORDANCE WITH SUBSECTION (B) OR (C) OF THIS SECTION;

(3) DOCUMENTATION, AS APPLICABLE, OF THE EFFORTS MADE TO IDENTIFY THE PARENT IF UNKNOWN OR TO LOCATE THE PARENT IF UNAVAILABLE, OR THE VOLUNTARY WRITTEN CONSENT OF THE PARENT FOR THE APPOINTMENT OF A PARENT SURROGATE; AND

(4) THE NAME AND QUALIFICATIONS OF THE PROPOSED PARENT SURROGATE WHOM THE PUBLIC AGENCY CONSIDERS TO BE QUALIFIED TO REPRESENT THE CHILD IN THE EDUCATIONAL DECISION MAKING PROCESS.

(E) (1) THE PUBLIC AGENCY REQUESTING THE APPOINTMENT OF A PARENT SURROGATE SHALL INSURE THAT THE PERSON PROPOSED:

(I) HAS NO INTEREST THAT CONFLICTS WITH THE INTERESTS OF THE CHILD TO BE ENTRUSTED TO THAT PERSON; AND