

(b) [A public] PUBLIC agency PERSONNEL shall request that the local school superintendent appoint a parent surrogate to represent a child at any point in the educational decision making process if it is suspected that the child may be disabled and if:

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

(2) THE CHILD IS AN UNACCOMPANIED HOMELESS CHILD; OR

[(2)] (3) (I) The parents of the child are unknown or unavailable; AND

(II) THE CHILD'S RIGHTS HAVE NOT BEEN TRANSFERRED IN ACCORDANCE WITH § 8-412.1 OF THIS SUBTITLE.

(c) Any request to the local school superintendent for the appointment of a parent surrogate under subsection (b) of this section 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) of this section;

(3) Documentation, as applicable, of the efforts made to identify the parent if unknown or to locate the parent if unavailable; 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.

(d) [(1)] The [public agency requesting the appointment of a parent surrogate] LOCAL SCHOOL SUPERINTENDENT shall ensure that the person proposed TO SERVE AS THE CHILD'S PARENT SURROGATE:

[(i)] (1) Has no interest that conflicts with the interests of the child to be entrusted to that person; and

[(ii)] (2) Has knowledge and skills that ensure adequate representation of the child.

[(2) A parent surrogate may not be an employee of a public agency involved in the care and education of the child entrusted to that parent surrogate, except that a foster parent may not be considered an employee of a public agency under this section solely because the foster parent receives public funds for the care of the child.]

(e) (1) [If a public agency files a request for the appointment of a parent surrogate, the] THE local school superintendent shall appoint a parent surrogate NOT MORE THAN 30 DAYS AFTER A DETERMINATION OF NEED, if [that] THE LOCAL SCHOOL superintendent finds:

(i) The child is eligible for the appointment of a parent surrogate in accordance with subsection (b) of this section; and