

[(6)](7) "Public agency" includes the State Department of Education, local education agencies, and other agencies that are responsible for providing education to [handicapped] DISABLED children, including the Department of Health and Mental Hygiene, Mental Hygiene Administration, the Mental Retardation Administration, the Department of Juvenile Justice, and the Maryland School for the Deaf. For the purpose of this section the Maryland School for the Blind shall be considered a public agency.

[(7)](8) "Unavailable" means that a public agency, after reasonable efforts, cannot discover the physical whereabouts of a child's parent.

[(8)](9) "Unknown" means that a public agency, after reasonable efforts, cannot identify the child's parent.

[(9)](10) "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] 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 parents of the child are unknown or unavailable.

(c) Any request to the [State Superintendent] LOCAL SCHOOL SUPERINTENDENT for the appointment of a parent surrogate under subsection (b) 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 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
- (ii) Has knowledge and skills that insure adequate representation of the child.