

(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) (C) 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)] (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.

(2) A parent surrogate may not be an employee of a public agency involved in the education of the child entrusted to that parent surrogate.

[(f)] (E) (1) If a public agency files a request for the appointment of a parent