

(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] 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 local school superintendent shall appoint a parent surrogate if that superintendent finds:

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

(ii) The proposed parent surrogate is qualified to represent the child in the educational decision making process in accordance with subsection (d) of this section.

(2) If the local school superintendent finds that the child is not eligible for the appointment of a parent surrogate in accordance with subsection (b) of this section, the local school superintendent shall notify the requesting public agency of this finding and specify the reasons in writing.

(3) If the local school superintendent finds that the proposed parent surrogate is not qualified to represent the child in the educational decision making process in accordance with subsection (d) of this section, the local school superintendent may:

(i) Request the public agency to propose another parent surrogate who is qualified; or

(ii) Select and appoint a parent surrogate who is qualified.

(4) The local school superintendent shall make a final selection or rejection of a parent surrogate within 10 days after it receives a request which includes appropriate eligibility documentation from a public agency.

(5) (i) The local school superintendent shall notify, in writing, the State Superintendent of the parent surrogate appointment.

(ii) The notice shall occur within 30 days after the day on which the appointment is made.

(iii) The notification shall include the child's name, the name of the parent surrogate, and any other information deemed applicable.

(f) (1) A child entrusted to a parent surrogate shall be represented by that parent surrogate in the educational decision making process.