



RULE-MAKING ORDER
(RCW 34.05.360)

CR-103 (7/1/89)

Agency: Washington State School for the Blind

- Permanent Rule
 Emergency Rule

(1) Date of adoption: September 27, 1990

(2) Purpose: Sets forth the standards and procedures to be followed by the school in order to ensure that the rights of nonadult students are protected when no parent can be identified, located, or when the student is a dependent of the state.

(3) Citation of existing rules affected by this order: None.
Repealed:
Amended:
Suspended:

(4) Authority for adoption:
Statute: RCW 72.40.022
Other Authority:

(5.1) **PERMANENT RULE ONLY**
Pursuant to notice filed as WSR 90-10-106 & 90-17-079 on 5/2/90 & 8/16/90 (date).
Describe any changes other than editing from proposed to adopted version: None.

(5.2) **EMERGENCY RULE ONLY**
Pursuant to RCW 34.05.350 the agency for good cause finds:
 (a) That immediate adoption, amendment, or repeal of a rule is necessary for the preservation of the public health, safety, or general welfare, and that observing the time requirements of notice and opportunity to comment upon adoption of a permanent rule would be contrary to the public interest.
 (b) That state or federal law or federal rule or a federal deadline for state receipt of federal funds requires immediate adoption of a rule.
Reasons for this finding:

(5.3) Any other findings required by other provisions of law as precondition to adoption or effectiveness of rule?
 Yes No If yes, explain:

(6) Effective date of rule:
Permanent Rules **Emergency Rules**
 30 days after filing Immediately
 Other (specify) _____ * Later (specify) _____
*(If less than 30 days after filing, specific finding in 5.3 under RCW 34.05.380(3) is required)

CODE REVISER USE ONLY
CODE REVISER'S OFFICE
STATE OF WASHINGTON
FILED
NOV 19 1990
TIME: 10:02 AM
WSR 90-23-055

NAME (TYPE OR PRINT)
Dr. Dean O. Stenehjem
SIGNATURE
Dean O. Stenehjem
TITLE
Superintendent
DATE
10-28-90

NEW SECTION

WAC 72-171-650 SURROGATE PARENTS. (1) The school shall ensure that the rights of the nonadult student are protected when:

(a) No parent (as defined in WAC 72-171-010(3)) can be identified;

(b) The school, after reasonable efforts, cannot discover the whereabouts of a parent; or

(c) The student is a ward of the state.

(2) Duty of school. The duty of the school under this section includes the assignment of a person to act as a surrogate for the parents. This duty includes the establishment of a method:

(a) For determining whether a nonadult student needs a surrogate parent; and

(b) For assigning a surrogate parent to the student.

(3) Criteria for selection of surrogates. The school shall ensure that a person selected as a surrogate:

(a) Has no interest that conflicts with the interests of the student he or she represents; and

(b) Has knowledge and skills that assure adequate representation of the student.

(4) Nonemployee requirement--Compensation:

(a) A person assigned as a surrogate may not be an employee of the school and/or other agency which is involved in the education or care of the student; and

(b) A person who otherwise qualifies as a surrogate parent pursuant to this section is not an "employee" of the school and/or other agency solely because he or she is paid by the school and/or agency to serve as a surrogate parent.

(5) Responsibilities. A surrogate parent may represent the student in all matters relating to:

(a) The identification, assessment, and educational placement of the student; and

(b) The provision of free special education and related services to the student.