

Kansas Administrative Regulations

State Department of Education

Article 40.—Special Education

91-40-24. Educational advocates.

(a) (1) Before taking any special education action in regard to any child, an agency shall attempt to identify the parents of the child and the parents' current whereabouts.

(2) If the parental rights of the parents of an exceptional child have been severed, the secretary of social and rehabilitation services or the secretary's designee shall notify the state board or its designee of this fact and request the appointment of an educational advocate for the child.

(3) If the identity of the parent or the parent's current whereabouts cannot be determined, the agency shall take the following action:

(A) Request that proceedings be initiated, pursuant to the Kansas code for the care of children, to determine whether the child is a child in need of care; and

(B) notify the state board or its designee, within three business days, of the agency's determination and request the appointment of an educational advocate for the child.

(b) Within three business days of receiving a request for the appointment of an educational advocate, the agency making the request shall be notified by the state board or its designee of the name, address, and telephone number of the person appointed to serve as the child's educational advocate.

(c) Each person appointed as an educational advocate shall meet the following requirements:

(1) Be at least 18 years of age;

(2) have completed a training program offered or approved by the state board concerning the powers, duties, and functions of an educational advocate;

(3) not be an employee of the state board or any agency that is involved in the education or care of the child; and

(4) have no interest that conflicts with the interest of any child whom the person represents.

(d) (1) A person who is an employee of a nonpublic agency that provides only noneducational care for the child and who meets the requirements of subsection (c) of this regulation may be appointed as an educational advocate.

(2) A person who otherwise qualifies to be an educational advocate shall not be considered an employee of an agency solely because that person is paid by the agency to serve as an educational advocate.

(e) Any person appointed as an educational advocate shall perform the following duties:

(1) Assert the child's rights in the education and decision-making process, including the identification, evaluation, and placement of the child;

(2) comply with applicable confidentiality requirements imposed by state and federal law;

(3) participate in the development of the child's individualized education program; and

(4) exercise all the rights given to parents under the special education for exceptional children act.

(Authorized by K.S.A. 1999 Supp. 72-963; implementing K.S.A. 1999 Supp. 72-963c; effective May 19, 2000.)

***** Authenticated Kansas Administrative Regulation *****