

# Surrogate Parent Guidance

July 2026



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Special Education and  
Early Intervention Services

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## Introduction

The purpose of this comprehensive guide is to outline the essential knowledge and responsibilities for individuals serving as Surrogate Parents in Michigan's special education system.

## Legal Authority

This guidance document is based on requirements established under the Individuals with Disabilities Education Act (IDEA), its implementing regulations, and the Michigan Administrative Rules for Special Education (MARSE).

## What is a Surrogate Parent?

A Surrogate Parent is a trained adult appointed by the entity providing the supports, services, and education to a child when no parent or guardian (as defined by 34 C.F.R. § 300.30, MARSE R 340.1725f, and MARSE R 340.1701b) is available or legally able to do so. The entity may reach out to the Intermediate School District (Wayne RESA) or Michigan Department of Education for assistance in this process. Surrogate parents collaborate with educational institutions and school based teams to support children with disabilities who receive the services and support they need.

Surrogate parents play a crucial role in advocating for children's educational rights and ensuring their needs are met through the special education process.

## Legal Rights and Responsibilities

### Understanding IDEA and MARSE

The Individuals with Disabilities Education Act (IDEA) and Michigan Administrative Rules for Special Education (MARSE) establish the framework for special education services and Surrogate Parent provisions. In Michigan, surrogate parent requirements are governed by 34 C.F.R. §300.519 and MARSE Rule 25f (R 340.1725f). The IDEA states that to ensure a child without a parent or guardian, as defined by IDEA, has representation, they must be appointed a Surrogate Parent to make educational and early intervention decisions for the child. Public agencies are responsible for ensuring students receive special education services and appointing Surrogate Parents when needed.

### Key Legal Requirements:

- Surrogate parents must be appointed when a child's parents cannot be identified or located, or when the child is a ward of the state (*A Surrogate Parent is **not** appointed simply because a parent disagrees with the school or cannot attend meetings.*)
- Surrogate parents must have no conflict of interest with the child's interests
- Public agencies must ensure surrogates are appointed within 30 days of determining need

- Surrogates must receive appropriate training in special education procedures

**Example Scenarios when a student might need a Surrogate Parent:**

- A student is enrolled in school by a distant relative who does not have legal guardianship and cannot locate the parents
- A child in foster care (foster parents may or may not have educational rights - verify for each student)
- A high school student living independently in a shelter without parent or guardian

## **Rights and Responsibilities**

Surrogate parents have the same educational rights and responsibilities as a parent under the Individuals with Disabilities Education Act (IDEA), including but not limited to:

- Participating in evaluations and eligibility decisions
- Helping develop the Individualized Education Plan (IEP) and Individualized Family Service Plan (IFSP)
- Making decisions about services, placement, and supports
- Reviewing and receiving educational records
- Participating in discipline decisions
- Providing signed releases and agreements
- Dispute resolution
- Scheduling decisions
- Behavior reports
- Making school-sponsored extracurricular activity decisions

Surrogate Parents should be provided with all information and be included in all decisions a parent would make. Surrogate parents do not receive payment for services and cannot provide gifts to students (34 C.F.R. § 300.519; MARSE R 340.1725f).

**Examples of Surrogate Parent Rights & Responsibilities (not an exhaustive list):**

- **Educational Records Access** - Reviewing past IEPs, evaluation reports, and progress reports
- **Meeting Participation** - Attending IEP meetings and providing input on goals and services
- **Evaluation & Eligibility Decisions** - Participating in decisions regarding initial and reevaluations, eligibility criteria, reviewing evaluation results, and providing consent when required.
- **Transition Planning** - Participating in transition planning for students. Transition planning is required when the student turns 16 years old, however, it can occur earlier. Transition planning includes consideration of postsecondary education, employment, independent living, and community participation goals.
- **Discipline Protections** - Participating in disciplinary decisions, including manifestation determination reviews, when disciplinary actions may affect the student's educational placement.

- **Communication with the School Team** - Maintaining ongoing communication with teachers, service providers, and administrators to support understanding of the student's needs and educational program.

## Qualifications & Appointment Process

### Who can be a Surrogate Parent?

An individual may be eligible if he/she is 18 years of age or older, is willing to complete required training, pass background checks similar to school volunteers, have no conflict of interest, and are not employed by any agency involved in the child's education or care. The individual does not need to be a special education expert, although a firm understanding of special education processes and procedures is helpful. Training and support are provided (34 CFR 300.519(d)(1) and (2)).

### Qualifications of a Surrogate Parent

A Surrogate Parent must:

- Be at least 18 years old
- Be willing to be trained to act as an educational representative
- Comply with any screening or background verification procedures required by the appointing agency
- Have knowledge and skills to represent that ensure adequate representation of the child
- Have no conflicts of interest

A Surrogate Parent CAN NOT be:

- An employee of the school, ISD, or any agency involved in the child's education or care
- A caseworker, foster care employee, residential staff, or group home provider
- Anyone with a personal or professional conflict of interest (34 C.F.R. § 300.519; MARSE R 340.1725f)

#### Examples of Potential Conflicts of Interest:

- School district employee seeking to serve as surrogate for student in their district
- Foster parent who also works for the child welfare agency
- Individual with business relationship with the school district

### Knowledge and Skills Requirements

- Understanding of Michigan special education laws and procedures
- Familiarity with various disabilities and their educational implications
- Knowledge of child development
- Understanding of educational evaluations and data
- Ability to effectively advocate for children

### **Examples of Qualified Individuals:**

- Retired teachers not employed by any school district
- Community members with special education knowledge
- Former special education professionals
- College students studying special education (if over 18)

## **Surrogate Parent Appointment Process**

The following steps are required to become a Surrogate Parent:

1. Verification of completed training
  - Initial Training
    - Must complete comprehensive training presentation
    - Training must cover all areas outlined in this guide
    - Documentation of training completion required
2. Completed application form
3. Signed conflict of interest statement (included in application)
4. Approval from Wayne RESA
5. Criminal background check (at district/school/agency level)
6. Annual refresher training completed before every school year
7. Participation in professional development opportunities

If you desire to shadow an established Surrogate Parent, reach out to Wayne RESA (email [santerb@resa.net](mailto:santerb@resa.net)) to coordinate this opportunity with the school. The school must grant permission for you to shadow.

## **Serving as a Surrogate Parent**

### **Your Responsibilities When Assigned a Student**

Serving as a Surrogate Parent is both a privilege and an important responsibility. Once you are assigned to a student, you become that student's educational decision-maker for special education matters under IDEA. Your role is to represent the student's educational interests, participate in the special education process, and collaborate with the school team to ensure the student receives appropriate services and supports. The level of involvement required may vary based on the student's individual needs, but Surrogate Parents should expect to maintain communication with school staff, review educational records, and participate in meetings as needed throughout the duration of their appointment.

As a Surrogate Parent, you are expected to:

- Review the student's educational records, including evaluations, IEPs or IFSPs, progress reports, and other relevant documentation.
- Introduce yourself to the student's case manager or designated school contact and establish communication expectations.

- Attend and actively participate in IEP, IFSP, eligibility, reevaluation, manifestation determination, and other special education meetings, as appropriate.
- Ask questions and request clarification whenever additional information is needed to make informed educational decisions.
- Review and provide consent for evaluations, services, and other special education actions when required.
- Advocate for the student's educational needs and ensure decisions are made in the student's best interests.
- Maintain ongoing communication with the school or educational agency regarding the student's progress and needs.
- Maintain confidentiality of all student records and personally identifiable information.
- Keep personal records of meetings, communications, and important educational decisions.
- Notify Wayne RESA if circumstances change and you are no longer able or required to serve as the student's Surrogate Parent.

### **What Can You Expect?**

As a Surrogate Parent, you may:

- Attend meetings virtually or in person, depending on the needs of the student and the school's procedures.
- Communicate with teachers, case managers, service providers, and school administrators throughout the school year.
- Be assigned one or more students based on your availability and experience.
- Spend varying amounts of time supporting a student depending on the complexity of their educational needs and the number of meetings or evaluations scheduled.
- Request educational records and additional information necessary to fulfill your responsibilities.
- Receive support and guidance from Wayne RESA when questions or concerns arise.

Although every student's situation is unique, your primary responsibility is always the same—to serve as an informed and collaborative advocate for the student's educational rights and special education needs.

### **Building Relationships**

Building and maintaining positive relationships is an important part of serving as a Surrogate Parent. Surrogate parents should maintain regular contact with the child, build rapport with teachers and service providers, and communicate effectively with school staff. They are responsible for advocating appropriately for the child's educational needs while maintaining professional boundaries in all interactions.

**Examples of Effective Relationship Building:**

- Providing staff with information that will help them better understand how to meet the child's needs.
- Attending meetings with staff to better understand the child's progress in school.
- Approaching conversations with school personnel as a collaborative partnership focused on supporting the child's success.
- Asking questions to better understand the child's strengths, needs, goals, and available supports.
- Acknowledging the expertise of educators and service providers while ensuring the child's individual needs remain central to discussions.
- Learning about the child's interests, preferences, and communication style and sharing this information with the educational team.
- Building trust by being prepared for meetings, reviewing relevant information, and participating consistently in the IEP process.
- Working together with the school team to identify solutions when concerns or disagreements arise.

## **Records Access and Confidentiality**

As a Surrogate Parent, you are afforded the same educational rights under the Individuals with Disabilities Education Act (IDEA) as a parent for the student to whom you are assigned. This includes the right to inspect and review the student's educational records and participate in educational decision-making on the student's behalf. With these rights comes the responsibility to protect the student's privacy and handle all information with care (34 CFR 99.3; 34 CFR 99.10; and 34 CFR 300.613).

Surrogate parents:

- Have the right to inspect and review all educational records
- Must maintain strict confidentiality of student information
- Understand FERPA requirements
- Maintain Proper documentation and record-keeping
- Secure storage of confidential information

## **Caseload Expectations**

Michigan does not establish a specific caseload limit or required number of students that may be assigned to a Surrogate Parent. Instead, public agencies are responsible for ensuring that each appointed Surrogate Parent has the knowledge, skills, time, and ability to provide adequate representation for each child they serve. Surrogate parent assignments should be made in a manner that allows the surrogate to meaningfully participate in educational decision-making, including decisions related to evaluation, eligibility, placement, development of the IEP, and provision of a free appropriate public education (FAPE). When determining an appropriate caseload, agencies should consider factors such as the complexity of the child's needs, frequency of required meetings, geographic considerations, training requirements, and the Surrogate Parent's ability to provide consistent and individualized advocacy.

## Term Length

Your Surrogate Parent duties continue until:

- Child is no longer eligible for special education
- Legal guardian is appointed
- Parental rights are reinstated
- Another responsible adult is appointed
- When a student turns 18, all parental rights transfer to the student, unless a legal guardian has been appointed through court proceedings.

## Understanding Special Education and Early Intervention

It is important for a Surrogate Parent to understand eligibility and disabilities, including:

- There are 13 disability categories under IDEA
- Michigan-specific eligibility criteria
- Recognize signs of potential disabilities
- Become knowledgeable about evaluation procedures
- Know when to request evaluations

Determining whether a student has a disability and is eligible for special education services involves reviewing multiple sources of information. Evaluation teams consider several key components throughout the evaluation process to develop a comprehensive understanding of the student's strengths, needs, and educational impact. No single assessment or data point determines eligibility; rather, decisions are made based on a careful review of all relevant information.

Evaluation Process (Key Components):

- Initial evaluation requirements
- Re-evaluation procedures
- Timeline requirements
- Parent/Surrogate input
- Required assessments
- Evaluation team composition

### Example Initial Evaluation:

**Initial Evaluation:** Student struggling with math concepts receives a comprehensive evaluation

**Timeline:** 30 school days from consent to IEP meeting

## Understanding the Individualized Education Plan (IEP)

The Individualized Education Program (IEP) is the foundation of a student's special education program. It is a legally binding document that outlines the student's present levels of performance, educational goals, services and supports, accommodations, and placement.

Developed collaboratively by the IEP team, the IEP is designed to address the student's unique educational needs and provide access to a free appropriate public education (FAPE).

Understanding how an IEP is organized and what information it must contain will help Surrogate Parents actively participate in the educational decision-making process and effectively advocate for the students they represent.

## **Parts of an IEP**

An IEP is made up of several required sections, each serving a specific purpose in identifying a student's strengths, needs, services, and educational goals. Familiarity with these sections will help you understand how the IEP is organized and where to find important information during meetings and document reviews. The following section provides an overview of the major components that make up an IEP.

### **Student Information and Demographics**

Identifies the student and includes basic information such as:

- Student name, date of birth, grade level
- Parent/guardian contact information
- Current school and district
- Primary disability category
- Date of IEP meeting and implementation dates

### **Present Level of Academic Achievement and Functional Performance (PLAAFP)**

Describes what the student currently knows, understands, and can do in academic and functional areas. This section includes strengths, needs, disability-related impacts, evaluation information, parent/student input, and information used to develop appropriate goals and services.

Key Components:

1. Current Academic Performance
2. Functional Performance
3. Impact of Disability
4. Resulting Needs

#### **Example PLAAFP:**

1. Current Academic Performance: "Jane reads 45 words per minute at a second-grade level with 90% accuracy. Grade-level expectation is 87 words per minute."
2. Functional Performance: "Jane can maintain focus on preferred tasks for 15 minutes but requires redirections every 5 minutes during non-preferred activities."
3. Impact of Disability: "Jane's reading difficulties impact her ability to complete grade-level assignments independently in all subjects requiring reading."

4. Resulting Needs: "Jane requires the use of visual cues in the form of a word list which aids in retrieval."

### Annual Goals and Short-term Objectives

Components of Well-Written Goals:

- Condition (Under what circumstances?)
- Behavior (What will the student do?)
- Criterion (How well must it be done?)
- Timeframe (By when?)

#### Example Goal:

By January 2026 (timeframe), when given a fourth-grade passage (condition), Jane will read 85-90 words per minute (behavior) with 95% accuracy (criterion).

#### Short-term Objectives Example:

5. By April 2025: 60-65 words per minute with 90% accuracy
6. By July 2025: 70-75 words per minute with 92% accuracy
7. By October 2025: 80-85 words per minute with 93% accuracy

### Special Education Services and Programs

Identifies the specially designed instruction, related services, supplementary aids, accommodations, and supports the student requires to access education and make progress. This section includes the frequency, location, duration, and projected start date of services.

#### Example of Program/Service Documentation:

Program: Resource Room  
Frequency: 60 minutes, 2-3x/week  
Location: Special Education Classroom  
Duration: January 16, 2026 - January 15, 2027  
Provider: Special Education Teacher

### Supplementary Aids and Services (SAS)

Describes supports provided in general education settings to help the student participate with nondisabled peers, such as accommodations, instructional supports, adult assistance, or environmental supports.

**SAS Examples:**

- Extended time (50% additional time) for tests and assignments in ELA
- Text-to-speech software for reading assignments
- Preferential seating near instruction in ELA, Math, SS and Science
- Visual schedules and checklists in ELA, Math, SS and Science
- Breaks after 20 minutes of work in all general education classes
- Use of calculator in math class
- Provision of class notes in reading class
- Non-academic services for field trips, extracurricular activities, athletics, etc.

**Assessment Participation**

Specifies how the student will participate in required assessments, including any accommodations or whether the student will participate in an alternate assessment.

**Documentation Requirements:**

- State assessments participation
- District assessments participation
- Required accommodations for testing
- Alternate assessment justification (if applicable)

**Examples of Accommodations for M-STEP Assessment in Mathematics**

- Extended time
- Small group setting
- Use of calculator

**Least Restrictive Environment (LRE) Statement**

Documents the extent to which the student will participate with nondisabled peers in general education classes, extracurricular activities, and other school activities. If the student is removed from general education settings, the IEP explains why the removal is necessary.

**Example Statement for LRE Considerations:**

- Jane will spend 80% of her school day in general education settings.
- She will receive 60 minutes daily of specialized reading instruction
- in the resource room. This represents the least restrictive environment
- where she can make progress toward her IEP goals.

**Transportation Needs**

Documents whether the student requires transportation as a related service due to their disability and describes any specific transportation needs, supports, accommodations, or

modifications necessary for the student to safely access their educational program (34 C.F.R. § 300.34(c)(16), 34 C.F.R. § 300.320(a)(4)).

**Example of regular transportation with accommodation:**

- Assigned seat near driver
- Support with boarding and exiting
- Duration: Full academic year

**Extended School Year (ESY) Services**

Documents whether the student **requires** services beyond the typical school year to receive a free appropriate public education (FAPE). The decision is based on the student's individual needs and goal data, not a single factor.

Determination Factors (based on goal data):

- Regression/recoupment data
- Critical learning periods
- Nature/severity of disability

**ESY Example Statement:**

Based on data during breaks and extended recoupment time, Jane qualifies under the determination factor regression recoupment. ESY services will focus on the maintenance of \_\_\_\_\_ (select the goal that the data supported qualification for ESY). ESY will consist of 20-30 minutes of speech services per week from July 1 - August 14.

**Parent and Student Rights**

Describes the rights and procedural safeguards available to parents and students under special education law. This section ensures parents and eligible students understand their role in the IEP process, including participation in decision-making, access to educational records, consent requirements, and available options for resolving disagreements.

Documentation:

- Confirmation of procedural safeguards receipt
- Parent participation opportunities
- Consent for services (Initial IEP)
- Dispute resolution options

(34 C.F.R. § 300.320, 34 C.F.R. § 300.500–300.536)

## IEP Content

Each section of an IEP must contain specific information required by federal and state special education regulations. Reviewing the content of an IEP allows Surrogate Parents to determine whether the student's educational needs have been appropriately considered and addressed. The following section outlines information included within each part of the IEP. *Note: This is not an exhaustive list.* (34 C.F.R. § 300.320)

|                                                                                                            |                                                                                                                                                                                                                       |
|------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Present Levels of Academic Achievement and Functional Performance</b>                                   | Academic achievement<br>Functional performance<br>Social-emotional status<br>Physical condition<br>Adaptive behavior<br>Communication status                                                                          |
| <b>Annual Goals and Objectives</b>                                                                         | Measurable annual goals<br>Short-term objectives<br>Progress monitoring methods<br>Reporting requirements                                                                                                             |
| <b>Support Services and Programs/Supplementary Aids and Services (SAS)</b>                                 | Related services<br>Modifications<br>Accommodations<br>Staff supports<br>Assistive technology needs<br>Least Restrictive Environment (LRE) considerations                                                             |
| <b>Behavioral Supports</b>                                                                                 | Positive Behavioral Interventions and Supports (PBIS)<br>Behavior intervention plans<br>Crisis intervention procedures<br>Progress monitoring                                                                         |
| <b>Transition Services/Planning (not later than the first IEP in effect when the student turns age 16)</b> | Post-secondary goals<br>Transition assessments<br>Community experiences<br>Employment objectives<br>Independent living skills<br>Transition timeline<br>Service coordination<br>Community resources<br>Family support |
| <b>Individualized Family Service Plan (IFSP) Development and Content</b>                                   | Present Levels of Development<br>Physical development<br>Cognitive development<br>Communication development<br>Social/emotional development<br>Adaptive development                                                   |
| <b>Goals and Outcomes</b>                                                                                  | Family-centered outcomes<br>Measurable criteria<br>Timelines for achievement                                                                                                                                          |

|                                          |                                                                                                                                                    |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------|
|                                          | Progress review procedures                                                                                                                         |
| <b>Early Intervention Services</b>       | Types of services<br>Natural environments<br>Service coordination<br>Frequency and intensity<br>Provider qualifications                            |
| <b>Understanding Student Achievement</b> | Interpreting assessment data<br>Progress monitoring methods<br>Standardized test results<br>Curriculum-based measurements<br>Portfolio assessments |

Although they are closely related, the "parts of an IEP" and "IEP Content" are two distinct concepts. The parts of an IEP refer to the individual sections or components that make up the document itself. IEP Content refers to the information that must be included within those sections to ensure the IEP is individualized, compliant with IDEA requirements, and responsive to the student's unique needs. Understanding both concepts helps Surrogate Parents not only navigate the IEP document, but also evaluate whether it contains the information necessary to support appropriate educational planning and decision-making.

## Transition Planning

When a Surrogate Parent is appointed for a student who is approaching adulthood, additional considerations may be necessary to ensure the student's educational program supports their post-school goals. Beginning no later than the first IEP to be in effect when a student turns 16 (or younger if determined appropriate by the IEP team), the IEP must include appropriate measurable postsecondary goals and transition services designed to help the student move from school to post-school activities, including postsecondary education, employment, and independent living when appropriate (34 C.F.R. § 300.320(b)). Transition plans are required to be updated annually.

The needs of a 17-year-old student may differ significantly from those of a younger student. At this stage, educational decisions should increasingly focus on preparing the student for life after high school, including opportunities for employment, community participation, self-advocacy, independent living skills, and connections to adult service agencies. A Surrogate Parent representing an older student should be prepared to consider the student's preferences, strengths, interests, and future goals when participating in IEP meetings and making educational decisions.

For older students, Surrogate Parents may need to provide additional support in understanding and discussing areas such as:

- Graduation requirements and remaining credit needs;
- Postsecondary education, career preparation, and employment goals;
- Work-based learning and community-based experiences;
- Development of self-determination and self-advocacy skills;

- Transfer of rights at the age of majority (34 C.F.R. § 300.320(c));
- Potential connections to adult agencies and community supports.

Surrogate parents should recognize that transition planning is an ongoing process that requires collaboration among the student, school staff, family members when appropriate, and community agencies. For a student nearing graduation, decisions made through the IEP process may have a significant impact on the student's future opportunities and access to needed supports after leaving high school. The Surrogate Parent's role is to ensure the student's educational needs and postsecondary goals are appropriately considered while supporting the student's participation and voice in the transition planning process.

## **Discipline and Manifestation Determinations**

Surrogate Parents play an important role in protecting the educational rights of students with disabilities when disciplinary actions are considered. Students with disabilities are entitled to the same disciplinary protections as other students, including the right to receive appropriate educational services and procedural safeguards under the Individuals with Disabilities Education Act (IDEA).

When a school district proposes disciplinary action that results in a change of placement, the district must follow specific IDEA requirements. A change of placement occurs when a student is removed from their current placement for more than 10 consecutive school days or when a series of removals creates a pattern that constitutes a change of placement. Before a change of placement can occur, the IEP team must conduct a Manifestation Determination Review (MDR) within 10 school days of the decision to change the student's placement.

During a manifestation determination, the IEP team, including the Surrogate Parent when applicable, reviews relevant information to determine whether the student's behavior:

- Was caused by, or had a direct and substantial relationship to, the student's disability; or
- Was the direct result of the school district's failure to implement the student's IEP.

If the behavior is determined to be a manifestation of the student's disability, the student generally may not be removed from their current educational placement as a disciplinary consequence (unless special circumstances apply under IDEA). The IEP team must also address the behavior through appropriate supports, including reviewing and revising the student's Behavior Intervention Plan (BIP), if applicable, considering whether additional assessments or services are needed, or pursuing a Functional Behavioral Assessment (FBA).

If the behavior is determined not to be a manifestation of the student's disability, the school district may apply disciplinary procedures in the same manner as it would for a student without a disability, while continuing to provide required educational services so the student can continue to participate in the general education curriculum and progress toward meeting IEP goals.

Surrogate parents should:

- Participate as an active member of the IEP team during disciplinary reviews;

- Review relevant student records, including the IEP, evaluations, behavior data, and discipline history;
- Ask questions to ensure the student’s disability-related needs and supports are considered;
- Ensure that decisions are based on current information and the student’s individual circumstances;
- Advocate for appropriate services and supports that allow the student to access a free appropriate public education (FAPE).

Because disciplinary decisions can have a significant impact on a student’s educational progress, Surrogate Parents should ensure they understand the purpose of the manifestation determination process and the student’s rights before agreeing to changes in placement or services (IDEA 34 C.F.R. § 300.530(e)-(f)).

## Procedural Safeguards and Dispute Resolution

Procedural safeguards are the legal protections established under IDEA to ensure that students with disabilities and their educational decision-makers are informed of their rights throughout the special education process. As a Surrogate Parent, it is important to understand these protections and the options available when disagreements arise. While most concerns can be resolved collaboratively through communication and problem-solving, IDEA provides both informal and formal dispute resolution processes to help ensure that a student's educational needs are appropriately addressed.

### IDEA and State Safeguards

Prior written notice  
Parent consent requirements  
Access to records  
Independent evaluations  
Placement procedures

### Mediation & Alternative Resolution

Requesting mediation  
Mediation procedures  
Resolution meetings  
Facilitated IEP meetings  
Early resolution options

### Formal Dispute Procedures

State complaint process  
Due process hearings  
Timeline requirements  
Appeal procedures  
Implementation of decisions

#### **Mediation Example:**

- Disagreement over service hours in IEP → Request mediation through Michigan Special Education Mediation Program

#### **State Complaint Example:**

- School not implementing IEP as written → Filing formal dispute with Michigan Department of Education (MDE). MDE has 60 calendar days to investigate and resolve.

#### **Due Process Example:**

- Dispute over appropriate placement → Filing formal dispute with Michigan Department of Education

(34 C.F.R. §§ 300.500–300.536)

## Available Resources

To support you in your role, the following resources are available:

- [Surrogate Parent Checklist](#)
- [Student Caseload Tracker & Communication/Meeting Log](#)
- [Surrogate Parent Training Presentation](#)
- [Michigan Department of Education Special Education Department](#)
- [Michigan Department of Education \(MDE\) Special Education Email Notification Signup](#)
- [Wayne County Parent Advisory Committee](#) (WCPAC)
- [Wayne RESA Roundtable Podcast](#)
- [Michigan Alliance for Families](#)
- [Michigan Special Education Mediation Program](#)
- [Surrogate Parent FAQ Document](#) - For Surrogate Parents
- [Surrogate Parent FAQ Document](#) - For Schools (*It might be helpful to give this FAQ to the school you are working with.*)

We encourage you to review these materials and refer to them throughout your time as a Surrogate Parent.

## Conclusion

Effective Surrogate Parents are essential advocates for children with disabilities. Through comprehensive understanding of these responsibilities and procedures, Surrogate Parents can ensure children receive appropriate educational services and support for success. This guide provides specific examples and legal references to support Surrogate Parents in their essential role. All actions should be guided by both federal (IDEA) and state (MARSE) requirements while focusing on the best interests of the student.

## References

Assistance to States for the Education of Children With Disabilities, 34 C.F.R. §300.519 (Surrogate Parents).

Family Educational Rights and Privacy Act Regulations, 34 C.F.R. Part 99.

Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq. (2004).

Michigan Administrative Rules for Special Education, R 340.1701b and R 340.1725f.

Michigan Department of Education. (2024). *Michigan Administrative Rules for Special Education (MARSE)*. Michigan Department of Education.

## Appendices

### Appendix A: Parent-Friendly IEP Review Checklist

| Before the Meeting Review:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> Current grades and progress reports<br><input type="checkbox"/> Previous IEP and progress toward goals<br><input type="checkbox"/> Recent evaluations or assessments<br><input type="checkbox"/> Attendance records                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> Behavioral reports (if applicable)<br><input type="checkbox"/> Medical information (if relevant)<br><input type="checkbox"/> Parent concerns written down<br><input type="checkbox"/> Student's input (when appropriate)                                                                                                                                                                                                                                                                                                                                                |
| During the Meeting Review:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <input type="checkbox"/> Present Levels (PLAAFP) <ul style="list-style-type: none"> <li>• Are all areas of concern addressed?</li> <li>• Is current performance clearly described?</li> <li>• Are strengths and needs identified?</li> <li>• Is the impact of the disability explained?</li> </ul> <input type="checkbox"/> Goals and Objectives <ul style="list-style-type: none"> <li>• Are goals measurable?</li> <li>• Do they address identified needs?</li> <li>• Are timelines reasonable?</li> <li>• How will progress be measured?</li> </ul> | <input type="checkbox"/> Programming and Services <ul style="list-style-type: none"> <li>• Do services match identified needs?</li> <li>• Are frequency and duration specified?</li> <li>• Who will provide each service?</li> <li>• Where will services be delivered?</li> </ul> <input type="checkbox"/> Supplementary Aids and Services (SAS) <ul style="list-style-type: none"> <li>• Are they specific and clear?</li> <li>• Do they address identified needs?</li> <li>• Will they be available in all necessary settings?</li> <li>• Who is responsible for implementing them?</li> </ul> |
| Post-Meeting Review:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |
| <input type="checkbox"/> Received copy of IEP<br><input type="checkbox"/> All agreed-upon services included<br><input type="checkbox"/> Implementation date specified                                                                                                                                                                                                                                                                                                                                                                                  | <input type="checkbox"/> Progress reporting schedule clear<br><input type="checkbox"/> Contact information for key staff<br><input type="checkbox"/> Copy of Procedural Safeguards                                                                                                                                                                                                                                                                                                                                                                                                               |

## Appendix B: Preparing for an IEP Meeting

| Two Weeks Before:                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Review Records                                                                                                                                                                                                                                                                                                                                                                                                                           | <input type="checkbox"/> Current IEP<br><input type="checkbox"/> Progress reports<br><input type="checkbox"/> Recent evaluations<br><input type="checkbox"/> Report cards<br><input type="checkbox"/> Work samples                                                                                                                                                                                   |
| Gather Information                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> Write down concerns<br><input type="checkbox"/> List questions<br><input type="checkbox"/> Collect private evaluations<br><input type="checkbox"/> Medical updates<br><input type="checkbox"/> Examples of homework challenges                                                                                                                                              |
| Prepare Your Input                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> Child's strengths<br><input type="checkbox"/> Areas of concern<br><input type="checkbox"/> Home observations<br><input type="checkbox"/> After-school activities<br><input type="checkbox"/> Future goals                                                                                                                                                                   |
| One Week Before:                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                      |
| Communication Prep                                                                                                                                                                                                                                                                                                                                                                                                                       | <input type="checkbox"/> Write priority list<br><input type="checkbox"/> Prepare questions<br><input type="checkbox"/> Draft goal suggestions<br><input type="checkbox"/> List accommodation ideas                                                                                                                                                                                                   |
| Organize Documentation                                                                                                                                                                                                                                                                                                                                                                                                                   | <input type="checkbox"/> Create meeting folder<br><input type="checkbox"/> Tab important documents<br><input type="checkbox"/> Make copies of private reports<br><input type="checkbox"/> Prepare notes                                                                                                                                                                                              |
| Day of Meeting:                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                      |
| Bring to Meeting: <ul style="list-style-type: none"> <li><input type="checkbox"/> Current IEP copy</li> <li><input type="checkbox"/> Evaluation reports</li> <li><input type="checkbox"/> Work samples</li> <li><input type="checkbox"/> Medical records (if relevant)</li> <li><input type="checkbox"/> Notes and questions</li> <li><input type="checkbox"/> Calendar</li> <li><input type="checkbox"/> Paper/pen for notes</li> </ul> | During Meeting: <ul style="list-style-type: none"> <li><input type="checkbox"/> Ask questions for clarification</li> <li><input type="checkbox"/> Take notes</li> <li><input type="checkbox"/> Request explanations of terms</li> <li><input type="checkbox"/> Share your input</li> <li><input type="checkbox"/> Focus on solutions</li> <li><input type="checkbox"/> Stay child-focused</li> </ul> |

| After the Meeting: |                                                                                                                                                                                                                                                                                             |
|--------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Review             | <input type="checkbox"/> Read final IEP document<br><input type="checkbox"/> Verify all discussed items are included<br><input type="checkbox"/> Check service times/frequencies<br><input type="checkbox"/> Confirm goals are clear<br><input type="checkbox"/> Verify accommodations list |
| Follow-up          | <input type="checkbox"/> Request any missing information<br><input type="checkbox"/> Share IEP with private providers<br><input type="checkbox"/> Set up communication system<br><input type="checkbox"/> Calendar progress check dates<br><input type="checkbox"/> Save copy of signed IEP |

## **Appendix C: Common IEP Questions and Answers**

### **How often is an IEP meeting held?**

At least once per year. However, you can request an IEP meeting at any time if you have concerns about your child's progress or program. (*IDEA 34 CFR §300.324(b)(1)*)

### **Who must attend an IEP meeting?**

Required team members include:

- Parent/guardian/surrogate
- At least one general education teacher
- At least one special education teacher
- District representative
- Individual who can interpret evaluation results
- Student (when appropriate)

(*IDEA 34 CFR §300.321*)

### **Can I bring someone with me to the IEP meeting?**

Yes, you can bring anyone with knowledge or expertise about your child, such as:

- Advocates
- Private therapists
- Family members
- Medical professionals

(*IDEA 34 CFR §300.321(a)(6)*)

### **What if I disagree with the IEP?**

You have several options:

1. Express concerns during the meeting
2. Request further evaluation
3. Ask for a new IEP meeting
4. Seek mediation
5. File a state complaint
6. Request due process

(*IDEA 34 CFR §300.151-153*)

### **Can the IEP be changed without a meeting?**

Yes, if both parents and school agree, minor changes can be made through an amendment without a meeting. However, you have the right to request a meeting for any changes. (*IDEA 34 CFR §300.324(a)(4)*)

## Appendix D: Glossary of Key Terms

**Accommodation:** Changes in how a student accesses information and demonstrates learning, without changing the actual content or standards (IDEA 34 CFR §300.320(a)(6)).

**Annual Goals:** Measurable statements that describe what a student can reasonably accomplish within a 12-month period (MARSE R 340.1721e(2)(b)).

**Assistive Technology:** Any item, piece of equipment, or system that helps a student with a disability access their education (IDEA 34 CFR §300.5).

**Behavior Intervention Plan (BIP):** A written strategy designed to stop challenging behaviors that disrupt learning or daily life. Based on a Functional Behavior Assessment (FBA), it pinpoints the root cause of a behavior (e.g., seeking attention or avoiding tasks) and outlines proactive steps to teach positive replacement behaviors.

**Change of Placement:** A significant, structural alteration to a student's special education program. Under the Individuals with Disabilities Education Act (IDEA), this occurs in two main ways: Through a formal program shift (altering services, frequency, or the Least Restrictive Environment) or via disciplinary removal (when suspensions exceed 10 cumulative days) (IDEA 34 CFR § 300.536).

**Due Process:** The legal procedures and protections given to students and their parents regarding special education services (IDEA 34 CFR §300.507).

**Early Intervention:** Services and supports available to babies and young children with developmental delays and disabilities (IDEA Part C).

**Extended School Year (ESY):** Special education and related services provided beyond the normal school year (MARSE R 340.1721e(2)(c)).

**FERPA: Family Educational Rights and Privacy Act;** federal law protecting the privacy of student education records (20 USC §1232g).

**Free Appropriate Public Education (FAPE):** Special education and related services provided at public expense and meeting state standards. (IDEA 34 CFR §300.17),

**Functional Behavioral Assessment (FBA):** A systematic process used to identify the root cause or "function" of a challenging behavior (IDEA 34 CFR § 300.530(f)).

**IDEA: Individuals with Disabilities Education Act;** federal law ensuring services to children with disabilities (20 USC §1400)

**IEP: Individualized Education Program;** written document outlining a student's special education program (MARSE R 340.1721e).

**IFSP: Individualized Family Service Plan;** document outlining early intervention services for children under 3 (IDEA 34 CFR §303.340)

**Interim Alternative Educational Setting (IAES):** A temporary placement for students with disabilities who are removed from their current school environment due to severe disciplinary violations. It ensures the student continues receiving educational services and progresses toward their Individualized Education Program (IEP) goals (IDEA 20 U.S.C. § 1415(k)).

**Least Restrictive Environment (LRE):** Requirement that students with disabilities be educated with non-disabled peers to the maximum extent appropriate (IDEA 34 CFR §300.114).

**Manifestation Determination:** A mandatory meeting under the Individuals with Disabilities Education Act (IDEA) to decide whether a student's misconduct is directly caused by their disability, or if it resulted from the school's failure to properly implement their Individualized Education Program (IEP) (IDEA 34 CFR § 300.530(e)).

**MARSE:** Michigan Administrative Rules for Special Education

**Modification:** Changes in what a student is expected to learn and/or demonstrate (MARSE R 340.1721e(2)(c)).

**Present Level of Academic Achievement and Functional Performance (PLAAFP):** Describes current performance levels (IDEA 34 CFR §300.320(a)(1)).

**Procedural Safeguards:** Rights and protections available to parents and students under IDEA (IDEA 34 CFR §300.504).

**Progress Monitoring:** Regular assessment of student progress toward meeting their IEP goals (IDEA 34 CFR §300.320(a)(3)).

**Related Services:** Supportive services required for a student to benefit from special education (IDEA 34 CFR §300.34)

**Supplementary Aids and Services (SAS):** Supports provided to enable students with disabilities to participate in general education (IDEA 34 CFR §300.42)

## Appendix E: Application for Surrogate Parent Appointment



### Application for Surrogate Parent Appointment

Please complete all four (4) pages of this application for consideration. Return completed applications to Beth Santer, [santerb@resa.net](mailto:santerb@resa.net), Wayne RESA Special Education & Early Intervention Services Executive Director.

#### Section 1: Personal Information

Full Legal Name: \_\_\_\_\_

Date of Birth: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Address: \_\_\_\_\_  
House Number City State Zip Code

Email Address: \_\_\_\_\_

Preferred Time to Call: \_\_\_\_\_

#### Section 2: Education

Highest Degree Completed: \_\_\_\_\_

Field of Study: \_\_\_\_\_

Institution: \_\_\_\_\_

Year Completed: \_\_\_\_\_

#### Section 3: Employment Status

- ☐ Retired
- ☐ Employed at: \_\_\_\_\_
- ☐ Student at: \_\_\_\_\_
- ☐ Other (specify): \_\_\_\_\_

#### Section 4: Relevant Experience *(Check all that apply.)*

- ☐ Former Teacher
- ☐ Special Education Professional
- ☐ Current Education Student (Must be 18 or older.)
- ☐ Community Member with Special Education knowledge
- ☐ Parent/Guardian experience
- ☐ Other relevant experience

**Please describe your experience with children with disabilities:**

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#### Section 5: Availability and Preferences

Maximum number of children you can serve: \_\_\_\_\_

Preferred age group(s) *(Check all that apply.)*

- ☐ Early Childhood (ages 3-5)
- ☐ Elementary (ages 6-11)
- ☐ Middle School (ages 12-14)
- ☐ High School (ages 15-21)

#### Section 6: Background Verification

*\*Note: A separate criminal background check form will be provided.*

Have you ever been convicted of a felony? ☐ Yes ☐ No

Have you ever been convicted of a misdemeanor involving children? ☐ Yes ☐ No

If yes to either question, please explain:

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### Section 7: Conflict of Interest Statement

I certify that I:

- ☐ Am not an employee of the Michigan Department of Education
- ☐ Am not an employee of any public school district
- ☐ Am not an employee of any agency involved in the education or care of children
- ☐ Have no personal or professional interest that conflicts with the children I may serve
- ☐ Am not currently serving as a Surrogate Parent in another district

### Section 8: Training Acknowledgement

I understand that if pointed, I must:

- ☐ Complete initial Surrogate Parent training within 30 days
- ☐ Participate in annual refresher training
- ☐ Maintain documentation of all completed training

### Section 9: References

Reference 1:

Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Reference 2:

Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

Reference 3:

Name: \_\_\_\_\_  
Relationship: \_\_\_\_\_  
Phone: \_\_\_\_\_ Email: \_\_\_\_\_

## Section 10: Certification & Signature

I certify that:

1. I am at least 18 years of age.
2. All information provided in this application is true and accurate.
3. I understand the responsibilities of a Surrogate Parent.
4. I agree to maintain confidentiality regarding any student information.
5. I will notify the appointing agency (Wayne RESA) of any changes affecting my eligibility.

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

### For Official Use Only

Date Application Received: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Background Check Completed by District: \_\_\_\_ / \_\_\_\_ / \_\_\_\_      Status: \_\_\_\_\_

Training Completed: \_\_\_\_ / \_\_\_\_ / \_\_\_\_

Application Status:   ☐ Approved   ☐ Denied

Reviewer Signature: \_\_\_\_\_

Date: \_\_\_\_ / \_\_\_\_ / \_\_\_\_