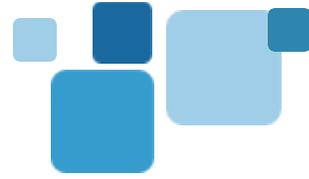


# Chapter 4



## Legal Mandates

This chapter looks at:

- Federal mandates
- State mandates

## Chapter 4: Legal Mandates

### Objective

To provide links and a short description of the federal and state mandates that school social workers need to be familiar with to practice within school settings.

### Federal

- [Americans with Disabilities Act](#) (Pub. L. 101-336) establishes a clear and comprehensive prohibition of discrimination on the basis of disability. [ADA.gov homepage](#)
- [Family Education Rights and Privacy Act \(FERPA\)](#) (20 U.S.C. § 1232g; 34 C.F.R. Part 99) protects the privacy of student education records. [Family Educational Rights and Privacy Act \(FERPA\) \(20 USC § 1232g; 34 CFR Part 99\)](#)
- [Health Insurance Portability Accountability Act of 1996 \(HIPAA\)](#) (Pub. L 104-191) establishes national standards for electronic health care transactions and national identifiers for providers, health plans, and employers. It also addresses the security and privacy of health data. [Health Insurance Portability and Accountability Act of 1996 \(HIPAA\)](#)
- [Individuals with Disabilities Education Improvement Act of 2004](#) (Pub. L. 108-446) ensures every child with a disability has available a free and appropriate public education that is of high quality, and is designed to achieve the high standards. [Individuals with Disabilities Education Act \(IDEA\) website](#)
- [Language Instruction for Limited English Proficient and Immigrant Students](#) (Title III of the No Child Left Behind Act) is a federal program for English language learners (ELL) and immigrant children. [Title III - Language Instruction for Limited English Proficient and Immigrant Students](#)
- [McKinney-Vento Homeless Assistance Act](#) (Title X, Part C, of the No Child Left Behind Act) covers education of children and youth experiencing homelessness in U.S. public schools.
  - U.S. Department of Education: [Part C - Homeless Education](#)
  - Minnesota Department of Education: [Homeless McKinney Vento](#)
- [Fostering Connections to Success and Increasing Adoption Act of 2008](#) (PL 110-351). requires that case plans ensure educational stability for all children in out-of-home placement. The law requires that, at the time of the initial out-of-home placement, that the child welfare agency coordinate with the local educational authority to ensure that the child can remain in their “school of origin,” unless it is determined that doing so is not in the best interest of the child. Child Welfare Information Gateway: [Fostering Connections Act](#)
- [Migrant Education Program](#) (Title I-Part C of the No Child Left Behind Act) serves highly mobile migrant students between the ages of 3-21 who travel great distances

to harvest US crops. U.S. Department of Education: [Part C - Education of Migratory Children](#)

- [Every Student Succeeds Act](#) The Every Student Succeeds Act (ESSA) was signed by President Obama on December 10, 2015. This bipartisan measure reauthorizes the 50-year-old Elementary and Secondary Education Act (ESEA), the nation's national education law and longstanding commitment to equal opportunity for all students. [Every Student Succeeds Act \(ESSA\)](#)
- [Safe and Supportive Schools Act](#) The Minnesota [Safe and Supportive Schools Act](#) strengthens protections against the threat of bullying in Minnesota schools. The new law provides local school districts the guidance, support and flexibility to adopt clear and enforceable school policies to help protect all students from bullying. All students deserve to attend a school free of bullying, intimidation and harassment.
  - MDE: [Safe and Supportive Schools Act](#)
  - U.S. Department of Education: [Safe and Supportive Schools](#) [SchoolSafety.gov: Homepage](#)

## State

- [Minnesota Department of Education: Minnesota Department of Education \(MDE\)](#)
- [MDE Division of Special Education Law: Special Education](#)
- [MDE Division of Compliance and Assistance: Conflicts in Special Education](#)
- [Minnesota Department of Human Services](#): helps keep children safe and provides families with supports to care for their children. This includes child protective services, out-of-home care, and permanent homes for children and children's mental health services. [Minnesota Department of Human Services](#)

## Child Protection

- [Reporting of Maltreatment of Minors Act](#) (Minn. Stat. § 626.556) governs child protection services to protect children from physical abuse, neglect and sexual abuse and help families get the services they need to change their behaviors. [Sec. 626.556](#)

## Crisis Management

- [Crisis Management Policy](#) (Minn. Stat. § 121A.035) establishes that school boards are required to adopt a district crisis management policy to address potential crisis situations in their school districts. [Sec. 121A.035](#)

## Discipline

- [The Pupil Fair Dismissal Act](#) (Minn. Stat. §§ 121A.40 to 121A.56) sets out the procedures for districts to follow when suspending or expelling a student from school. [Pupil Fair Dismissal Act](#)

## Graduation

- **Graduation requirements** Students in Minnesota students are required to complete two kinds of requirements by the time they graduate. Students must satisfactorily complete all state academic standards or local academic standards where state standards do not apply and satisfactorily complete the state course credit requirements under Minnesota Statutes, section 120B.024 Graduation Requirements
- **General Educational Development (GED)** For persons ages 16 and above who have not completed a high school diploma program and are not currently enrolled in classes leading to a high school diploma. MDE: GED

#### ***Mandated Reporters: Reporting of Child Abuse and Neglect***

- **Reporting of Maltreatment of Minors Act** (Minn. Stat. § 626.556) Sec. 626.556
- **Minnesota Department of Human Services: Child protection**
- **Reporting of Prenatal Exposure to Controlled Substances** (Minn. Stat. § 626.5561) Sec. 626.5561
- **Child in Need of Protection or Services** (Minn. Stat. § 260C.007, Subdivision 6) Sec. 260C.007; Minnesota Department of Human Services: Child protection

#### ***School Pre-Assessment Teams***

- **School pre-assessment teams** (Minn. Stat. § 121A.26) every public school that participates in the school district chemical abuse program shall establish a chemical abuse reassessments. Sec. 121A.26

#### ***Student Maltreatment***

- The Department of Education receives and investigates reports of alleged physical abuse, sexual abuse and neglect of public school students by school employees pursuant to Minn. Stat. § 626.556. Sec. 626.556 ; MDE: Student Maltreatment

#### ***Vulnerable Adult Act***

- **Vulnerable Adult Act** (Minn. Stat. § 626.557) to protect adults who, because of physical or mental disability or dependency on institutional services, are particularly vulnerable to maltreatment; to assist in providing safe environments for vulnerable adults; and to provide safe institutional or residential services, community-based services, or living environments for vulnerable adults who have been maltreated. Sec. 626.557