

CHAPTER IV
LEGAL MANDATES



Federal
State

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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 in a school setting.

Federal

Americans with Disabilities Act (Pub. L. 101-336) establishes a clear and comprehensive prohibition of discrimination on the basis of disability. <http://www.eeoc.gov/policy/ada.html>

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. <http://www.ed.gov/policy/gen/guid/fpco/ferpa/index.html>

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. <http://www.cms.hhs.gov/HIPAAGenInfo/>

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. <http://idea.ed.gov/explore/home>

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. <http://www2.ed.gov/policy/elsec/leg/esea02/pg39.html>

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. <http://education.state.mn.us/MDE/SchSup/ESEA/HomelessMcKinneyVento/>
<http://www2.ed.gov/policy/elsec/leg/esea02/pg116.html>

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. <http://www.ed.gov/policy/elsec/leg/esea02/pg8.html>

No Child Left Behind Act of 2001 (Pub. L. 107-110) amends and reauthorizes the Elementary and Secondary Education Act (ESEA) of 1965, which includes most federal K-12 education programs. <http://www.ed.gov/esea>

Safe and Drug-Free Schools And Communities (Title IV, Part A of the No Child Left Behind Act) supports programs that prevent violence in and around schools; that prevent the illegal use of alcohol, tobacco, and drugs; that involve parents and communities; and that are coordinated with related federal, state, school, and community efforts and resources to foster a safe and drug-free learning environment that supports student academic achievement. <http://www.ed.gov/policy/elsec/leg/esea02/pg51.html>

State

Minnesota Department of Education: <http://education.state.mn.us/mde/index.html>

MDE Division of Special Education Law:

<http://education.state.mn.us/MDE/SchSup/ComplAssist/SpecEduLaw/>

MDE Division of Compliance and Assistance:

<http://education.state.mn.us/MDE/SchSup/ComplAssist/index.html>

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.

<http://mn.gov/dhs/>

ATTENDANCE/HABITUAL TRUANT/DROPOUT

Compulsory Instruction (Minn. Stat. § 120A.22 subd. 5(a)) states every child between seven and 16 years of age must receive instruction. Every child under the age of seven who is enrolled in a half-day kindergarten, or a full-day kindergarten program on alternate days, or other kindergarten programs shall receive instruction.

<https://www.revisor.mn.gov/statutes/?id=120A.22#stat.120A.22.8>

Habitual Truant (Minn. Stat. § 260C.007 subd. 19) means a child under the age of 16 years who is absent from attendance at school without lawful excuse for seven school days if the child is in elementary school or for one or more class periods on seven school days if the child is in middle school, junior high school, or high school, or a child who is 16 or 17 years of age who is absent from attendance at school without lawful excuse for one or more class periods on seven school days and who has not lawfully withdrawn from school.

<https://www.revisor.mn.gov/statutes/?id=260c.007>

Dropout Minnesota has adopted the national dropout definition as defined by the U.S. Department of Education. Dropouts are defined as secondary students in any of grades 7 through 12 who: a. Were enrolled in school at some time during the previous school year and were not enrolled by October 1, of the following school year; b. Were not enrolled on October 1, of the current school year although expected to be in membership, i.e., were not reported as dropouts the year before; and, c. Have not graduated from high school or completed a state or district approved educational program.

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.

<https://www.revisor.mn.gov/statutes/?id=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. <https://www.revisor.mn.gov/statutes/?id=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.

<http://education.state.mn.us/MDE/StuSuc/StuRight/StuDisc/StuFairDisAct/index.html>

GRADUATION

Graduation Requirements Students in Minnesota students are required to complete three kinds of requirements to graduate. Students are required to complete 21.5 course credits ((Minn. Stat. § 120B.024), satisfactorily complete state academic standards and meet graduation assessment requirements.

<http://education.state.mn.us/MDE/StuSuc/GradReq/index.html>

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. <http://education.state.mn.us/MDE/StuSuc/AdultEd/index.html>

MANDATED REPORTERS: REPORTING OF CHILD ABUSE AND NEGLECT

Reporting of Maltreatment of Minors Act (Minn. Stat. § 626.556)

<https://www.revisor.mn.gov/statutes/?id=626.556> ; <http://mn.gov/dhs/people-we-serve/children-and-families/services/child-protection/a-z/index.jsp>

Reporting of Prenatal Exposure to Controlled Substances (Minn. Stat. § 626.5561)
<https://www.revisor.mn.gov/statutes/?id=626.5561>

Child in Need of Protection or Services (Minn. Stat. § 260C.007, Subdivision 6)
<https://www.revisor.mn.gov/statutes/?id=260c.007> ; <http://mn.gov/dhs/people-we-serve/children-and-families/services/child-protection/a-z/index.jsp>

SCHOOL PREASSESSMENT TEAMS

School Preassessment Teams (Minn. Stat. § 121A.26) every public school that participates in school district chemical abuse program shall establish a chemical abuse reassessments.
<https://www.revisor.mn.gov/statutes/?id=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. <https://www.revisor.mn.gov/statutes/?id=626.556> ;
<http://education.state.mn.us/MDE/SchSup/StuMaltr/index.html>

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.
<https://www.revisor.mn.gov/statutes/?id=626.557>