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DO PUBLIC SCHOOLS HAVE ASSISTANCE OBLIGATIONS TO STUDENTS WHO SUFFER FROM THE BYSTANDER EFFECT?¹

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I. Introduction

Child Find, under the Individual with Disabilities Education Act, requires public schools to locate, identify, and evaluate all students who reside in the district who are in need of special education services.² The requirement of Child Find also applies to Section 504 of the Rehabilitation Act.³ Sometimes the Child Find requirement can even arise when a previously non-disabled child has been the victim of bullying. Indeed, one federal judge said that when any student is bullied, there is the possibility that the negative impact of the bullying may give rise to a previously nondisabled student developing a disability under the IDEA or Section 504.⁴ The judge, therefore, ruled that the school failed to comply with the Child Find requirements of Section 504 when it did not assess a nondisabled student victim of bullying for the manifestation of a qualified disability.

In addition, although withdrawn by the Department of Education,⁵ in 2014, the Department of Education said that the negative impact of sexual harassment, a form of bullying, upon a nondisabled student could cause that student to become disabled under the IDEA or Section 504. Hence, the document concluded that in those situations, Child Find obligations are attached.⁶ What's more, the Office for Civil Rights has informed schools that there is a *mandatory* obligation to determine if bullying has impacted a disabled student's ability to receive a free appropriate public education (FAPE). And if it does, the school must implement changes that would allow the student to continue to receive a FAPE.⁷ Thus, all students who are the victims of bullying have been afforded certain protections that help ensure that they receive a FAPE.

However, what about students who observe bullying

and fail to come forward to report the act? What about students who have knowledge that another student is thinking about self-harm and don't inform anyone? If something tragic happens to that student, and the school knows or should know that there were bystanders who did not come forward, do schools have an obligation to assist these students? And what about students who have lived through a tragedy, such as the one that took place in Parkland, Florida? What IDEA or Section 504 obligations does the Florida school now owe those students?

The fact that there are no cases, federal publications, or state publications that have specifically addressed these questions may not relieve schools of an obligation to reach out to bystanders who do not report a potential problem, and then a tragedy takes place that results in serious harm to a victim or worse, death by suicide of the victim. And it may not relieve schools of their obligations under federal law for students, like those in Florida, who had to live through a tragedy that none of them will ever forget. Hence, a review of some potential federal or state legal requirements that may provide guidance might be of use to school administrators and staff.

II. Bystander Effect

A student who observes what might be a potential bullying problem but fails to inform anyone is considered to be a student who has "bystander effect." Publications have discussed this phenomenon and defined it as "**an effect that occurs when a group of people watch a bullying incident and no one responds.**"⁸

Yet, the definition does not indicate whether single students who watch a bullying incident and do not

respond are deemed to be included in the definition of “bystander effect.” But even if a single student observes a bullying incident and fails to respond or report it, that student may still end up having an emotional disorder.⁹ To illustrate, some studies have discussed the negative impact that may occur to students who are bystanders of an incident of bullying. What’s more, this negative impact might occur regardless of whether or not the person reports or responds to the incident. Therefore, despite not being the primary target, a bystander who witnesses one child being bullied by another still suffers negative effects from the incident such as anxiety, depression, guilt or helplessness.¹⁰ Accordingly, bystanders who witness bullying, whether or not they respond to or report the incident, may develop an emotional disorder¹¹ that might need to be addressed by school personnel.

Although not discussed in publications, it would seem to follow that negative effects to a non-reporter might also occur when a student is informed by a peer that he or she is considering self-harm, the bystander does not inform anyone of this discussion, and the peer later dies by suicide. In fact, Missouri has enacted a law that requires schools to develop a policy and train staff on protocols for responding to deaths by suicide in the school setting.¹² Thus, the Missouri Legislature was concerned with the negative impact a death by suicide would have upon the students of the school where the death took place,¹³ including, but not limited to, bystanders who did not inform anyone that they were aware of the possible threat of self-harm by the student who died by suicide.

In addition, the Florida school shooting has created another situation where many students may now develop PTSD, depression, or anxiety. The entire student population at Marjory Stoneman Douglas High School (“MSDHS”) now must deal with recovery issues. Some of those students will certainly develop an emotional disorder or symptoms of PTSD. Hence the question: What, if any, legal obligations under the IDEA and Section 504 does the school owe those students?

III. Federal Cases

If a school knows or should know that a child is

suffering from depression or anxiety, it might be required to determine whether the child has a qualifying disability under Section 504 or the IDEA. To illustrate, in *Krebs and Krebs v. Kensington-Arnold School District*¹⁴ a federal district court ruled that a school district had committed an act of illegal discrimination under Section 504 of the Rehabilitation Act of 1973 when it failed to meet its Child Find obligations. In this case, the student was not receiving services under the IDEA or accommodations under Section 504. The parents informed the school that because of bullying their child had been diagnosed with bullying related anxiety, depression, and anorexia. In addition, the parents claimed that since their child had been bullied, she had lost thirty pounds, and instead of receiving A’s and B’s in her classes, she was receiving F’s. The school admitted that it was aware of these problems but claimed that the student was not disabled under the IDEA or Section 504 because she was not disabled at the time of these events. Thus, the school argued, the parents and their child were not entitled to relief under Section 504.

In rejecting the school’s argument, the court held that Section 504 had a Child Find element. In fact, the school had information that the student might have a disability under Section 504 or the IDEA. The school was aware that the student had been bullied, that since the bullying had occurred the student’s grades had dropped, and that she had lost thirty pounds. Despite this information, the school failed to meet its Child Find obligations when it did not assess the student to determine whether she had become disabled as defined in the IDEA or Section 504. This failure to meet its Child Find obligation, therefore, was an act of illegal discrimination.

However, the Court of Appeals for the Eighth Circuit has ruled that parents have an obligation to put the school on notice that their child was bullied. And a failure to provide the school specifics on any alleged incident of bullying will prevent parents from proving their claim that a school’s failure to act violated federal law.¹⁵ In this case, the parents did inform the school of concerns that their child was being bullied. Yet at no time did the parents provide specific information about alleged incidents of bullying that occurred. In

addition, the student, who was sixteen, informed the school he was dropping out. When he discussed this with school staff, he did not mention or complain that he was bullied. Rather, he told the school that he was tired of going to school, wanted to get a GED and move on with his life. Further, the student's grades remained consistent. The court concluded that there was no evidence that the school had been put on notice about any incidents of bullying directed against the student, the student's behaviors did not indicate he was at risk for self-harm, and the parents did not provide any specific complaints that their child was the victim of bullying or harassment. Accordingly, their federal complaint was dismissed.

IV. Knows or Should Know: The Key Component to Action by a School

Assuming the data supports a conclusion that bystanders of a bullying incident may end up suffering from anxiety or depression, a school may have the obligation to help the bystander if the school has reason to know or should know the identity of the bystander. It may not matter whether the bystander reported the incident because the studies do not distinguish any difference in the negative impact that the bullying incident has upon any bystander. But the key is that the school must know or should know the identity of the bystander.

In schools that have video devices in place, when investigating an allegation of bullying some of those bystanders may be seen on the video. For those identified students, this would put the school on notice that those students might develop an emotional disorder or PTSD that qualifies as a disability under the IDEA or Section 504. And this, therefore, would trigger the Child Find obligations of the IDEA or Section 504 obligations for those bystanders who already are receiving IDEA services or Section 504 accommodations.

This, however, does not address the students who are unknown bystanders of a bullying incident. In addition, there will be no video evidence for those students who learn that a peer is contemplating self-harm, do not report the threat, and then the peer dies by suicide or attempts to take his or her life.

Those unknown students are just as likely to develop symptoms of anxiety, depression, PTSD, or guilt as those students who are known bystanders of bullying incidents. To be sure, the data does not indicate that unknown bystanders are any less likely to develop anxiety, depression, PTSD, or guilt than known bystanders. Still, schools may need to know or must have reason to know the identity of bystanders before the obligations of the IDEA or Section 504 attach.

V. The Parkland Florida Tragedy

The killing of seventeen individuals by a lone gunman at MSDHS could result in a considerable number of students in the school developing symptoms of PTSD, depression, anxiety, and guilt. Some students who have been interviewed by the press have reported about their anxiety, sleepless nights, and accessing mental healthcare providers for symptoms of PTSD.¹⁶ Some of these students will have already qualified as being disabled under the IDEA or Section 504. Further, the school district knows the name of every student who attended the school where the tragedy took place. Yet this is not a bullying incident nor is it a suicide of a fellow student—it is a school-wide tragedy. Assuming these facts, does this mean that the school might have an obligation to monitor and assess all the students to determine whether the IDEA or Section 504 imposes additional educational obligations upon the school? Can the school take no steps to assess these children until a parent informs the school that their child is now suffering from an emotional disorder, PTSD, or is seeking help from a mental healthcare provider?

Because the school should know the impact the tragedy will have on many students and knows the name of each student in the school, waiting for a parent referral may not comply with the Child Find obligations of the IDEA or Section 504 or with the IDEA or 504 obligations for students who were disabled under either federal law. In addition, this tragedy may increase the number of new students who develop a disability under the IDEA or Section 504, far beyond the school district's capacity to meet the needs of these students.

What's more, this does not account for the additional cost and personnel that might be needed to provide current IDEA and 504 students with additional

services or accommodations caused by the negative impact of the tragedy. Accordingly, the Florida tragedy may have created a “factual model” not considered by the Florida school or other schools when developing legally compliant policies, protocols and procedures for the IDEA and Section 504.

VI. The need to develop a “Florida Model”

- A. Although not the first, the tragedy in Florida presents a factual situation, perhaps not previously considered, that requires the development of legally compliant policies, protocols, and procedures for schools to adopt so that any school can comply with the legal requirements of the IDEA and Section 504 when a school-wide tragedy occurs. The goal is to create a model that will allow school staff to triage all the students to determine who does and does not need assistance under the IDEA¹⁷ or Section 504 and then having in place the assets and resources to address those students. This will require the school to frequently monitor a student’s progress and when supported by the data, provide the student with appropriate, high-quality instruction and interventions.¹⁸

If there is no existing model, then even if one is developed, that first model may not be the last. When creating and then putting into operation the first model, a critical component will require the collection and assessment of data. What the data might disclose is which groups of students are more likely than not to develop a qualified IDEA or Section 504 disability and how long after the event the manifestation of symptoms is likely to start. Even if it is assumed that the group with the most problems should be those who either saw the shooting or lost a friend or family member, data may disclose other groups that were equally impacted or even identify groups that may have been impacted to a greater extent. Because this is a new model, until data is collected and assessed, preliminary assumptions might not be proven to be true.

After the assessment, it should not be surprising that the first model will need some revisions to improve expected outcomes. The procedure then is repeated: The revised policies, protocols and procedures are implemented, data is collected and then assessed. The findings may indicate the need for more modifications to improve the end product. Yet, this is not a failure. Rather, this will allow users to understand what does and does not work.¹⁹

- B. How this might look for a Florida situation.
1. *Create a team of staff members* that will serve as the contact for school staff to report to when a staff person believes that a student might need assistance related to the incident. This team should also serve as the parent contact source for reporting concerns about their children that they believe are related to the shooting.
 2. *Inform parents* that the school is going to create a policy that will allow all students to be assessed for a possible disability that requires the school to provide assistance. In addition, the notice should inform parents of students who already are receiving services under the IDEA or Section 504 that those students will be assessed to determine whether modifications to the student’s existing plan are needed to ensure that those students continue to receive a FAPE. The notice should inform the parents that their help is needed. If parents notice any “unusual” behaviors from their child or have taken their child to a mental healthcare provider, they should inform the district as soon as possible. Explain that this is critical information for the school to have as it moves forward with the needs assessment of the students. The notice should include contact numbers and email addresses for staff that parents can use to report their concerns.

3. *Inform all staff* that if any student comes to them to discuss what happened because the student is having problems coping with what took place, the staff must inform a designated team of *staff members of the identity of the student*.
 - a. A member of the team should then meet with the student for further discussions.
 - b. After this discussion, if there is a concern, a referral for assessment could be made to either the IDEA or Section 504 coordinator for assessment of a possible disability or for those students already having a qualified disability under the IDEA or Section 504, an assessment to determine whether the current education or accommodation plan still provides the student with a FAPE.
4. *Create a data collection model.*

First—Divide the students into two groups: Those students who were not receiving services under the IDEA or Section 504 and those students who were either IDEA or Section 504 students.

Second—Divide each group as follows:

- a. Students who lost a friend or relative *and* witnessed the shooting.
- b. Students who witnessed the actual shooting but did not have a friend or relative killed in the shooting.
- c. Students who did not witness the shooting but had either a family member or friend killed as a result of the incident.
- d. Students who were in the building, who did not witness the shooting, did not have a friend or family member killed, but saw some of the carnage.
- e. Students who were in the building, who did not witness the shooting, did not have a friend or family member killed, and did not, at any time, see the carnage.
- f. Students who were absent.

Third—After the second division has been done, divide each group by age and gender.

Fourth—For the IDEA and Section 504 students only, separate them into IDEA students and Section 504 students.

Fifth—For the IDEA and Section 504 students, separate those students who are receiving IDEA services or Section 504 accommodations related to an emotional disorder including, but not limited to, PTSD and those who are not. To illustrate, if a student is receiving help because of ADHD or depression, those are deemed to be mental health issues for purposes of this policy. Also, ADHD and depression is not the exhaustive list of mental health issues. When in doubt, include the student with this group.

Sixth—Implement and start collecting the data.

Seventh—Review the data at three points in time.

Eighth—After the data has been collected three times, assess the findings and then determine whether modifications are required. This data may help the school determine whether there actually has been an increase in the number of students who either developed a disability or for the IDEA and Section 504 students, required additional help. This data should also provide information as to when any symptoms first became apparent. It may also indicate that certain groups of students had more “problems” than other groups. If this turns out to be accurate, it may help schools focus on specific groups of students as the school allocates resources.

This is not a “one-size-fits-all” model. Rather, it might be a starting point. Before the first roll-out of the model, best practice would require input from multiple sources that could then discuss and make suggestions regarding a model policy. For example, the discussion group might include school administrators, teachers, school counselors, mental healthcare providers, lawyers who have knowledge of the requirements for the IDEA and Section 504, parents, *and students*. Bringing a diverse group together to discuss and help develop a legally compliant policy, protocols, and procedures will help ensure the full implementation of the model, which will then further ensure its success.

VII. Assessment for a Disability or Review of an Existing Individual Education Plan or Accommodation Plan

The fact that a school is required to assess a child for a disability or review an existing education plan or accommodation plan for a disabled student **does not mean that a student has become disabled or needs additional services or accommodations**. The requirement is nothing more than the assessment of a potential disability or change in a plan. What’s more, the assessment may show that data does not support that a student has a disability or requires additional IDEA services or Section 504 accommodations. Schools are required to assess, not automatically make any conclusion because a student was a bystander, did not inform anyone that a peer was contemplating self-harm or was part of the Florida student population. Rather, schools are meeting their legal obligations to determine whether a group of students might need assistance so that they can obtain their education.

VIII. Conclusion

There have been several publications that discuss the bystander effect. These publications focus upon how schools can convert bystanders into reporters. Yet there has been little discussion about the negative impact

that can happen to a bystander. The information that does exist indicates that bystanders tend to suffer from PTSD, depression, or anxiety at a somewhat higher rate than the general student population. Accordingly, there might be yet another group of students who now may develop mental health issues that might require services under the IDEA or accommodations under Section 504, if the school knows or should know the identity of these students.

In addition, there are students who have knowledge that one of their peers is considering self-harm. But the student does not know if or to whom to report this information. Sadly, the peer dies by suicide. Now the student who knew and did not report what he or she knew may have to deal with the guilt or other mental health issues that may arise. If the school has knowledge of this bystander, it would seem that it would have the same obligations that it might owe to known bystanders of bullying.

What’s more, the Florida school shooting presents a situation that hopefully never becomes common but nonetheless could produce significant challenges for school personnel over and above those dealing with how to make schools more secure. It would not be a surprise if many students at MSDHS now develop mental health issues including, but not limited to, PTSD, depression, or anxiety related to the shooting. If this does become factual, IDEA and Section 504 requirements may come into play for a considerable number of students at the school. After Columbine, Sandy Hook, MSDHS and others, schools may need to consider the possibility of creating policies, protocols, and procedures to deal with these tragic events so that affected students receive the help they may need and that the IDEA and Section 504 requirements are met. A possible roadmap for helping schools deal with this kind of horrific, but unfortunately possible, event has been presented here for consideration.

- ¹ The Author would like to thank Dr. Sue Ellen McCalley, Ph.D.; Professor, School of Education, Avila University for her contributions to this article.
- ² 20 USC 1412(a)(3).
- ³ *Krebs and Krebs v. Kensington-Arnold School District*, 69 IDELR 9 (D. Ct W.D. PA. 2016); Rehabilitation Act of 1973, 29 USC § 794.
- ⁴ *Krebs and Krebs v. Kensington-Arnold School District*, 69 IDELR 9 (D. Ct W.D. PA. 2016); Rehabilitation Act of 1973, 29 USC § 794.
- ⁵ *Q and A on Sexual Misconduct*, (117 LRP 40855, United States Department of Education, Office for Civil Rights, September 2017) (<http://www2.ed.gov/about/offices/list/ocr/docs/qa-titleIX-201709.pdf?>).
- ⁶ *Questions & Answers on Title IX and Sexual Violence*, 114 LRP 19550 (Office for Civil Rights, April 29, 2014).
- ⁷ *Hillsborough County (FL) Public Schools*, 115 LRP 57977 (Office for Civil Rights, Southern Division Atlanta (Florida) 04-14-1748, August 24, 2015).
- ⁸ *6 Ways Bullying Impacts Bystanders*,” Sheri Gordon, [Very Well](#), Updated October 20, 2017.
- ⁹ In the educational setting this is defined as a school related emotional problem such as withdrawal, depression, low self-esteem, excessive anxiety, or complaints impacting inter personal skills.
- ¹⁰ *6 Ways Bullying Impacts Bystanders*,” Sheri Gordon, [Very Well](#), Updated October 20, 2017.
- ¹¹ In connection with an educational program this is defined as a school related emotional problem such as withdrawal, depression, low self-esteem, and excessive anxiety. It might also include symptoms of PTSD or feelings of guilt (Special Education Connections, LRP 2018).
- ¹² 170.048.1(3) RSMO.
- ¹³ The Missouri Department of Elementary and Secondary Education in response to the aforementioned Missouri Statute published a *Youth Suicide Awareness and Prevention Model Policy* in 2017. (This includes a section at page 7 titled: *Responding to Suicidal Behavior or Death by Suicide in the School Community*).
- ¹⁴ *Krebs and Krebs v. Kensington-Arnold School District*, 69 IDELR 9 (D. Ct W.D. PA. 2016).
- ¹⁵ *Barnwell v. Watson*, 118 LRP 3470 (8th Cir. January 26, 2018).
- ¹⁶ *Florida school shooting: One month later, survivors still struggle*, USA Network, Alex C. Cardona, Naples (FLA) Daily News, March 14, 2018.
- ¹⁷ This model could be based upon the IDEA’s Response to Intervention requirements. (20 USC 1414 (a) (6) (B)).
- ¹⁸ 20 USC 1414 (a) (6) (B), sometimes referred to as RTI.
- ¹⁹ The use of the *Malcom Baldrige Excellence Planning Model* is suggested to help in the development of legally compliant policies, protocols, and procedures.
- ²⁰ See U.S. Department of Education Fact Sheet, <https://www2.ed.gov/about/overview/fed/role.html> (providing a brief overview from the federal perspective) (last visited January 23, 2018).
- ²¹ See Committee for Education Funding 5 Cents Makes Sense Advocacy Fact Sheet <https://cef.org/advocacy/5-cents-makes-sense/> (describing advocacy efforts) (last visited January 23, 2018).
- ²² See Fiscal Year 2017 Budget Summary and Background Information, <https://www2.ed.gov/about/overview/budget/budget17/summary/17summary.pdf> (linking to the 2017 budget proposals) (last visited January 23, 2018).
- ²³ See Fiscal Year 2018 Budget Summary and Background Information, <https://www2.ed.gov/about/overview/budget/budget18/index.html> (linking to the 2018 budget proposals) (last visited January 23, 2018). At the time of submission of this article, the budget proposals for the 2018 fiscal year are still proposals. Congress has passed a series of continuing resolutions to keep the government operating until it approves a comprehensive appropriations package.
- ²⁴ 34 C.F.R. §§ 75-79, 81-86, 97-77; 2 C.F.R. § 200; see also <https://www2.ed.gov/policy/fund/reg/edgarReg/edgar.html> (summarizing and linking to applicable regulations) (last visited January 23, 2018).
- ²⁵ Every Student Succeeds Act of 2015, Pub. L. No. 114-95 § 114 Stat. 1177 (2015-2016).
- ²⁶ See U.S. Department of Education ESSA Home Page, <https://www.ed.gov/essa?src=ft> (the Department of Education’s ESSA website) (last visited January 23, 2018).
- ²⁷ No Child Left Behind (NCLB) Act of 2001, Pub. L. No. 107-110, § 115, Stat. 1425 (2002).
- ²⁸ See NCLB fact sheet, <https://www2.ed.gov/nclb/methods/teachers/hqtflexibility.html> (describing the highly qualified requirement) (last visited January 23, 2018).
- ²⁹ See Fiscal Year 2018 Budget Summary and Background Information, <https://www2.ed.gov/about/overview/budget/budget18/index.html> (linking to the 2018 budget proposals) (last visited January 23, 2018).
- ³⁰ *Id.*
- ³¹ 20 U.S.C. § 1701 *et seq.*

- ³² See *Lau v. Nichols*, 414 U.S. 563 (1974) (holding that non-English speaking students were entitled to English instruction); *Castañeda v. Pickard*, 648 F.2d 989 (5th Cir. 1981) (holding that English learners were entitled to equal educational opportunity); *Plyler v. Doe*, 457 U.S. 202 (1982) (holding that undocumented students are entitled to access public education and are bound by compulsory attendance laws); *Keyes v. School District 1*, 413 U.S. 189 (1983) (finding that the school district intentionally segregated students based on national origin, and ordering desegregation as a remedy).
- ³³ Fiscal Year 2018 Budget Summary and Background Information, <https://www2.ed.gov/about/overview/budget/budget18/index.html> (last visited on January 23, 2018).
- ³⁴ See U.S. Department of Education Fact Sheet, <https://www2.ed.gov/about/offices/list/oes/impactaid/whatisia.html> (describing Impact Aid and the communities it benefits) (last visited January 23, 2018).
- ³⁵ The McKinney-Vento Homeless Assistance Act (1987) 42 U.S.C. § 11301 *et seq.*
- ³⁶ See, Regulatory Guidance related to McKinney-Vento: [Education for Homeless Children and Youths Program: Non-Regulatory Guidance](#) (updated March 2, 2017); [U.S. Department of Education Fact Sheet: Supporting the Success of Homeless Children and Youths](#) (July 27, 2016); [U.S. Department of Education Dear Colleague Letter: Educational Rights of Homeless Children and Youths](#) (Secretary John King; July 27, 2016); [U.S. Department of Education Guidelines: McKinney-Vento Education for Homeless Children and Youths Program](#) (Federal Register, March 17, 2016); [Transitioning to the Every Student Succeeds Act \(ESSA\): Frequently Asked Questions](#) (each site last visited January 23, 2018).
- ³⁷ 20 U.S.C. § 1411 (commonly cited as Part B, Section 611).
- ³⁸ See U.S. Department of Education, Office of Special Education Programs Grants Programs Page, <https://www2.ed.gov/programs/osepgrts/index.html> (from the Department of Education, articulating Part B grant allocations and conditions). See also <http://www.edcentral.org/encyclopedia/individuals-with-disabilities-education-act-funding-distribution/> (last visited January 23, 2018).
- ³⁹ 20 U.S.C. § 1419 (commonly cited as Part B, Section 619). See also U.S. Dept. of Ed., OSEP Grants Progs., <https://www2.ed.gov/programs/oseppsg/index.html> (fact sheet describing the funding structure for IDEA) (last visited January 23, 2018).
- ⁴⁰ 34 CFR §§ 300.203—300.204 (LEA); 34 CFR §§300.163-300.164 (state).
- ⁴¹ The Richard B. Russell National School Lunch Act of 1946, 42 U.S.C. § 1751 *et seq.*
- ⁴² See National School Lunch Program Home Page, <https://www.fns.usda.gov/nslp/national-school-lunch-program-nslp> (describing the National School Lunch Program and providing resources for families and schools) (last visited January 23, 2018).
- ⁴³ See Department of Labor, Division of Youth Services, <https://doleta.gov/ycc/> (describing the Youth CareerConnect program) (last visited January 23, 2018).
- ⁴⁴ See Federal Communications Commission, <https://www.fcc.gov/general/universal-service-program-schools-and-libraries-e-rate> (describing the E-rate program) (last visited January 23, 2018).
- ⁴⁵ Modernizing the E-rate Program for Schools and Libraries, FCC-14-99 (July 23, 2014); available at <https://www.fcc.gov/document/fcc-releases-e-rate-modernization-order> (last visited January 23, 2018).
- ⁴⁶ Second Report and Order on Reconsideration, FCC 14-189 (December 19, 2014); available at https://apps.fcc.gov/edocs_public/attachmatch/FCC-14-189A1.pdf (last visited January 23, 2018).
- ⁴⁷ Benjamin Herold and Sean Cavanagh, *Trump Appoints E-Rate Critic to Lead the FCC*, February 7, 2017, at <http://www.edweek.org/ew/articles/2017/02/08/trump-appoints-e-rate-critic-to-lead-the.html> (last visited January 23, 2018).
- ⁴⁸ Benjamin Herold, *E-Rate, Other Universal-Service Funds to be Transferred to U.S. Treasury*, EdWeek, August 8, 2017, at http://blogs.edweek.org/edweek/DigitalEducation/2017/08/e-rate_universal_service_money_Treasury.html (last visited January 23, 2018).
- ⁴⁹ IRS Qualified Zone Bonds, at <https://www2.ed.gov/programs/qualifiedzone/faq.html>. (last visited January 23, 2018).
- ⁵⁰ IRS Qualified School Construction Bonds, at <https://www.irs.gov/tax-exempt-bonds/teb-faqs-1> (last visited January 23, 2018).