



Key Federal Agency Guidance 2008-2016

(ED) HIPAA and FERPA FAQs on Student Records

November 2008

Joint guidance from U.S. Department of Health and Human Services (HHS) and U.S. Department of Education (ED) on the application of the Family Educational Rights and Privacy Act (FERPA) and the Health Insurance Portability and Accountability Act of 1996 (HIPAA) to student health records.

<http://www2.ed.gov/policy/gen/guid/fpco/doc/ferpa-hippa-guidance.pdf>

(ED) Individuals with Disabilities Education Act

June 2009

Guidance in the form of FAQs regarding key aspects of the implementation of the Individuals with Disabilities Education Act (IDEA):

[Discipline Procedures](#) - provides guidance on discipline policies enacted for school-age students to personnel in state educational agencies (SEAs) and local educational agencies (LEAs), and families.

[Disproportionality](#) - provides information regarding the IDEA requirements relating to disproportionality determinations.

[IEPs, Evaluations, and Reevaluations](#) (rev. Sept. 2011) - provides information to States, SEAs, and LEAs regarding the IDEA requirements related to the various steps and processes in the development and implementation of IEPs, evaluations, and reevaluations.

[Procedural Safeguards](#) - lists questions and answers on Procedural Safeguards and Due Process Procedures for Parents and Children with Disabilities issued in January 2007.

[Monitoring, Technical Assistance and Enforcement](#) - provides information on IDEA requirements relating to monitoring, technical assistance, and enforcement.

[Secondary Transition](#) (rev. Sept. 2011) - lists questions and answers regarding transition services for special education students.

(ED) Flexibility and Waivers for SEAs, LEAs, Postsecondary Institutions, and Other Grantee and Program Participants in Responding to Pandemic Influenza (H1N1 Virus)

September 2009

Guidance discussing waivers from federal education requirements that may provide state or local educational institutions with the operational flexibility necessary to efficiently close schools and otherwise respond to the administrative challenges presented by a potential H1N1 outbreak such as: prolonged school closures, excessive absenteeism, or other disruptions in the regular delivery of educational services to students for a prolonged period of time.

H1N1 Flu Information:

<http://www2.ed.gov/admins/lead/safety/emergencyplan/pandemic/index.html>

Emergency Planning – Influenza Outbreak:

<http://www2.ed.gov/admins/lead/safety/emergencyplan/pandemic/more.html>

September 2009 Guidance: <http://www.edweek.org/media/swineguidance.pdf>

(ED) Family Educational Rights and Privacy Act (FERPA) and H1N1 Influenza

October 2009

Guidance addressing concerns that school officials may have about disclosing personally identifiable information about students in the event of an outbreak of H1N1 influenza in their schools.

<http://www2.ed.gov/policy/gen/guid/fpco/pdf/ferpa-h1n1.pdf>

(ED) Stricter Enforcement of Title IX in Women’s Athletics

April 2010

Guidance withdrawing a 2005 policy, and its related documents, which allowed schools to use only a survey to show compliance with Prong Three of Title IX’s Three-Part Test, that the school’s athletic program meets the interests and abilities in athletics of the under-represented sex, typically women, and allowed schools to consider a non-response to the survey as disinterest. The April 2010 guidance requires schools and colleges to provide stronger evidence that they offer equal opportunities for athletic participation under Title IX. Under Title IX’s existing Three-Part Test, schools can choose from one of three independent ways to demonstrate compliance with the athletic participation piece: demonstrate that (1) the number of athletic opportunities available to male and female students is substantially proportionate to their respective enrollments; (2) for those athletes who are members of the under-represented sex, show a history and continuing practice of program expansion of sports offerings for those students; or (3) for those athletes who are members of the under-represented sex, the school has met the athletic interests and abilities of those students. The April 2010 guidance reinstates ED’s support for school districts and colleges to use multiple indicators to assess athletic interests and abilities, and that the use of survey results alone cannot justify an imbalance in athletic opportunities.

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-20100420.pdf>

(ED) Bullying and Harassment

October 2010

“Dear Colleague” letter addressing the prevention of LGBT bullying and other harassment at schools. It clarifies the applicability of Title IX to harassment based on actual or perceived sexual orientation. The letter states that a school district is “responsible for addressing harassment incidents about which is *known or reasonably should have been known*,” and “Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive or *persistent* so as to *interfere with or limit* a student’s ability to participate in or benefit from the services, activities, or opportunities offered by the school.” (Emphasis added.)

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201010.html>

Other related documents

Fact sheet October 26, 2010:

<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-factsheet-201010.html>

Letter from ED Secretary Duncan to state officials, and examples of provisions in state anti-bullying laws December 16, 2010:

<http://www2.ed.gov/policy/gen/guid/secletter/101215.html>

NSBA December 2010 letter asking for clarification of OCR’s October 2010 DCL:

<http://www.nsba.org/sites/default/files/reports/NSBA%20Response%20to%20OCR%20Guidance%20December%202010.pdf>

OCR response to NSBA’s December 2010 letter seeking clarification of OCR’s October 2010 DCL:

http://www.nsba.org/sites/default/files/reports/ED_Response_-_NSBA_Bullying_Letter_2011.pdf

(ED) Sexual Harassment, Including Sexual Violence

April 2011

“Dear Colleague” letter, Fact Sheet, and “Know Your Rights” document addressing sexual harassment, and its interference with students’ rights to receive an education free from discrimination, and, in the case of sexual violence, is a crime. “If a school knows or reasonably should know about student-on-student harassment that creates a hostile environment,” said OCR, “Title IX requires the school to take immediate action to eliminate the harassment, prevent its recurrence, and address its effects.” OCR states that schools may have an obligation to respond to student-on-student sexual harassment that initially occurred off school grounds, outside a school’s education program or activity. A school must investigate all reported incidents of sexual harassment, regardless of where they occurred, OCR said, and, the nature of the off-campus conduct may inform a district’s evaluation of the situation in school.

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201104.html>

(ED) E-Reader Accessibility for Students with Disabilities

May 2011

FAQ stating that schools have a legal obligation under both Section 504 of the Rehabilitation Act of 1973 (Section 504) and Title II of the Americans with Disabilities Act (ADA) to provide visually impaired students with comparable technology that affords “substantially equivalent ease of use.” This same level of “ease of use” must also be provided to students with disabilities other than visual impairments that make them unable to process printed information. Though the original June 2010 Dear Colleague Letter on this topic was addressed specifically to post-secondary institutions, this FAQ specifically states that the legal standards set out in that DCL apply equally to elementary and secondary schools. Also, the FAQ states unequivocally that the legal standards regarding accessibility apply to other types of emerging technology, beyond electronic book readers, including virtual content, online web content, online applications, etc.

<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-ebook-faq-201105.pdf>

(ED) Treatment of LGBT Student Groups Under the Equal Access Act

June 2011

“Dear Colleague” letter emphasizing that schools must treat all student-initiated groups equally pursuant to the Equal Access Act. The guidance warns school officials against taking steps to ban students from forming gay-straight alliances and similar support groups in their schools. This DCL is accompanied by legal guidelines developed by ED. This DCL is a follow-up to ED’s October 2010 letter to districts about how bullying, in particular of students who are lesbian, gay, bisexual, and transgender, may violate students’ civil rights.

DCL: <http://www2.ed.gov/policy/elsec/guid/secletter/110607.html>

Legal Guidelines: <http://www2.ed.gov/policy/elsec/guide/secletter/groupsguide.doc>

(ED/DOJ) Voluntary Use of Race to Achieve Diversity and Avoid Racial Isolation in Elementary and Secondary Schools

December 2011

Guidelines replace a 2008 document, essentially warning colleges and universities against considering race at all in the admissions process. ED/DOJ issued parallel guidelines to the nation’s public school districts, explaining what government lawyers consider to be acceptable ways that educators can seek to reduce racial segregation, which ED/DOJ assert has been increasing nationwide. The guidelines are designed to give educators a clear interpretation of three high court cases that, since 2003, have limited the use of race in admissions, zoning, and other school policies.

<http://www2.ed.gov/about/offices/list/ocr/docs/guidance-ese-201111.html>

(ED) Schools’ Responsibilities Under the ADA and Section 504

January 2012

“Dear Colleague” letter and FAQ documents on the requirements of the ADA and Section 504 in elementary and secondary schools, given the changes to those laws made by the ADA Amendments

Act of 2008. The Act, effective January 1, 2009, “broadened the meaning of disability and, in most cases, shifts the inquiry away from the question of whether a student has a disability as defined by the ADA and Section 504, and toward school districts’ actions and obligations to ensure equal education opportunities.”

DCL: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201109.html>

FAQs: <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-504faq-201109.html>

OCR January 2013 DCL on disabled students’ participation in extracurricular activities:

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201301-504.pdf>

NSBA May 2013 letter asking for clarification of OCR’s January 2013 DCL:

<http://www.nsba.org/sites/default/files/reports/Letter%20to%20Hon%20%20Seth%20Galanter%20%28Re-DCL-1-125-13%29May%202013.pdf>

OCR December 2013 response to NSBA’s May 2013 letter seeking clarification:

<http://www.nsba.org/sites/default/files/reports/OCR%20Dec.%2016%20%20Letter%20-%20RE%20-%20NSBA%20May%202013%20Letter.pdf>

(ED) Schools’ Responsibilities to Pregnant and Parenting Students Under Title IX

June 2013

Pamphlet providing background on school retention problems associated with young parents, and the requirements related to these issues contained in ED’s Title IX regulation.

<http://www2.ed.gov/about/offices/list/ocr/docs/pregnancy.pdf>

(ED) Schools’ Responsibilities on the Bullying of Disabled Students

August 2013

“Dear Colleague” letter issued by ED’s Office of Special Education and Rehabilitative Services (OSERS) on the bullying of students with disabilities. According to ED, the “guidance provides an overview of school districts’ responsibilities to ensure that students with disabilities who are subject to bullying continue to receive free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA).”

<http://www2.ed.gov/policy/speced/guid/idea/memosdcltrs/bullyingdcl-8-20-13.pdf>

(ED/DOJ) Unlawful Discriminatory Practices in Student Discipline

January 2014

Guidance issued jointly by ED and DOJ intended to “help public elementary and secondary schools administer student discipline in a manner that does not discriminate on the basis of race.” While focused on race, the DCL also reminds schools that “Federal law also prohibits discriminatory discipline based on other factors, including disability, religion, and sex.” The DCL refers to information obtained through OCR’s Civil Rights Data Collection (CRDC) as the basis for its

concerns and guidance. The CRDC data demonstrates “that students of certain racial or ethnic groups tend to be disciplined more than their peers.”

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201401-title-vi.pdf>

(ED) Privacy of Student Data Shared with Third-Party Providers of Online Services

February 2014

Guidance on legal requirements and best practices on the use, storage, and security of student data when schools use online educational resources, issued by ED’s Privacy Technical Assistance Center (PTAC). The guidelines are ED’s attempt to light the way through the rapidly evolving world of educational technology and student data privacy.

<http://blogs.edweek.org/edweek/DigitalEducation/Student%20Privacy%20and%20Online%20Educational%20Services%20%28February%202014%29.pdf>

(ED) Title IX and Sexual Violence

April 2014

Q&A document updating Title IX guidance clarifying that the civil rights law’s protection extends to all students, regardless of actual or perceived sexual orientation or gender identity. ED’s announcement of its interpretation of Title IX’s applicability to sexual orientation and gender identity applies equally to public elementary and secondary schools.

<http://www2.ed.gov/about/offices/list/ocr/docs/qa-201404-title-ix.pdf>

(ED) Disabled Students, ELLs, Admissions, and Discipline in Charter Schools

May 2014

“Dear Colleague” letter addressing issues for charter schools related to student admissions, students with disabilities, English-language learners (ELLs), and student discipline.

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201405-charter.pdf>

(ED) Data Destruction

July 2014

Guidance for schools and districts providing an overview of various methods for disposing of electronic data, and discussing how these methods relate to legal requirements and established best practices for protecting student information.

<http://ptac.ed.gov/sites/default/files/Best%20Practices%20for%20Data%20Destruction%20%282014-05-06%29%20%5BFinal%5D.pdf>

(ED) Transparency in the Use of Student Data

July 2014

Guidance for schools and districts on how to keep parents and students better informed about what student data is collected and how it is used. In the guidance issued by ED's PTAC, titled "Transparency Best Practices for Schools and Districts," schools and districts are urged to be proactive in communicating to parents about how they use student data. <http://ptac.ed.gov/sites/default/files/LEA%20Transparency%20Best%20Practices%20final.pdf>

(ED) Enterovirus and Ebola

Fall 2014

Information and resources for district leaders, schools, and educators on steps that can be taken to guard against the spread of disease.

<http://www.ed.gov/ebola-response>

ED's "Dear Superintendent Letter" provides a list of resources for parents and school administrators regarding Ebola and Enterovirus D68 (EV-D68). Relevant suggestions for schools include: creating a Fact Sheet on emergency procedures for parents and sending copies home with students; posting links to CDC information on the school website; and working with local child care facilities and organizations to share information. Templates for parent letters and staff notices are also provided. [http://rems.ed.gov/Docs/Dear%20Superintendents%20Letter%20Enterovirus%20and%20Ebola%20\(Updated\).docx](http://rems.ed.gov/Docs/Dear%20Superintendents%20Letter%20Enterovirus%20and%20Ebola%20(Updated).docx)

The school planning section of "Flu.gov" provides resources for school administrators in developing emergency preparedness plans and preventative measures.

<http://www.flu.gov/planning-preparedness/school/index.html>

(ED) Equity in Access to Educational Resources

October 2014

"Dear Colleague" Letter in which OCR notes "chronic and widespread racial disparities" for student access to educational resources, specifically:

- Rigorous courses, academic programs, and extracurricular activities;
- Stable workforces of effective teachers, leaders, and support staff;
- Safe and appropriate school buildings and facilities; and
- Modern technology and high-quality instructional materials.

The letter states that OCR will focus on the scope and severity of the resource disparities, and the district's process for allocating resources to determine if it is exacerbating or eliminating such

disparities. It recommends that schools proactively self-assess and monitor Title VI compliance. The letter also delineates remedies OCR could implement if a violation is discovered, including additional programs, training, and resources.

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-resourcecomp-201410.pdf>

(ED) Bullying of Students with Disabilities

October 2014

“Dear Colleague” Letter issued by OCR stating that “[i]f a student with a disability is being bullied, federal law requires schools to take immediate and appropriate action to investigate the issue and, as necessary, take steps to stop the bullying and prevent it from recurring.” The letter notes that if a student with a disability is being bullied *for any reason*, it could result in a denial of FAPE to the student.

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-bullying-201410.pdf>

(ED/DOJ) Effective Communication for Students with Hearing, Vision, or Speech Disabilities

November 2014

“Dear Colleague” letter and FAQ document jointly issued by DOJ’s Civil Rights Division and ED/OSERS. In the 2-page DCL and a 30-page FAQ, the Departments take the clear position that for IDEA-eligible students with hearing, vision or speech disabilities, the ADA Title II effective communication requirement (28 C.F.R. § 35.160) demands a separate and distinct analysis from IDEA’s FAPE requirement. In many cases, an appropriate IEP developed pursuant to the IDEA will also meet the effective communication regulations. However, in other cases, the school may have to provide auxiliary aides or services in addition to, or different from, those required to provide FAPE under the IDEA.

The Departments recognize that the ADA regulations do not require a school to provide an aid or service if doing so would result in either a fundamental alteration in the nature of the service, program, or activity, or an undue financial and administrative burden, but provides very little specific guidance on how to make this determination, noting “Compliance with the effective communication requirement would, in most cases, not result in undue financial and administrative burdens.” The guidance states that the school official making the fundamental alteration/undue burden determination must have budgetary and spending authority.

DCL: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-effective-communication-201411.pdf>

FAQ: <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-faqs-effective-communication-201411.pdf>

NSBA’s March 2015 letter asking for clarification to the DCL:

<https://www.nsba.org/sites/default/files/file/NSBA-response-2014-DCL-Communication-Needs-3-5-15.pdf>

OCR’s June 2015 response to NSBA’s request for clarification:

<http://www.nsba.org/sites/default/files/reports/OCR%20June%202015%20Response%20to%20NSBA%20>

(USDA) Title VI Requirements in Programs funded by USDA

November 2014

The US. Department of Agriculture has issued a finalized guidance document on the prohibition under Title VI against national origin discrimination of limited English proficient (LEP) persons by federal funds recipients, like public school districts, in the administration of programs funded by USDA, such as school breakfast and lunch programs. The guidance clarifies USDA's position that, in order to avoid a finding of discrimination on the basis of national origin, recipients must take "reasonable steps" to ensure that LEP persons receive the language assistance necessary to afford them meaningful access to USDA programs and activities, free of charge. USDA also identifies a four-step balancing test that recipients can utilize, and outlines Safe Harbor provisions that are considered strong evidence of compliance with the recipient's written-translation obligation.

<http://www.gpo.gov/fdsys/pkg/FR-2014-11-28/pdf/2014-27960.pdf>

(ED) Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities

December 2014

Q&A document issued by OCR on Title IX and single-sex classes and extracurricular activities. In the document, OCR indicates that schools may offer single-sex classes and extracurricular activities under ED's Title IX regulations, but only under the circumstances expressly authorized by Title IX or the regulations. According to the guidance, ED's Title IX regulations permit offering single-sex classes when there are contact sports in physical education classes; when classes or portions of classes in elementary or secondary schools deal primarily with human sexuality; and in non-vocational classes and extracurricular activities within an elementary or secondary school if certain criteria are met.

The Q&A lays out a justification test requiring school districts to show that:

- Each single-sex class is based on the school's "important objective" either to
 - improve its students' educational achievement through its overall established policies to provide diverse educational opportunities (the diversity objective), or
 - to meet the particular, identified educational needs of its students (the needs objective); and
- the single-sex nature of the class is "substantially related" to achieving that important objective.

In addition to establishing justification for offering a single-sex class, a school district must also:

- Implement its objective in an even-handed manner;

- Ensure that student enrollment in the single-sex class is completely voluntary;
- Provide a substantially equal co-educational class in the same subject; and
- Conduct periodic evaluations to determine whether the class complies with Title IX, and if not, modify or discontinue the class to ensure compliance with Title IX.

Several sections of this document discuss each of the elements above in detail. Also discussed is whether teachers may be assigned to single-sex classes on the basis of gender; other federal protections provided to students in single-sex classes; and other additional topics, such as “[w]hich set of regulations governs a school within a school” and how to contact OCR for additional information or to file a complaint.

<http://www2.ed.gov/about/offices/list/ocr/docs/faqs-title-ix-single-sex-201412.pdf>

(ED) Data Breach Response Training Kit

January 2015

Materials for schools or districts to conduct an interactive exercise based on a data breach scenario, developed by ED’s Privacy Technical Assistance Center. The exercise provides a facilitator’s guide, power point slides, and exercise handouts to be used in a simulated response scenario.

<http://ptac.ed.gov/document/data-breach-response-training-kit>

(ED) Protecting Student Privacy While Using Online Educational Services: Model Terms of Service

January 2015

Guidance issued by ED’s PTAC helps schools and districts to evaluate potential Terms of Service agreements in order to decide whether or not to consent to the agreements. The guidance also stresses the importance of protecting student privacy and directs school districts to “make sure the agreement explicitly describes how the provider may use and share student data.” The guidance includes a table of PTAC’s recommended language for terms of service agreements and warnings about provisions that cannot or should not be included.

http://ptac.ed.gov/sites/default/files/TOS_Guidance_Jan%202015_0.pdf

The PTAC also produced a training video that provides a summary of the issue of student privacy and examples to “help educators identify which online educational services and applications are privacy friendly”.

https://www.youtube.com/watch?v=deo2F19DK_o

(ED/DOJ) English Language Learner Students and Limited English Proficient Parents

January 2015

“Dear Colleague” letter jointly issued by ED and DOJ addresses the legal obligations of school districts under Title VI and the Equal Educational Opportunities Act (EEOA) to ensure the meaningful participation of English learner students in educational programs and services. The letter is accompanied by guidance that identifies common civil rights issues associated with English language learner students and limited English proficient parents. In the guidance, OCR also articulates the legal standards used by the Departments to determine if school districts’ programs comply with the civil rights laws.

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-el-201501.pdf>

ED has also developed an “English Learner Tool Kit”, which is divided into ten chapters relating to the obligations of schools to English language learners, and contains an overview of the topic, sample tools, and relevant resources.

<http://www2.ed.gov/about/offices/list/oela/english-learner-toolkit/index.html>

(ED) College and Career Ready Standards

February 2015

Letter to State Title I Directors from ED regarding the implementation of new assessments to meet college and career ready standards. The letter makes note of accountability systems that will likely be impacted by the new assessments including: 1) the option to reset annual measureable objectives (AMOs) for states with ESEA flexibility; 2) timely adequate yearly progress (AYP) and accountability determinations; and 3) measuring safe harbor and individual student growth.

<http://www2.ed.gov/policy/elsec/guid/stateletters/assessmentdirectorltr2272015.pdf>

[Note: Due to the passage of the Every Student Succeeds Act in December 2015, it is unclear what parts of this guidance remain intact since ESSA eliminated AMOs, AYP, waiver continuation, and the accountability system requirements have been overhauled. ED has not affirmatively archived this document, however, it is unlikely that large sections of it are still in effect.]

(ED/CDC) Measles Outbreak

March 2015

Letter to Superintendents from ED and the Centers for Disease Control and Prevention (CDC) containing information about the prevention, protection, and symptoms of measles following the initial outbreak in December 2014. This includes developing policies and procedures with local public health authorities to protect and inform the school community. The letter also suggests that districts take steps to ensure the continued learning of students who miss school for an extended period and provides links to resources from ED’s Office of Safe and Healthy Students.

<http://www2.ed.gov/policy/elsec/guid/secletter/150318.html>

The letter is accompanied by a Fact Sheet titled “Addressing the Risk of Measles in Schools while Protecting the Civil Rights of Students with Disabilities.” The purpose of the Fact Sheet is to “inform parents and assist school officials in implementing the CDC’s measles recommendations in a manner consistent with civil rights requirements”, and to provide an explanation for how school officials can ensure the continued education of students who are excluded from school. <http://www2.ed.gov/about/offices/list/ocr/docs/ocr-factsheet-measles-201503.pdf>

(ED) Title IX Coordinator

April 2015

“Dear Colleague” letter reminding school districts receiving federal funds of their obligation to designate a Title IX coordinator. This coordinator is to ensure that the district is aware of its legal rights and obligations under Title IX. The letter outlines the factors relevant to the designation of a Title IX coordinator, including the independence of the coordinator, the importance of full-time employment of the coordinator, and the possibility of multiple coordinators. The letter also outlines the responsibilities and authority of the coordinator and the necessary support for the coordinator within the district, such as proper training. In addition, OCR has issued a letter directed to the Title IX coordinators. The letter commends the Title IX coordinators for their work in ensuring learning environments free from discrimination. Both letters are accompanied by a Title IX Resource Guide that covers not only the responsibilities and authority of a Title IX coordinator, but also the scope and application of Title IX to school issues more generally.

Dear Colleague Letter: <http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201504-title-ix-coordinators.pdf>

Letter to Title IX Coordinators: <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-letter-201504.pdf>

Title IX Resource Guide: <http://www2.ed.gov/about/offices/list/ocr/docs/dcl-title-ix-coordinators-guide-201504.pdf>

(ED) Guidance on School Improvement Grants

April 2015

Guidance from ED regarding how state educational agencies (SEAs) and local educational agencies (LEAs) must distribute grants and subgrants as authorized by the Elementary and Secondary Education Act of 1965. The guidance provides questions and answers to various topics surrounding the grants including:

- Increased learning time
- Turnaround model
- Restart model
- School closure
- Transformation model

- Cross-cutting issues
- Providing flexibility
- LEA requirements
- SEA requirements
- Length of awards, planning and pre-implementation and sustaining reforms
- Reporting metrics
- Evidence-based whole-school reform model
- Early learning model
- State determined model

<http://www2.ed.gov/programs/sif/sigguidance032015.doc>

(ED/USDA) Summer Meal Programs

June 2015

“Dear Colleague” letter jointly issued by ED and the USDA asking schools to help in efforts to ensure that students who receive free- and reduced-price meals during the school year also have access to these meals in the summer. The letter also asks districts to use schools as summer meal sites, share with community leaders the importance of the summer meal programs, and ask school employees to communicate with families about summer meals.

<http://www2.ed.gov/policy/elsec/guid/secletter/150608.html>

(ED) Use of Student Data

August 2015

Checklist for development of a school district student data use policy, noting such a policy is not required by FERPA, but is a best practice.

<http://ptac.ed.gov/document/policies-users-student-data-checklist>

(ED) School District Privacy Programs

August 2015

Q&A document and companion piece to the video *Developing a Privacy Program for Your School District*. The resources are designed to help districts develop policies, procedures, roles and responsibilities to “keep students’ personal information safe; comply with privacy laws; and protect both students and districts from harm resulting from unauthorized disclosure of private information.”

<http://ptac.ed.gov/document/checklist-developing-school-district-privacy-programs-august-2015>

(ED) Tools to Support Successful Reentry for Formerly Incarcerated Youth and Adults

January 2016

The “Reentry Education Framework” issued by ED presents an approach for reentry education providers to deliver high-quality education for adults involved in the criminal justice system by bridging the gap between facility- and community-based education programs. The framework has five components: program infrastructure, strategic partnerships, education services, transition processes, and sustainability.

https://lincs.ed.gov/reentryed/files/tools_pdf/Reentry-Ed-Framework-Report.pdf

The framework is accompanied by a “Reentry Education Toolkit,” which offers guidelines, tools, and resources to help education providers implement the framework.

<https://lincs.ed.gov/reentryed>

(EEOC) Resources Addressing Equal Pay and Pregnancy Discrimination

February 2016

The Equal Employment Opportunity Commission (EEOC) published a proposal to collect pay data by gender, race, and ethnicity from employers with 100 or more employees as part of its efforts to address discriminatory pay practices. The resulting information is designed to assist employers in evaluating their pay practices to prevent pay discrimination and strengthen enforcement of federal anti-discrimination laws, specifically the Equal Pay Act of 1963 and Title VII of the Civil Rights Act of 1964.

https://www.eeoc.gov/eeoc/newsroom/wysk/proposal_pay_data.cfm

EEOC also published a fact sheet that explains the rights provided by the Pregnancy Discrimination Act and the Americans with Disabilities Act to employees who are pregnant, have been pregnant, or may become pregnant. These employees are protected against pregnancy-based discrimination and harassment and may have a legal right to work adjustments. The fact sheet does not address any additional rights, such as those under the Family and Medical Leave Act, state and local laws, or medical insurance laws.

https://www.eeoc.gov/eeoc/publications/pregnant_workers.cfm

(ED) Guidance on McKinney-Vento Education for Homeless Children and Youths Program

March 2016

Guidance from ED addressing ways a State may assist LEAs to implement McKinney-Vento, as amended by ESSA, and review and revise policies and procedures that may present barriers to the identification, enrollment, attendance, and success of homeless children and youths in school.

<https://www.gpo.gov/fdsys/pkg/FR-2016-03-17/pdf/2016-06073.pdf>

(ED) Resources on Improving School Climate

March 2016

Two resources released by ED – “School Climate Surveys” and “Quick Guide on Making School Climate Improvements” – to help create and sustain school environments in which every child can be successful. The school climate surveys are on a web-based platform that can be downloaded free of charge and include a suite of surveys for middle and high school students, instructional staff, non-instructional staff, and parents/guardians.

<https://safesupportivelearning.ed.gov/edscls>

The Quick Guide provides district and school leaders, teachers, school staff, and other members of the school community with information on how to initiate, implement, and sustain school climate improvements. It explains how making school climate improvements involves five activities – planning; engaging stakeholders; collecting, analyzing, and reporting school climate data; identifying and implementing interventions; and monitoring and evaluating – and provides key things to do, a vision of success, and pitfalls to avoid for each activity.

<https://safesupportivelearning.ed.gov/SCIRP/Quick-Guide>

(ED) Guidance for Schools on Leveraging Federal Funding to Support Science, Technology, Engineering, and Math (STEM) Education

April 2016

“Dear Colleague” letter issued by ED on how to use federal funds to support and enhance innovative STEM education to ensure equity for all students. The letter provides examples of how funds from Titles I, II, III, and IV of the ESEA, as amended by NCLB, the IDEA, and the Perkins Act can support efforts to improve instruction and student outcomes in STEM fields. Specifically, these examples fall into three categories:

- Increase students’ equitable access to STEM courses and experiences, including out-of-school programs, STEM-themed schools, and career pathways;
- Support educators’ knowledge and expertise in STEM disciplines through recruitment, preparation, support, and retention strategies; and

- Increase student access to materials and equipment needed to support inquiry-based pedagogy and active learning.

The letter also includes references to ESSA, which may be useful for SEAs and LEAs during the transition from NCLB to ESSA.

<https://www2.ed.gov/programs/promiseneighborhoods/stemdearcolleagueltr.pdf>

(EEOC) Resources Addressing Issues Related to Employer-Provided Leave and Disability

May 2016

“Employer-Provided Leave and the Americans with Disabilities Act” released by the EEOC addresses the rights of employees with disabilities who seek leave as a reasonable accommodation under the ADA. The document provides general information for employers and employees regarding when and how leave must be granted for reasons related to an employee’s disability.

<https://www.eeoc.gov/eeoc/publications/ada-leave.cfm>

(ED/DOJ) Guidance to Help Schools Ensure the Civil Rights of Transgender Students

May 2016

Joint guidance from ED and DOJ clarifying that both federal agencies treat a student’s gender identity as the student’s sex for purposes of enforcing Title IX. The guidance explains that when students or their parents notify a school that a student is transgender, the school must treat the student consistent with the student’s gender identity. The guidance also explains schools’ obligations to:

- Respond promptly and effectively to sex-based harassment of any student, including harassment based on a student’s actual or perceived gender identity, transgender status, or gender transition;
- Treat students consistent with their gender identity, even if their school records or identification documents indicate a different sex;
- Allow students to participate in sex-segregated activities and access sex-segregated facilities consistent with their gender identity; and
- Protect students’ privacy related to their transgender status under Title IX and FERPA.

The guidance makes clear, however, that schools can provide additional privacy options to any student for any reason.

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201605-title-ix-transgender.pdf>

The guidance is accompanied by “Examples of Policies and Emerging Practices for Supporting Transgender Students.” This document’s examples are taken from existing policies around the country that help ensure transgender students enjoy a supportive and nondiscriminatory school environment. These examples are designed to help schools find practical ways to meet Title IX’s requirements.

<http://www2.ed.gov/about/offices/list/oese/oshs/emergingpractices.pdf>

(ED/HHS) Guidance on Foster Youth

June 2016

Joint guidance from ED and HHS regarding the new provisions in ESSA for supporting children in foster care, focusing on helping SEAs, LEAs, and child welfare agencies work together to ensure the educational stability of these students. The guidance provides frequently asked questions and answers on the following topics:

- The importance of the new educational stability requirements;
- The statutory requirement that a child in foster care remains in his or her original school if it is in the child’s best interest;
- Procedures for jointly determining with the child welfare agency which school is in a child’s best interest to attend;
- Procedures for resolving disputes that may arise over the best interest determination and school placement;
- Transportation procedures developed jointly to keep children in foster care in their original schools;
- The transfer of relevant records;
- Foster care points of contact for states, districts, and child welfare agencies;
- Protecting student data and privacy; and
- Best practices and suggestions for interagency collaboration on these issues.

<http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>

The guidance is accompanied by a “Foster Care Transition Toolkit” designed to inspire and support current and former foster youth pursuing college and career opportunities. The toolkit was developed to help foster youth navigate social, emotional, educational, and skills barriers and to access the resources they need to transition successfully into adulthood and to continue on to postsecondary education and careers.

<http://www2.ed.gov/about/inits/ed/foster-care/youth-transition-toolkit.pdf>

(ED) Guidance on Gender Equity in Career and Technical Education (CTE)

June 2016

“Dear Colleague” letter clarifying existing legal obligations to prevent and remedy sex discrimination in CTE programs, and emphasizing that all students must have equal access to the full range of CTE programs offered. The letter provides an overview of the applicable legal obligations under:

- Title IX and ED’s Title IX implementing regulations;
- The Vocational Education Program Guidelines for Eliminating Discrimination and Denial of Services on the Basis of Race, Color, National Origin, Sex, and Handicap (included as an appendix to the Title IX regulations); and
- The Carl D. Perkins Career and Technical Education Act (Perkins Act).

The letter also includes practical examples that illustrate these requirements in the form of hypotheticals that demonstrate how a school district could fail to comply with its legal obligations along with actions a district could take to remedy the violations.

<https://www2.ed.gov/about/offices/list/ocr/letters/colleague-201606-title-ix-gender-equity-cte.pdf>

(ED) Actions to Address Religious Discrimination

July 2016

Steps taken by ED to confront discrimination and promote inclusive school environments, including a new website on religious discrimination, an updated civil rights complaint form, an expanded survey of America’s public schools on religious-based bullying, technical assistance for schools, and outreach on confronting religious harassment in education.

The website has information about federal laws that protect students from discrimination involving their religion and links to OCR policy guidance, notable case resolutions, and other resources.

<http://www2.ed.gov/about/offices/list/ocr/religion.html>

OCR has also updated its online complaint form to clarify that the office can investigate complaints regarding racial, ethnic, or national origin discrimination involving religion.

<https://ocrcas.ed.gov/cas.cfm>

This year, OCR will collect data from all public schools through the Civil Rights Data Collection on the number of incidents of religious-based bullying or harassment in the 2015-16 school year to better understand the problem of religious discrimination and to measure future progress.

<http://ocrdata.ed.gov>

OCR has also issued a fact sheet about combatting discrimination against Asian American, Native Hawaiian, Pacific Islander, Muslim, Arab, Sikh, and South Asian students. The fact sheet has been translated into 15 languages.

<http://www2.ed.gov/about/offices/list/ocr/docs/aanhpi-massa-factsheet-201606.pdf>

(ED) Guidance on Civil Rights of Students with ADHD

July 2016

“Dear Colleague” letter and accompanying resource guide titled “Students with ADHD and Section 504: A Resource Guide” clarifying a school district’s obligation to provide students with attention-deficit/hyperactivity disorder (ADHD) with equal educational opportunity under Section 504. The guidance provides a broad overview of federal disability laws and:

- Explains schools’ obligations to identify, evaluate, and make placement determinations when a student needs or is believed to need special education or related services;
- Discusses the obligation to provide services based on students’ specific needs and not based on generalizations about ADHD;
- Reminds schools that they must provide students and parents with due process and allow them to appeal decisions regarding the identification, evaluation, or educational placement of students with ADHD.

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201607-504-adhd.pdf>

ED also released a “Know Your Rights” document that provides a brief overview of schools’ obligations to students with ADHD.

<http://www2.ed.gov/about/offices/list/ocr/docs/dcl-know-rights-201607-504.pdf>

(ED) Guidance on Supporting Homeless Children and Youth under ESSA

July 2016

Guidance from ED addressing the new provisions in ESSA for supporting homeless youth. The guidance describes ESSA’s requirements and provides recommendations for addressing those requirements to assist state and local partners in better protecting and serving homeless students. Information is provided in a Q&A format.

<http://www2.ed.gov/policy/elsec/leg/essa/160240ehcyguidance072716.pdf>

ED also released a fact sheet for teachers, principals, counselors, and other school staff that provides an overview of the needs of homeless students, the protections for them under McKinney-Vento, and ways to help support them.

<http://www2.ed.gov/policy/elsec/leg/essa/160315ehcyfactsheet072716.pdf>

Archived Entries Based on Subsequent Passage of Law or Agency Action (But links are still active)

(ED) Graduation Rates and NCLB

December 2008

Non-regulatory guidance on ED's 2008 final regulations regarding the "other academic indicators" states use in defining "adequate yearly progress" (AYP) under No Child Left Behind Act (NCLB).

<http://www2.ed.gov/policy/elsec/guid/hsrguidance.pdf>

Note: AYP no longer exists under the Every Student Succeeds Act of 2015 (ESSA). ED is currently in the federal rulemaking process for assessments and accountability under ESSA's new provisions.

(ED) Federal Stimulus Funds for Schools

March 2009

Guidance to state education commissioners and school district superintendents urging them to "[s]pend funds quickly to save and create jobs." It also urges educators to use the money in the stimulus package, known as the American Recovery and Reinvestment Act (ARRA), in ways that "improve school achievement through school improvement and reform." It warns school officials to keep records of expenditures, and admonishes educators to spend the stimulus money, which is temporary, in ways that would minimize the dislocation that could follow when it runs out in two years.

<http://www2.ed.gov/policy/gen/leg/recovery/implementation.html>

Note: As of September 2010, ED's entire appropriation under ARRA had been awarded. For more information, see ED's Recovery Act's highlights: <http://www.ed.gov/recovery>.

(ED) McKinney-Vento Homeless Children and Youth Program Funds under ARRA

April 2009

Guidance issued by ED announcing an additional \$108.8 million available to states under the federal American Recovery and Reinvestment Act (ARRA) of 2009. \$69.2 million is for 52 Homeless Children and Youth grants to help states and school districts meet the educational and related needs of homeless students, as required by the federal McKinney-Vento Homeless Assistance Act.

<http://www2.ed.gov/policy/gen/leg/recovery/guidance/homeless.pdf>

Note: Though the link to the guidance document is still valid, the ARRA provided financial support to school districts for McKinney-Vento programs, above and beyond the regular appropriations, only for the 2009-2010 and 2010-2011 school years.

Also, ED has recently issued new guidance for McKinney-Vento programs, consistent with ESSA.

(ED) Title I, Part A Waivers (OMB expiration date of 1/31/2013; nothing issued since expiration)

July 2009

Comprehensive information on how to request a waiver of specific statutory and regulatory provisions of Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA).

<http://www.ed.gov/programs/titleiparta/title-i-waiver.doc>

Note: Given the statutory changes that ESSA made to ESEA, particularly with regard to waivers under NCLB, ED has officially “withdrawn” this guidance document. This document has been placed on ED’s “withdrawn” list for at least the next year.

(ED) Enrollment Practices (Archived by the agency itself)

May 2011

“Dear Colleague” letter, fact sheet, and question and answer document on school district enrollment practices cautioning against practices that may discourage undocumented students or parents from enrolling students in school.

<http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201101.pdf>