



## Policies Required by Federal Law\*

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Note: This chart lists federal laws and regulations that require a policy, written procedure, or form. School districts may need to adopt additional policies that are not included in this chart as required by state law. *Links may break as statutes and regulations are updated.*

Statute	Regulation	Summary of Requirements	Sample Policies and Forms (if available)
Age Discrimination Act, <u>42 U.S.C. §§ 6101-6107</u> , generally	Grievance procedures, <u>34 C.F.R. § 110.25</u>	A recipient of federal funds must notify its beneficiaries of information regarding the Act, adopt and publish a <b>grievance procedure</b> , and designate at least one employee to coordinate investigative and compliance efforts.	<u>Notice of Non-Discrimination</u>  <u>Example Grievance Procedure from Redmond School District</u>
Asbestos Hazard Emergency Response Act, <u>15 U.S.C. §§ 2641-2656</u> , generally;  Asbestos Management Plans, <u>15 U.S.C. § 2643(i)(1), (i)(5)</u>	Asbestos management plans, <u>40 C.F.R. § 763.93</u> ;  Training, <u>40 C.F.R. § 763.92</u>	A school district must have an <b>asbestos management plan</b> for each school, including all buildings that it leases, owns, or otherwise uses as school buildings. This plan must be maintained and updated to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. At least once each school year, a school district must notify parents, teachers, and employee organizations of the availability of its management plan. All members of the custodial staff who may work in a building with asbestos-containing building materials must have awareness <b>training</b> . All new custodial staff must be trained within 60 days of hire.	<u>EPA Model AHERA Asbestos Management Plan for Local Education Agencies</u>  <u>AHERA Asbestos Management Plan Self-Audit Checklist</u>  <u>Asbestos Training Resources and Requirements</u>

\* See also National School Boards Association, *Annual Notices* (August 2019), available to COSA members.



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Americans with Disabilities Act (ADA), <a href="#">42 U.S.C. §§ 12101-12213</a> , generally	Designation of coordinator, grievance procedures, <a href="#">28 C.F.R. § 35.107</a>	A public entity that employs 50 or more persons must designate at least one employee to coordinate compliance efforts and carry out its responsibilities under the ADA. The name, office address, and telephone number of the designated employee(s) must be made available to all interested individuals. <b>Grievance procedures</b> providing for prompt and equitable resolution of complaints must be adopted and published.	<a href="#">Notice of Non-Discrimination</a>  <a href="#">Example Grievance Procedure from Redmond School District</a>
Children’s Internet Protection Act (CIPA), <a href="#">47 U.S.C. § 254(h)(5)(B)-(C)</a> , <a href="#">254(l)</a> ;  ESSA maintains the internet safety policy requirement set out in NCLB, <a href="#">20 U.S.C. § 6777(a)</a> , which mirrors CIPA requirements in <a href="#">47 U.S.C. § 254(h)(5)(B)</a>	Internet safety policy, <a href="#">47 C.F.R. § 54.520(c)(1)(i)</a> ;  <a href="#">elaborated by Federal Communications Commission Order and Report 11-125</a> at 15-16	Any district or school using E-Rate discounts must have an <b>Internet safety policy</b> that includes a technology protection measure. The <b>Internet safety policy</b> must address all of the following: (A) access by minors to inappropriate matter on the Internet; (B) the safety and security of minors when using email, chat rooms, and other forms of direct electronic communications; (C) unauthorized access, including so-called “hacking,” and other unlawful online activities by minors; (D) unauthorized disclosure, use, and dissemination of personal information regarding minors; and (E) measures designed to restrict minors’ access to materials harmful to them. The <b>Internet safety policy</b> must also include a means of monitoring the online activities of minors and provide for educating minors about appropriate online behavior.	<a href="#">Children’s Internet Protection Act Consumer Guide</a> (download link)  <a href="#">Sample Internet Safety Policy</a>

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Comparability of Services (as reauthorized by ESSA), <a href="#">20 U.S.C. § 6321(c)</a> , fiscal requirements		A school district must file with the State a written assurance that it has established and implemented: (1) a school district-wide salary schedule; (2) a <b>policy</b> to ensure equivalence among schools in teachers, administrators, and other staff; and (3) a <b>policy</b> to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. A school district must maintain records that are updated biennially that document compliance with this requirement.	<a href="#">Non-Regulatory Guidance - Title I Fiscal Issues: Maintenance of Effort; Comparability; Supplement, Not Supplant; Carryover; Consolidating Funds in Schoolwide Programs; Grantback Requirements</a> (Rev. Feb. 2008)
Copyright Act, <a href="#">17 U.S.C. §§ 106, 107, 110</a>		The fair use doctrine and the face-to-face teaching exemption allow educators to use copyrighted materials in narrowly-defined teaching situations. School districts are expected to establish appropriate <b>control procedures</b> to maintain the integrity of the <a href="#">Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes</a> .	<a href="#">Circular 21, Reproduction of Copyrighted Works by Educators and Librarians</a>
Drug-Free Workplace Act requirements for federal grant recipients, <a href="#">41 U.S.C. § 8103</a>	Drug-free workplace statement, <a href="#">34 C.F.R. §§ 84.205 - 84.215</a>	A district receiving direct federal grants must publish a <b>statement</b> and provide a copy to each employee notifying them that controlled substances are prohibited in the workplace; that specific actions will be taken against the employee for violating the prohibition; and that as a condition of employment under the grant, the employee will abide by the statement and will notify the school district in writing within five calendar days of a conviction under a criminal drug statute occurring in the workplace. Districts must also provide a <b>Drug-Free Awareness Program</b> informing employees of: the dangers of drug use, a drug-free workplace policy, available counseling or rehabilitation programs, and possible penalties for non-adherence.	<a href="#">DHHS Drug-Free Workplace Toolkit</a>
ESSA, <a href="#">20 U.S.C. § 7926(a)</a> , Prohibition		Every state, SEA, or LEA that receives ESEA funds must have in place <b>laws, regulations, or policies</b> that prohibit the SEA, LEA, or school, as well as any school employee, contractor, or agent, from providing a	<a href="#">ESSA Dear Colleague Letter on ESEA Section 8546 Requirements</a>



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on aiding and abetting sexual abuse		recommendation of employment for an employee, contractor, or agent that the SEA, LEA, or school, or the individual acting on behalf of the SEA, LEA, or school, knows, or has probable cause to believe, has engaged in sexual misconduct with a student or minor in violation of the law.	
ESSA, <u>20 U.S.C. § 7912(a)</u> , Unsafe School Choice Option		Districts that are able must offer a transfer option and a statewide <b>policy</b> allowing students who attend a persistently dangerous public school or become victims of a violent criminal offense while in or on school grounds to attend a safe school within the district.	<u>Unsafe School Choice Option, Non-Regulatory Guidance</u>
Fair Labor Standards Act (FLSA), <u>29 U.S.C. §§ 201-219</u>	Minimum Wage Employer notice, <u>29 C.F.R. §§ 516.4</u> (employees subject to minimum wage), <u>525.14</u> (special minimum wage certificates)	Every employer subject to the FLSA's minimum wage provisions must post, and keep posted, a <b>notice</b> explaining the FLSA in a conspicuous place in all of its establishments. The content of the <b>notice</b> is prescribed by the Wage and Hour Division of the U.S. Department of Labor.	<u>Minimum Wage FLSA Poster</u> (in English)  <u>Minimum Wage FLSA Poster</u> (available in other languages)
Family and Medical Leave Act of 1993 (FMLA), <u>29 U.S.C. § 2619</u>	Employer notice requirements, <u>29 C.F.R. § 825.300</u>	An employer must prominently post the <b>general notice/poster</b> from the U.S. Department of Labor where both employees and applicants can see it; another format may be used if it includes the same information. The general notice must be posted regardless of employee FMLA leave status. The general notice, FMLA leave eligibility notice, rights and responsibilities notice, and the FMLA designation notice must either be distributed upon hiring or be included in <b>employee handbooks or other written guidance</b> concerning benefits or leave rights.	<u>FMLA Poster</u> (rev. 4/2016) (in English)  <u>FMLA Poster</u> (rev. 6/2016) (in Spanish)  <u>FMLA Fact Sheets</u>
Health Insurance Portability and Accountability Act (HIPAA), <u>42 U.S.C. §§ 1320d-1, 1320d-2(d)</u> ;	Policies and procedures and documentation requirements, <u>45 C.F.R. §§ 164.306, -308, -310, -312, -314(b), -316(a)</u>	A school sponsoring a group health plan must implement reasonable and appropriate <b>policies and procedures</b> to comply with HIPAA's security standards and implementation specifications for electronic protected health information (e-PHI), including but not limited to administrative, physical, and technical safeguards, and organizational requirements. All employees must be made aware of the law and its consequences.	<u>HHS Guidance</u>

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Health Information Technology for Economic and Clinical Health Act (HITECH), 42 U.S.C. § 17931			
<p>Healthy, Hunger-Free Kids Act of 2010, reauthorizing the School Lunch Programs section of the Child Nutrition Act, 42 U.S.C. §§ 1751-1769j;</p> <p>Local School Wellness Policy, 42 U.S.C. § 1758b</p>	<p>Local School Wellness Policy, 7 C.F.R. § 210.31, e-CFR, 7 C.F.R. § 210.31 (alternative link);</p> <p>National School Lunch Program, 7 C.F.R. §§ 210.21-210.33, generally;</p> <p>School Breakfast Program, 7 C.F.R. §§ 220.1-220.22, generally</p>	<p>A district participating in a federal Child Nutrition Program, including the National School Lunch Program or the School Breakfast Program, must establish a <b>local school wellness policy</b> that includes (1) specific goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness; (2) standards and nutrition guidelines for all foods available on campus during the school day that meet minimum nutritional requirements and promote student health and reduce childhood obesity; (3) a description of the manner in which parents, students, representatives of the school food authority, physical education teachers, school health professionals, the school board, school administrators, and the general public are provided an opportunity to participate in the development, implementation, and periodic review and update of the <b>wellness policy</b>; (4) identification of the position of the LEA or school official(s) responsible for implementation and oversight of the local school <b>wellness policy</b> to ensure each school's compliance with the policy; and (5) a description of the plan for measuring the implementation of the local school <b>wellness policy</b>, and for reporting local school <b>wellness policy</b> content and implementation issues to the public.</p>	<p><a href="#">USDA Implementation Tools and Resources</a></p> <p><a href="#">Five-Year Technical Assistance and Guidance Plan</a></p> <p><a href="#">CDC Local School Wellness Policy Requirements and Resources</a></p>
Healthy, Hunger-Free Kids Act of 2010, Professional Standards for State and Local School Nutrition Program	<p>School Nutrition Program Professional Standards, 7 C.F.R. § 210.30;</p> <p>Professional Standards, 7 C.F.R. § 235.11(g)</p>	<p>A school district must maintain <b>minimum hiring standards</b>, required education, training, and certification as established by the USDA for school nutrition professionals who manage and operate the National School Lunch and School Breakfast Programs. The standards include training requirements for current and new school nutrition program employees as well as hiring standards for new employees. The standards</p>	<p><a href="#">Professional Standards Final Rule Summary</a></p> <p><a href="#">Sample Job Description Template for District School Nutrition Directors/Supervisors</a></p>

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Employees <a href="#">42 U.S.C. § 1776(g)</a>		are differentiated based on the size of the school district and the employee's position.	<a href="#">Frequently Asked Questions about the Professional Standards</a>
Individuals with Disabilities Education Act (IDEA), <a href="#">20 U.S.C. § 1415(d)</a>	Procedural safeguards notice, <a href="#">34 C.F.R. § 300.504</a>  <a href="#">Recent Regulation Changes to IDEA</a>	A school district must establish and maintain <b>procedures</b> to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education. A school district must give parents of a child with a disability a copy of the procedural safeguards one time per year, upon initial referral or parental request for an evaluation, upon a parent filing a request for due process complaint, upon a disciplinary action constituting a change in placement, and upon request of a parent. The notice must fully explain the safeguards in the parents' native language unless it is clearly not feasible to do so.	<a href="#">Model Form: Procedural Safeguards Notice</a>
McKinney-Vento Homeless Assistance Act (as amended by ESSA), <a href="#">42 U.S.C. § 11432(1)(I)</a> , - <a href="#">(g)(1)(J)(i) &amp; (iii)</a> , - <a href="#">(g)(7)(A)-(B)</a>		All school districts must have policies that remove barriers to enrollment and retention of homeless children and youths, including transportation, and prevent homeless children and youths from being stigmatized or segregated based on their status as homeless.	<a href="#">Education for Homeless Children and Youth Program, Non-Regulatory Guidance</a>  <a href="#">2016 Guidance on the McKinney-Vento Education for Homeless Children and Youths Program</a>  <a href="#">Fact Sheet</a>
Migratory Education Program (MEP) (as amended by ESSA), <a href="#">20 U.S.C. §§ 6391-99</a>	Responsibilities and Program Requirements, <a href="#">34 C.F.R. §§ 200.81-86</a>	A Migratory Child must be given educational continuity. In order to obtain a grant of MEP funds, an SEA must collect, maintain, and submit to an MSIX State record system data on age and grade level (in compliance with FERPA). SEAs that receive MEP funds must encourage	<a href="#">National Certificate of Eligibility Instructions</a>  <a href="#">MEP Policy Q&amp;A</a>



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	Federal Register, <a href="#">67 F.R. 71736</a>	LEAs to use the Consolidated Student Record and help in the maintenance of accurate data. An SEA that receives MEP funds must develop a comprehensive State <b>plan</b> including: performance targets, needs assessment, measurable program outcomes, service delivery, and evaluation criteria.	<a href="#">Resources</a>
Moving Ahead for Progress in the 21 <sup>st</sup> Century (MAP-21) Act, <a href="#">49 U.S.C. § 5331(b)</a>	Employer policy on misuse of alcohol and use of controlled substances, <a href="#">49 C.F.R. § 382.601</a>	Employers must have a <b>policy</b> for employees engaged in safety-sensitive positions to be tested for drugs/alcohol. Testing of bus drivers is required for districts that provide transportation.	<a href="#">What Employers Need to Know About DOT Drug and Alcohol Testing (Guidance and Best Practices)</a>
Neglected and Delinquent Children, <a href="#">20 U.S.C. §§6421-6472</a>	Prevention and Intervention Programs, <a href="#">34 C.F.R. §§ 200.90-91</a>  Federal Register, <a href="#">67 F.R. 71736</a>	An SEA may receive a grant for children and youth under the age of 21 who are <b>enrolled in a program</b> for neglected or delinquent children and youth and adult correctional institutions for 20 hours/week (unless in an adult correctional institution, where the requirement is 15 hours/week).	<a href="#">Policy Guidance</a>  <a href="#">Planning and Funding</a>  <a href="#">Monitoring and Compliance</a>
Family and Community Engagement (as amended by ESSA), <a href="#">20 U.S.C. § 6318</a>		A Title I fund recipient must have a <b>parent and family engagement policy</b> developed alongside parents and children that establishes the LEA's expectations and objectives for meaningful parent and family involvement. Among other things, the <b>policy</b> must provide support for planning and implementing parent involvement activities, build capacity for parental involvement, coordinate and integrate parental involvement strategies, and utilize evidence-based strategies. The policy must be distributed to parents and family members of participating children, as well as incorporated into the LEA's broader plan under ESSA.	<a href="#">Policy Statement (Not Sample Policy)</a>  <a href="#">Parent Involvement Title I, Part A, Non-Regulatory Guidance (NCLB)</a>
Perkins V (as reauthorized by ESSA), <a href="#">20 U.S.C. §§ 2341-44</a> , Career and Technical Education (CTE) Program		A state board-created or designated agency shall create a <b>CTE plan</b> . It must include, among other things: descriptions of any activities and programs, the professional development opportunities to be provided and how they will promote integration of rigorous academic standards, efforts to improve recruitment and retention, efforts to facilitate baccalaureate degree programs for students, and how the academic and	<a href="#">Plan Guide</a>  <a href="#">Plan Submittal</a>



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		technical skills of students will be improved. A <b>CTE plan</b> must be created in consultation with: CTE teachers, faculty, administrators, and counselors; eligible recipients; charter school authorizers or organizers; parents and students; higher education institutions; community members; representatives of special populations; business representatives; and labor organization representatives.	
Protection of Pupil Rights Amendment (PPRA), <a href="#">20 U.S.C. § 1232h(c)</a>	Parental access to instructional material, <a href="#">34 C.F.R. § 98.3</a>	A district must have <b>policies</b> regarding: parents' rights to inspect a student survey; arrangements to protect student privacy in surveys; parents' rights to inspect instructional materials; administration of physical examinations of students; collection, disclosure, or use of personal student information for marketing or selling purposes; and parents' right to inspect any instrument for collection of information for marketing/selling purposes. Districts must also provide notice of these <b>policies</b> to parents at least annually at the beginning of the school year.	<a href="#">Model Notification of Rights Under the PPRA</a>
Public Health Service Act, <a href="#">42 U.S.C. § 300gg-19</a>	<a href="#">29 C.F.R. § 2590.715-2719</a> ; <a href="#">45 C.F.R. § 147.136</a>	A district that provides a non-grandfathered group health plan, health insurance issuer offering group, or individual health plan, must implement an effective <b>process for appeals</b> of coverage determinations and claims. The process must include internal and external review of the decision. Plans and insurers must <b>notify</b> individuals of the availability of review processes in a culturally and linguistically appropriate manner.	<a href="#">Revised versions of the notices are available at the U.S. Dept. of Labor Employee Benefits Security Administration page under Guidance</a>
Section 504 of the Rehabilitation Act, <a href="#">29 U.S.C. § 794</a> , (general non-discrimination provision)	Grievance procedures, <a href="#">34 C.F.R. §§ 104.7, 104.8</a>	A recipient of federal funds that employs 15 or more persons must designate at least one employee to coordinate compliance efforts, adopt and publish <b>grievance procedures</b> that incorporate appropriate due process standards, provide for the prompt and equitable resolution of complaints under Section 504, and notify students and others that it does not discriminate on the basis of disability.	<a href="#">Notice of Non-Discrimination</a>
Title IX of the Education Amendments of	Grievance procedures, <a href="#">34 C.F.R. § 106.8</a> (ED funds), <a href="#">45 C.F.R. § 86.8</a> (HHS funds)	A district receiving federal funds must designate at least one employee to coordinate its compliance efforts under Title IX and must adopt and publish <b>grievance procedures</b> providing for prompt and equitable resolution of student and employee complaints alleging any	<a href="#">Notice of Non-Discrimination</a>



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1972, <a href="#">20 U.S.C. §§ 1681-1688</a>		discrimination on the basis of sex in education programs or activities receiving federal financial assistance.	<a href="#">Grievance Procedures Letter</a>
21 <sup>st</sup> Century Grant Application (as amended by ESSA), <a href="#">20 U.S.C. § 7173</a> , <a href="#">20 U.S.C. §§7111-22</a>		LEAs can apply for grants to implement programs that promote safe and healthy schools. The funds may be used for programs and services that offer well-rounded educational experiences; foster safe and drug-free environments supportive of academic achievement; and offer personalized rigorous learning experiences supported by technology. An <b>application</b> must, among other requirements, include the program objectives, a description of funds, and how effectiveness will be evaluated.	<a href="#">Parent and Educator Resources</a>  <a href="#">School Climate Surveys</a>  <a href="#">Current Guidance from DOE (still relies on NCLB)</a>

