

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, 42 U.S.C. §§ 6101-6107 , generally	Grievance procedures, 34 C.F.R. § 110.25	Recipients of federal funds shall notify their beneficiaries of information regarding the Act, adopt and publish a grievance procedure , and designate at least one employee to coordinate investigative and compliance efforts.	Notice of Non-Discrimination
Asbestos Hazard Emergency Response Act, 15 U.S.C. §§ 2641-2656 , generally; 15 U.S.C. § 2643(i)(1), (i)(5) , Asbestos Management Plans	Asbestos management plans, 40 C.F.R. § 763.93 ; 40 C.F.R. § 763.92 (training)	School districts are required to have an asbestos management plan for each school, including all buildings that they lease, own, or otherwise use as school buildings, and to maintain and update the plan to keep it current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. At least once each school year, school districts must notify parents, teachers, and employee organizations of the availability of management plans. All members of the custodial staff who may work in a building with asbestos-containing building materials must have awareness training . All new custodial staff must be trained within 60 days of hire.	EPA Model AHERA Asbestos Management Plan for Local Education Agencies AHERA Asbestos Management Plan Self-Audit Checklist
Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101-12213 , generally	Designation of coordinator, grievance procedures, 28 C.F.R. § 35.107	A public entity that employs 50 or more persons shall designate at least one employee to coordinate its compliance efforts and carry out its responsibilities under the ADA. These responsibilities include investigating any complaint communicated to the public entity alleging noncompliance or actions that would be prohibited by Title II of the	Notice of Non-Discrimination

* See also National School Boards Association, *Annual Notices* (August 2018), available to COSA members.

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		<p>ADA. The public entity shall make available to all interested individuals the name, office address, and telephone number of the designated employee(s). The public entity shall adopt and publish grievance procedures providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II of the ADA.</p>	
<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; Local School Wellness Policy, 42 U.S.C. § 1758b</p>	<p>7 C.F.R. § 210.31 (contents of local school wellness policy) e-CFR: 7 C.F.R. § 210.31 (alternative link)</p>	<p>Districts participating in a federal food program shall establish a local school wellness policy 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 wellness policy; (4) identification of the position of the LEA or school official(s) responsible for implementation and oversight of the local school wellness policy to ensure each school's compliance with the policy; and (5) description of the plan for measuring the implementation of the local school wellness policy, and for reporting local school wellness policy content and implementation issues to the public.</p>	<p>Implementation Tools and Resources</p> <p>Five-Year Technical Assistance and Guidance Plan</p>

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<p>Healthy, Hunger-Free Kids Act of 2010; 42 U.S.C. § 1776(g), Professional Standards for State and Local School Nutrition Program Employees</p>	<p>7 C.F.R. § 210.30 (school nutrition program professional standards); 7 C.F.R. § 235.11(g)</p>	<p>School districts must maintain minimum hiring standards, 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, in addition to the hiring standards for new employees. The standards are differentiated based on the size of the school district and the employee’s position.</p>	<p>Professional Standards Final Rule Summary</p> <p>Sample Job Description Template for District School Nutrition Directors/Supervisors</p> <p>Frequently Asked Questions about the Professional Standards</p>
<p>Children’s Internet Protection Act (CIPA), 47 U.S.C. § 254(h)(5)(B)-(C), 254(l)</p> <p>ESSA maintains the internet safety policy requirement set out in NCLB, 20 U.S.C. § 6777(a) (mirrors CIPA requirements in 47 U.S.C. § 254(h)(5)(B))</p>	<p>Internet safety policy, 47 C.F.R. § 54.520(c)(1)(i); elaborated by Federal Communications Commission Order and Report 11-125 at 15-16</p>	<p>CIPA requires that any district or school using E-Rate discounts have an Internet safety policy that includes a technology protection measure that protects against Internet access by both adults and minors to visual depictions that are obscene, contain child pornography, or, with respect to use of the computers by minors, are harmful to minors. The Internet safety policy must also include monitoring the online activities of minors, and must provide for educating minors about appropriate online behavior, including interacting with other individuals on social networking websites and in chat rooms, and cyberbullying awareness and response. The Internet safety policy must also 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.</p>	<p>Children’s Internet Protection Act Consumer Guide</p>
<p>Copyright Act, 17 U.S.C. §§ 106, 107, 110</p>		<p>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 control</p>	<p>Circular 21, Reproduction of Copyrighted Works by</p>

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		<p>procedures to maintain the integrity of the Guidelines for Off-Air Recording of Broadcast Programming for Educational Purposes.</p>	Educators and Librarians
<p>Drug-Free Workplace Act requirements for federal grant recipients, 41 U.S.C. § 8103</p>	<p>Drug-free workplace statement, 34 C.F.R. §§ 84.205 - 84.215</p>	<p>Districts receiving direct federal grants must publish a statement 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 terms of the statement, and must notify the school district in writing no more than five calendar days after the conviction if he or she is convicted for a violation of a criminal drug statute occurring in the workplace.</p>	
<p>Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201-219</p>	<p>Minimum Wage Employer notice requirement, 29 C.F.R. §§ 516.4 (any employees subject to minimum wage requirements), 525.14 (any workers under special minimum wage certificates)</p>	<p>Every employer of employees subject to the FLSA’s minimum wage provisions must post, and keep posted, a notice explaining the FLSA in a conspicuous place in all of their establishments so as to permit employees to readily read it. The content of the notice is prescribed by the Wage and Hour Division of the U.S. Department of Labor.</p>	<p>Minimum Wage FLSA Poster (in English)</p> <p>Minimum Wage FLSA Poster (available in other languages)</p>
<p>Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. § 2619</p>	<p>Employer notice requirements, 29 C.F.R. § 825.300</p>	<p>Employers must post a general notice/poster from the U.S. Department of Labor, or in another format so long as it includes all the information in Labor’s FMLA Poster, explaining the FMLA’s provisions and complaint procedures. This general notice must be posted even if no employees are eligible for FMLA leave. The notice must be posted prominently where it can be readily seen by employees and applicants. The general notice, FMLA leave eligibility notice, rights and responsibilities notice, and the FMLA designation notice shall either be distributed to each new employee upon hiring or be included in employee handbooks or other written guidance concerning benefits or leave rights. Electronic posting</p>	<p>FMLA Poster (rev. 4/2016) (in English)</p> <p>FMLA Poster (rev. 6/2016) (in Spanish)</p>

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		is sufficient to meet these requirements.	
Health Insurance Portability and Accountability Act (HIPAA), 42 U.S.C. §§ 1320d-1, 1320d-2(d) ; Health Information Technology for Economic and Clinical Health Act (HITECH), 42 U.S.C. § 17931	Policies and procedures and documentation requirements, 45 C.F.R. §§ 164.306, -308, -310, -312, -314(b), -316(a)	Schools sponsoring group health plans must implement reasonable and appropriate policies and procedures 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.	
Public Health Service Act, 42 U.S.C. § 300gg-19	29 C.F.R. § 2590.715-2719 ; 45 C.F.R. § 147.136	For non-grandfathered plans, a group health plan and a health insurance issuer offering group or individual health insurance coverage must implement an effective process for appeals of coverage determinations and claims that includes internal and external review of the decision. Plans and insurers must notify individuals of the availability of internal appeal and external review processes in a culturally and linguistically appropriate manner.	Revised versions of the notices are available at the U.S. Dept. of Labor Employee Benefits Security Administration page under Guidance
Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1415(d)	Procedural safeguards notice, 34 C.F.R. § 300.504	School districts shall establish and maintain procedures to ensure that children with disabilities and their parents are guaranteed procedural safeguards with respect to the provision of a free appropriate public education. School districts must give parents of a child with a disability a copy of the procedural safeguards one time per year, and 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, or 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.	Model Form: Procedural Safeguards Notice
McKinney-Vento Homeless Assistance Act (as amended by		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	Education for Homeless Children and Youth Program, Non-

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ESSA), 42 U.S.C. § 11432(1)(I) , - (g)(1)(J)(i) & (iii) , - (g)(7)(A)-(B)		segregated on the basis of their status as homeless.	Regulatory Guidance 2016 Guidance on the McKinney-Vento Education for Homeless Children and Youths Program
ESSA, 20 U.S.C. § 7912(a) , Unsafe School Choice Option		Districts that can offer a transfer option are required to have a policy established by the State, which has been implemented statewide, that allows a student who attends a persistently dangerous public school or who becomes a victim of a violent criminal offense while in or on school grounds to attend a safe school within the district, including a public charter school.	Unsafe School Choice Option, Non-Regulatory Guidance
ESSA, 20 U.S.C. § 7926(a) , Prohibition on aiding and abetting sexual abuse		Every State, SEA, or LEA that receives ESEA funds must have in place laws, regulations, or policies that prohibit the SEA, an LEA, or school, as well as any school employee, contractor, or agent, from providing a 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, with certain exceptions.	ESSA Dear Colleague Letter on ESEA Section 8546 Requirements

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As amended by ESSA, 20 U.S.C. § 6318 , Parental and Family Engagement	Schoolwide program components, 34 C.F.R. § 200.28(c) (currently existing regulations in effect, though they are under old NCLB provisions)	Based on the NCLB regulations currently in effect as of the date of this publication, districts and schools receiving Title I funds must have a parental involvement policy . Among other things, a district parental involvement policy must provide support for schools in planning and implementing parent involvement activities, build schools' and parents' capacities for parental involvement, coordinate and integrate parental involvement strategies, and conduct an annual evaluation of the content and effectiveness of the policy. A school-based parental involvement policy must include, among other requirements, provisions for sharing between the parents, school staff, and students the responsibilities for improved student academic achievement, and building capacity for involvement, and must be accessible.	Parent Involvement Title I, Part A, Non-Regulatory Guidance
As reauthorized by ESSA, 20 U.S.C. § 6321(c) , Comparability of Services		A school district shall file with the State a written assurance that it has established and implemented: (1) a school district-wide salary schedule; (2) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and (3) a policy to ensure equivalence among schools in the provision of curriculum materials and instructional supplies. School districts shall maintain records that are updated biennially which document compliance with this requirement.	Non-Regulatory Guidance - Title I Fiscal Issues: Maintenance of Effort; Comparability; Supplement, Not Supplant; Carryover; Consolidating Funds in Schoolwide Programs; Grantback Requirements (Rev. Feb. 2008)
Moving Ahead for Progress in the 21 st Century (MAP-21) Act, 49 U.S.C. § 5331(b)	Employer policy on misuse of alcohol and use of controlled substances, 49 C.F.R. § 382.601	Employers must have a policy for employees engaged in safety-sensitive positions to be tested for drugs/alcohol. Testing of bus drivers is required for districts that provide transportation.	What Employers Need to Know About DOT Drug and Alcohol Testing (Guidance and Best Practices)
Protection of Pupil Rights Amendment	Parental access to instructional material,	Districts shall have policies regarding parents' rights to inspect a student survey; arrangements to protect student privacy in surveys covering	Model Notification of Rights Under the PPRA

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(PPRA), 20 U.S.C. § 1232h(c)	34 C.F.R. § 98.3	particular topics; 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 policies to parents at least annually at the beginning of the school year.	
Section 504 of the Rehabilitation Act, 29 U.S.C. § 794 , (general non-discrimination provision)	Grievance procedures, 34 C.F.R. §§ 104.7, 104.8	A recipient of federal funds that employs 15 or more persons shall designate at least one employee to coordinate compliance efforts, adopt and publish grievance procedures that incorporate appropriate due process standards and that provide for the prompt and equitable resolution of complaints alleging any action prohibited by Section 504, and notify students and others that it does not discriminate on the basis of disability.	Notice of Non-Discrimination
Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688	Grievance procedures, 34 C.F.R. § 106.8 (ED funds), 45 C.F.R. § 86.8 (HHS funds)	A district receiving federal funds must designate at least one employee to coordinate its compliance efforts under Title IX and shall adopt and publish grievance procedures providing for prompt and equitable resolution of student and employee complaints alleging any discrimination on the basis of sex in education programs or activities receiving federal financial assistance.	Notice of Non-Discrimination
Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. §§ 4301-4335 generally; 38 U.S.C. § 4334 , Notice of rights and duties	Employer notice requirements, Appendix to 20 C.F.R. Part 1002	Employers must provide notice to persons entitled to rights and benefits under USERRA of the rights, benefits, and obligations of such persons and such employers under USERRA. The notice requirement may be met by posting the notice where employers customarily place notices for employees.	USERRA Poster VETS USERRA Fact Sheet 3 - Job Rights for Veterans and Reserve Component Members