



Policies Required By Federal Law^{*}

July 2013

By: Leza Conliffe, NSBA Senior Staff Attorney, and Adaku Onyeka, NSBA Legal Intern

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 compliance efforts.	Notice of Non-Discrimination
Asbestos Hazard Emergency Response Act, 15 U.S.C. §§ 2641-2656 , generally	Asbestos management plans, 40 C.F.R § 763.93 (plan); 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.	Model AHERA Yearly Notification Form EPA Model AHERA Asbestos Management Plan
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	Notice of Non-Discrimination

^{*} See also National School Boards Association, *Annual Notices* (July 2013), available to COSA members at www.nsba.org.

		<p>noncompliance or actions that would be prohibited by Title II the 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, which reauthorized the Child Nutrition Act; 42 U.S.C. § 1758b, Local School Wellness Policy</p>		<p>Districts participating in a federal food program shall establish a local school wellness policy that includes (1) goals for nutrition promotion and education, physical activity, and other school-based activities that promote student wellness; (2) nutrition guidelines for all food available on campus during the school day that meet minimum nutritional requirements, and promote student health and reduce childhood obesity; (3) a requirement that school districts permit parents, students, representatives of the school food authority, teachers of physical education, school health professionals, the school board, school administrators, and the general public to participate in the development, implementation, and periodic review and update of the wellness policy; (4) a requirement that school districts inform and update the public (including parents, students, and others in the community) about the content and implementation of the wellness policy; and (5) a requirement that the school district—(A) periodically measure and make available to the public an assessment on the implementation of the wellness policy, including—(i) the extent to which schools under the jurisdiction of the district are in compliance with the wellness policy; (ii) the extent to which the district’s wellness policy compares to model local school wellness policies; and (iii) a description of the progress made in attaining the goals of the wellness policy; and (B) designate one or more district officials or school officials, as appropriate, to ensure that each school complies with the local school wellness policy.</p>	<p>Local School Wellness Policies Overview & Action Steps</p> <p>Five-Year Technical Assistance Plan</p>

<p>Children’s Internet Protection Act (CIPA), 47 U.S.C. § 254(h)(5)(B)-(C), 254(l)</p> <p>No Child Left Behind (NCLB) also requires internet safety policies for schools receiving money under the Enhancing Education through Technology Act of 2001, 20 U.S.C. § 6777 (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 an Internet safety policy of district or school using E-Rate discounts include a technology protection measure that protects against Internet access by both adults and minors to visual depictions that are obscene, child pornography, or, with respect to use of the computers by minors, 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 issues: (A) access by minors to inappropriate matter on the Internet and World Wide Web, (B) the safety and security of minors when using electronic mail, chat rooms, and other forms of direct electronic communications, (C) unauthorized access, including so-called “hacking,” and other unlawful activities by minors online; (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 Guidelines</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 procedures to maintain the integrity of the Guidelines for Off-Air recording of Broadcast Programming for Educational Purposes.</p>	<p>Circular 21, Reproduction of Copyrighted Works by Educators and Librarians</p>
<p>Drug-Free Workplace Act, 41 U.S.C. § 8103</p>	<p>Drug-free workplace statement, 29 C.F.R. § 94.205, 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 district in writing if he or she is convicted for a violation of a criminal drug statute occurring in the workplace no more than five calendar days after the conviction.</p>	
<p>Fair Labor Standards Act (FLSA), 29 U.S.C.</p>	<p>Minimum Wage Employer notice</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</p>	<p>FLSA Poster</p>

§§ 201-219	requirement, 29 C.F.R. §§ 516.4 (any employees subject to minimum wage requirements), 525.14 (any workers under special minimum wage certificates)	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 Department of Labor.	
Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. § 2619	Employer notice requirements, 29 C.F.R. § 825.300	Employers must post a general notice/poster from the U.S. Department of Labor, or in another format so long as it includes all of the information in Labor's FMLA Poster, explaining the FMLA's provisions and complaint procedures. The notice must be posted prominently where it can be readily seen by employees and applicants, and 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 is sufficient to meet these requirements.	FMLA Poster
Health Insurance Portability and Accountability Act (HIPAA), 42 U.S.C. § 1320d-1 ; 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(a), -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 the consequences of it.	



© 2013 National School Boards Association

1680 Duke Street, Alexandria, VA 22314

Phone: (703) 838-6722 Fax: (703) 548-5613 E-mail: cosainfo@nsba.org

Public Health Service Act (as amended by the Affordable Care 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.	Model Notice of Adverse Benefit Determination Model Notice of Final Internal Adverse Benefit Determination Model Notice of Final External Review Decision
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, 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.	Model Form: Procedural Safeguards Notice
McKinney-Vento Homeless Assistance Act, 42 U.S.C. § 11432(g)(1)(I) , - (g)(1)(J)		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 on the basis of their status as homeless.	Education for Homeless Children and Youth Program, Non-Regulatory Guidance
NCLB, 20 U.S.C. § 7912 , Unsafe School Choice Option		Districts that can offer a transfer option are required to have a policy allowing 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

<p>NCLB, 20 U.S.C. § 6318, Parental Involvement in Title I programs</p>	<p>Schoolwide program components, 34 C.F.R. § 200.28(c)(2)</p>	<p>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 parental involvement policy must, among other requirements, share responsibilities for high student achievement, build capacity for involvement, and be accessible.</p>	<p>Parent Involvement Title I, Part A, Non-Regulatory Guidance</p>
<p>NCLB, 20 U.S.C. § 6321(c), Comparable Services in Title I Programs – Equivalence in Instructional Staff and Materials</p>		<p>School districts shall file with the state education agency a written assurance that it has established and implemented: (i) a school district-wide salary schedule; (ii) a policy to ensure equivalence among schools in teachers, administrators, and other staff; and (iii) 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 documenting compliance.</p>	
<p>Moving Ahead for Progress in the 21st Century (MAP-21) Act, 49 U.S.C. §§ 5331, 31306</p>	<p>Employer policy on misuse of alcohol and use of controlled substances, 49 C.F.R. § 382.601</p>	<p>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.</p>	<p>What Employers Need to Know About DOT Drug and Alcohol Testing (Guidance and Best Practices)</p>
<p>Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h(c)</p>	<p>Parental access to instructional material, 34 C.F.R. § 98.3</p>	<p>Districts shall have policies regarding parents' rights to inspect a student survey; arrangements to protect student privacy in surveys covering 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.</p>	<p>Model Notification of Rights Under the PPRA</p>

<p>Section 504 of the Rehabilitation Act, 29 U.S.C. § 794, (general non-discrimination provision)</p>	<p>Grievance procedures, 34 C.F.R. §§ 104.7, 104.8</p>	<p>Recipients of federal funds that employ 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.</p>	<p>Notice of Non-Discrimination</p>
<p>Safe and Drug-Free Schools & Communities Act (SDFSCA), 20 U.S.C. § 7114</p>		<p>Districts receiving SDFSCA grants shall have appropriate and effective school discipline policies that prohibit disorderly conduct, the illegal possession of weapons, and the illegal use, possession, distribution, and sale of tobacco, alcohol, and other drugs by students. Districts must also have a code of conduct policy for all students that clearly states the responsibilities of students, teachers and administrators regarding the classroom environment.</p>	
<p>Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688</p>	<p>Grievance procedures, 34 C.F.R. § 106.8 (ED funds), 45 C.F.R. § 86.8 (HHS funds)</p>	<p>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.</p>	<p>Notice of Non-Discrimination</p>
<p>Uniformed Services Employment and Reemployment Rights Act of 1994 (USERRA), 38 U.S.C. § 4334</p>	<p>Employer notice requirements, Appendix to 20 C.F.R. Part 1002</p>	<p>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.</p>	<p>USERRA Poster</p>

