



## Policies Required By Federal Law

August 2011



Note: This chart lists federal laws 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
Age Discrimination Act, <a href="#">42 U.S.C. § 6103</a>	Grievance procedures, <a href="#">34 C.F.R. § 110.25</a>	Recipients of federal funds shall notify their beneficiaries of information regarding the Act, adopt and publish a <b>grievance procedure</b> , and designate at least one employee to coordinate compliance efforts.	<a href="#">Notice of Non-Discrimination</a>
Asbestos Hazard Emergency Response Act, <a href="#">15 U.S.C. § 2650</a>	Asbestos management plans, <a href="#">40 C.F.R § 763.93</a>	School districts are required to have an <b>asbestos management plan</b> for each school 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. 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.	<a href="#">Model AHERA Yearly Notification Form</a>



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<p>Americans with Disabilities Act (ADA), <a href="#">42 U.S.C. § 12134</a></p>	<p>Adoption of grievance procedures, <a href="#">28 C.F.R. § 35.107</a></p>	<p>A public entity that employs 50 or more persons shall designate at least one employee to coordinate its efforts to comply with and carry out its responsibilities to not discriminate on the basis of disability, including any investigation of any complaint communicated to it alleging its noncompliance with the ADA or alleging any actions that would be prohibited by the ADA. The public entity shall make available to all interested individuals the name, office address, and telephone number of the employee or employees designated pursuant to this paragraph. The public entity shall adopt and publish <b>grievance procedures</b> providing for prompt and equitable resolution of complaints alleging any action that would be prohibited by Title II of the ADA.</p>	<p><a href="#">Notice of Non-Discrimination</a></p>
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<p>Child Nutrition Act has been updated by the <b>Healthy, Hunger-Free Kids Act of 2010</b> (<a href="#">HHFKA</a>); new wellness policy requirements are at Section 204</p>		<p><b>New requirements effective October 1, 2010:</b> Districts participating in a federal food program shall establish a <b>local school wellness policy</b> 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 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 <b>wellness policy</b>; (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 <b>wellness policy</b>; and (5) a requirement that the school district—(A) periodically measure and make available to the public an assessment on the implementation of the <b>wellness policy</b>, including—(i) the extent to which schools under the jurisdiction of the district are in compliance with the <b>wellness policy</b>; (ii) the extent to which the district’s <b>wellness policy</b> compares to model local school <b>wellness policies</b>; and (iii) a description of the progress made in attaining the goals of the <b>wellness policy</b>; and (B) designate one or more district officials or school officials, as appropriate, to ensure that each school complies with the local school <b>wellness policy</b>.</p>	<p><a href="#">USDA Memorandum</a> on Child Nutrition Reauthorization 2010; Local School Wellness Policies</p>
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<p>Children’s Internet Protection Act (CIPA), <a href="#">47 U.S.C. §§ 254(h)(5)(b) and (l)</a></p> <p>NCLB also requires internet safety policies for schools receiving money for Enhancing Education through Technology, 20 U.S.C. § 677</p>	<p>Internet safety policy, <a href="#">47 C.F.R. § 54.520(c)(1)(i)</a> has been updated by <a href="#">Federal Communications Commission Order and Report 11-125</a> at 15-16</p>	<p><b>New requirement effective July 1, 2012, in italics and red.</b> The <b>Internet safety policy</b> must 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 <b>Internet safety policy</b> must also include monitoring the online activities of minors <i>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.</i> The <b>Internet safety policy</b> must 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>Copyright Act, <a href="#">17 U.S.C. §§ 106, 107, and 110</a></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 <b>control procedures</b> to maintain the integrity of the Guidelines for Off-Air recording of Broadcast Programming for Educational Purposes.</p>	<p><a href="#">Circular 21, Reproduction of Copyrighted Works by Educators and Librarians</a></p>



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Drug-Free Workplace Act, <a href="#">41 U.S.C. § 702</a>	Drug-free workplace statement, <a href="#">29 C.F.R. § 94.205</a>	Districts 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 and that specific actions will be taken against the for violating the prohibition. Districts must implement a drug free awareness program to inform employees about the dangers of drug use in the workplace and any available drug counseling, rehabilitation, or employee assistance programs.	
Family and Medical Leave Act of 1993 (FMLA), <a href="#">29 U.S.C. § 2619</a>	Employer notice requirements, <a href="#">29 C.F.R. § 825.300</a>	Employers must post a <b>general notice/poster</b> from the Department of Labor 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 <b>employee handbooks or other written guidance</b> concerning benefits or leave rights. Electronic posting is sufficient to meet these requirements.	<a href="#">FMLA Poster</a>
Health Insurance Portability and Accountability Act (HIPAA), <a href="#">42 U.S.C. § 1320d-1</a> ; Health Information Technology for Economic and Clinical Health Act (HITECH), 42 U.S.C. § 17938	Policies and procedures and documentation requirements, <a href="#">29 C.F.R. § 164.316(b)</a>	Schools sponsoring group health plans must implement reasonable and appropriate <b>policies and procedures</b> to comply with HIPAA's security measures. All employees must be made aware of the law and the consequences of it. Those employers who are subject to HIPAA and who create, receive, or maintain electronic protected health information (e-PHI) must also follow HIPAA's Security Rule and conduct a risk analysis to assess the potential risks and vulnerabilities to the confidentiality, integrity, and availability of e-PHI.	



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Individuals with Disabilities Education Act (IDEA), <a href="#">20 U.S.C. § 1415</a>	Procedural safeguards notice, <a href="#">34 C.F.R. § 300.504</a>	School districts shall 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. School districts must give parents of a child with a disability a copy of procedural safeguards one time a year (and upon initial referral or parental request for an evaluation, upon filing a request for a due process hearing, 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, <a href="#">42 U.S.C. § 11432(g)</a>		All school districts must have <b>policies</b> that remove barriers to enrollment and retention of homeless children and youth including transportation and prevent homeless children and youths from being stigmatized or segregated.	<a href="#">Education for Homeless Children and Youth Program, Non-Regulatory Guidance</a>
No Child Left Behind (NCLB), <a href="#">20 U.S.C. § 7912</a> Unsafe School Choice		Districts that can offer a transfer option are required to have a <b>policy</b> 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.	<a href="#">Unsafe School Choice Option, Non-Regulatory Guidance</a>
No Child Left Behind (NCLB), <a href="#">20 U.S.C. § 6318</a>	Parental involvement, <a href="#">34 C.F.R. § 200.28(c)</a>	Districts and schools receiving Title I funds must have a <b>parental involvement policy</b> . Among other things, a <b>district parental involvement policy</b> must provide support for schools in planning and implementing parent involvement activities, build schools' and parents' capacity for parental involvement, coordinate and integrate parental involvement strategies, and conduct an annual evaluation of the content and effectiveness of the policy. Among other things, a <b>school parental involvement policy</b> must share responsibilities for high student achievement, build capacity for involvement, and be accessible.	<a href="#">Parent Involvement Title I, Part A</a> , Non-Regulatory Guidance



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<p>No Child Left Behind (NCLB), <a href="#">20 U.S.C. § 6321</a> Comparable Service – Equivalence in Instructional Staff and Materials</p>		<p>Districts with Title I programs shall use federal funds for certain designated programs only to supplement, not to supplant funds that would be otherwise available from non-federal sources. 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 <b>policy</b> to ensure equivalence among schools in teachers, administrators, and other staff; and (iii) a <b>policy</b> 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>Omnibus Transportation Employee Testing Act, 49 U.S.C. §§ <a href="#">5331</a>, <a href="#">31306</a></p>	<p>Employer policy on misuse of alcohol and use of controlled substances, <a href="#">49 C.F.R. § 382.601</a></p>	<p>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.</p>	
<p>Protection of Pupil Rights Amendment (PPRA), <a href="#">20 U.S.C § 1232h(b)-(c)</a></p>	<p>Student rights in research, experimental programs, and testing, <a href="#">34 C.F.R. §§ 98.3 to 98.4</a></p>	<p>Districts receiving federal funds shall have <b>policies</b> regarding parents' rights to inspect a student survey, arrangements to protect student privacy in surveys covering particular topics, parents' right to inspect instructional materials, the administration of physical examinations of students, the collection, disclosure, or use of personal student information for marketing or selling purposes, and parent's right to inspect any instrument for collection of information for marketing/selling purposes.</p>	<p><a href="#">PPRA Model Notice and consent/Opt-Out for Specific Activities</a></p>
<p>Section 504 of the Rehabilitation Act, <a href="#">29 U.S.C. § 794</a></p>	<p>Adoption of grievance procedures, <a href="#">34 C.F.R. §§ 104.7 to 104.8</a></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 a <b>grievance procedure</b>, and notify participants, beneficiaries, applicants, and employees, including those with impaired vision or hearing, and unions or professional organizations holding collective bargaining or professional agreements with the recipient that it does not discriminate on the basis of disability.</p>	<p><a href="#">Notice of Non-Discrimination</a></p>



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Safe and Drug-Free Schools & Communities Act (SDFSCA), <a href="#">20 U.S.C. § 7114</a>		Schools receiving SDFSCA grants shall have appropriate and effective <b>school discipline policies</b> 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.	
Title IX of the Education Amendments of 1972, <a href="#">20 U.S.C. §§ 1681-1688</a>	Adoption of grievance procedures, <a href="#">34 C.F.R. § 106.8</a> , <a href="#">45 C.F.R. § 86.8</a>	Districts receiving federal funds shall adopt and publish <b>grievance procedures</b> 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.	<a href="#">Notice of Non-Discrimination</a>



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