



Policies Required by Federal Law¹ August 2022

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. *Note that links may break as statutes and regulations are updated.*

Statute	Regulation	Summary of Requirements	Sample Policies and Forms (if available)
Age Discrimination in Federally Assisted Programs, 42 U.S.C. §§ 6101-6107 , generally	Grievance procedures, 34 C.F.R. § 110.25	This chapter prohibits discrimination on the basis of age in programs or activities receiving Federal financial assistance. A recipient of federal funds must notify its beneficiaries of information regarding the Age Discrimination Act, adopt and publish a grievance procedure, and designate at least one employee to coordinate investigative and compliance efforts.	Notice of Non-Discrimination Example Grievance Procedure from Redmond School District
Asbestos Hazard Emergency Response Act (AHERA), 15 U.S.C. §§ 2641-2656 , generally; Asbestos Management Plans, 15 U.S.C. § 2643(i)(1), (i)(5)	Asbestos management plans, 40 C.F.R § 763.93 ; Training, 40 C.F.R. § 763.92	The purpose of this subchapter is to provide for the establishment of Federal regulations which require inspection for asbestos-containing material and implementation of appropriate response actions with respect to asbestos-containing material in schools. A school district must have an asbestos management plan for each school, including all buildings that it leases, owns, or otherwise uses as school buildings. This plan must be maintained and updated to remain current with ongoing operations and maintenance, periodic surveillance, inspection, re-inspection, and response action activities. At least once a year, a school district must notify parents, teachers, and employee organizations of the availability of its	EPA Model AHERA Asbestos Management Plan for Local Education Agencies AHERA Asbestos Management Plan Self-Audit Checklist

¹ See also National School Boards Association, *Annual Notices* (August 2022), available to COSA members.



Statute	Regulation	Summary of Requirements	Sample Policies and Forms (if available)
		<p>management plan. All members of the custodial staff who may work in a building with asbestos-containing materials must have awareness training of at least two hours. Maintenance and custodial staff who conduct any activities that will result in the disturbance of asbestos-containing material must receive an additional 14 hours of training. All new custodial staff must be trained within 60 days of hire. State and local agencies may have more stringent standards than those required by the Federal government.</p>	<p>Asbestos Training Resources and Requirements</p>
<p>Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12101-12213, generally</p>	<p>Designation of coordinator, grievance procedures, 28 C.F.R. § 35.107</p>	<p>The ADA was adopted to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities. 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. Grievance procedures providing for prompt and equitable resolution of complaints must be adopted and published.</p> <p>* The EEOC issued the following guidance: What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws (updated July 2022).</p>	<p>Notice of Non-Discrimination</p> <p>Example Grievance Procedure from Redmond School District</p>

<p>Children’s Internet Protection Act (CIPA), 20 U.S.C. §§ 9134; 47 U.S.C. §§ 254</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>Under the E-rate program, eligible schools, libraries, and consortia that include eligible schools and libraries may apply for discounted eligible telecommunications, Internet access, and internal connections services. Any district or school using E-Rate discounts must have an Internet safety policy that includes a technology protection measure. The Internet safety policy 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 Internet safety policy must also include a means of monitoring the online activities of minors and provide for educating minors about appropriate online behavior.</p>	<p>Children’s Internet Protection Act Consumer Guide (download link) Sample Internet Safety Policy</p>
<p>Comparability of Services (as reauthorized by ESSA), 20 U.S.C. § 6321(c), fiscal requirements</p>		<p>A school district must file with the State a written assurance that it has established and implemented: (1) a local education agency-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. A school district must maintain records that are updated biennially that document compliance with this requirement.</p>	<p>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)</p>
<p>Copyright Act,</p>		<p>The fair use doctrine and the face-to-face teaching exemption allow educators to use copyrighted materials in narrowly defined</p>	<p>Reproduction of Copyrighted Works by</p>



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<p>17 U.S.C. §§ 106, 107, 110</p>		<p>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. There are several other guidelines in the report, including Agreement on Guidelines for Classroom Copying in Not-For-Profit Educational Institutions with respect to books and periodicals and Guidelines for Educational Uses of music.</p>	<p>Educators and Librarians</p>
<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>A district 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 statement and will notify the school district in writing within five calendar days of a conviction under a criminal drug statute for incidents occurring in the workplace. Districts must also provide a Drug-Free Awareness Program informing employees of the dangers of drug use, a drug-free workplace policy, available counseling or rehabilitation programs, and possible penalties for non-adherence.</p>	<p>DHHS Drug-Free Workplace Toolkit</p>
<p>ESSA, 20 U.S.C. § 7926(a), Prohibition on aiding and abetting sexual abuse</p>		<p>Every state, SEA, or LEA that receives ESEA funds must have in place laws, regulations, or policies that prohibit the SEA, 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.</p>	<p>ESSA Dear Colleague Letter on ESEA Section 8546 Requirements</p>
<p>ESSA, 20 U.S.C. § 7912(a), Unsafe</p>		<p>Each state receiving funds under this chapter must establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary or secondary school be</p>	<p>Unsafe School Choice Option, Non-Regulatory Guidance</p>

School Choice Option		allowed to attend a safe public elementary or secondary school within the local education agency, including a public charter school. Districts that are able must offer a transfer option and implement a policy 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.	
Fair Labor Standards Act (FLSA), 29 U.S.C. §§ 201-219	Minimum Wage Employer notice, 29 C.F.R. §§ 516.4 (employees subject to minimum wage), 525.14 (special minimum wage certificates)	Every employer subject to the FLSA's minimum wage provisions must post, and keep posted, a notice explaining the FLSA in a conspicuous place in all its establishments. The content of the notice is prescribed by the Wage and Hour Division of the U.S. Department of Labor.	Minimum Wage FLSA Poster (in English) Minimum Wage FLSA Poster (available in other languages)
Family and Medical Leave Act of 1993 (FMLA), 29 U.S.C. § 2619	Employer notice requirements, 29 C.F.R. § 825.300	An employer must prominently post the general notice poster 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 employee handbooks or other written guidance concerning benefits or leave rights.	FMLA Poster (rev. 4/2016) (in English) FMLA Poster (rev. 6/2016) (in Spanish) FMLA Fact Sheets Employer's Guide to FMLA
Health Insurance Portability and Accountability Act (HIPAA), 42 U.S.C. §§ 1320d-1, 1320d-2(d) ;	Policies, procedures, and documentation requirements, 45 C.F.R. §§ 164.306, -308, -310, -312, -314(b), -316(a)	A school sponsoring a group health plan 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	HHS Guidance

<p>Health Information Technology for Economic and Clinical Health Act (HITECH), 42 U.S.C. § 17931</p>		<p>organizational requirements. All employees must be made aware of the law and its consequences.</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;</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 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 using evidence-based strategies and techniques; (2) standards for all foods and beverages provided, but not sold, to students during the school day on each participating school campus under the jurisdiction of the LEA; (3) standards and nutrition guidelines for all foods and beverages sold to students during the school day that are consistent with certain requirements, are consistent with nutritional standards, permit marketing on the school campus during the school day of only those foods and beverages that meet nutrition standards, and promote student health and reduce childhood obesity; (4) identification of the position of the LEA or school official(s) or school official(s) responsible for the implementation and oversight of the local school wellness policy to ensure each school's compliance with the policy; and (5) a 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, as required.</p>	<p>USDA Implementation Tools and Resources</p> <p>Five-Year Technical Assistance and Guidance Plan</p> <p>CDC Local School Wellness Policy Requirements and Resources</p> <p>Waiver for Fiscal Flexibility Related to COVID-19 Supply Chain Disruptions</p>

<p>Healthy, Hunger-Free Kids Act of 2010, Professional Standards for State and Local School Nutrition Program Employees 42 U.S.C. § 1776(g)</p>	<p>School Nutrition Program Professional Standards, 7 C.F.R. § 210.30; Professional Standards, 7 C.F.R. § 235.11(g)</p>	<p>A school district 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 as well as 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>Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1415(d)</p>	<p>Procedural safeguards notice, 34 C.F.R. § 300.504 Regulation Changes to IDEA</p>	<p>A school district must 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. 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.</p> <p>*The Office of Special Education Programs, within the Department of Education's Office of Special Education and Rehabilitative Services, issued a Q & A document, a procedural safeguards</p>	<p>Guidance on Required Content of Forms Under Part B of the IDEA</p>

* COVID-19 pandemic related update.

		document , and additional guidance concerning implementation of the IDEA Part B procedural safeguards in the COVID-19 environment. This Q & A document does not impose any additional requirements beyond those included in applicable law and regulations.	
McKinney-Vento Homeless Assistance Act (as amended by ESSA), 42 U.S.C. § 11432(c)(1)(A)(i), - (g)(1)(J)(i) & (iii), - (g)(7)(A)-(B)		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.	Education for Homeless Children and Youth Program, Non-Regulatory Guidance 2016 Guidance on the McKinney-Vento Education for Homeless Children and Youths Program Fact Sheet
Migrant Education Program (MEP) (as amended by ESSA), 20 U.S.C. §§ 6391-99	Responsibilities and Program Requirements, 34 C.F.R. §§ 200.81-86 Federal Register, 67 F.R. 71736	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 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 plan including performance targets, needs assessment, measurable program outcomes, service delivery, and evaluation criteria.	National Certificate of Eligibility (COE) Instructions National Certificate of Eligibility Instructions MEP Policy Q&A Resources
Moving Ahead for Progress in the 21 st	Employer policy on misuse of alcohol and use of controlled	Employers must have a policy for employees engaged in safety-sensitive positions to be tested for drugs and alcohol. Drugs and	What Employers Need to Know About DOT Drug and Alcohol

Century (MAP-21) Act, 49 U.S.C. § 5331(b)	substances, 49 C.F.R. § 382.601	alcohol testing of bus drivers is required for districts that provide transportation.	Testing (Guidance and Best Practices)
Parent and Family Engagement (as amended by ESSA), 20 U.S.C. § 6318		A Title I fund recipient must have a parent and family engagement policy developed alongside parents and children that establishes the LEA's expectations and objectives for meaningful parent and family involvement. Among other things, the policy 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.	Policy Statement (Not Sample Policy) Parent Involvement Title I, Part A, Non-Regulatory Guidance
Perkins V (as reauthorized by ESSA), 20 U.S.C. §§ 2341-44 , Career and Technical Education (CTE) Program	State Plans 20 U.S.C § 2342 State Improvement Plans	A state board-created or designated agency shall create a CTE plan. 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 technical skills of students will be improved. A CTE plan 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.	Plan Guide Plan Submittal
Protection of Pupil Rights Amendment (PPRA), 20 U.S.C. § 1232h(c)	Parental access to instructional material, 34 C.F.R. § 98.3	A district must develop policies that include parents' rights to: (1) consent before students are required to submit to a protected information survey if the survey is funded in whole or in part by a program of the Department; (2) receive notice and an opportunity	PPRA Model General Notice of Rights (Last Update April 2020)

		to opt a student out of any other protected information survey (regardless of funding), certain physical exams, and activities involving collection, disclosure, or use of personal information collected from students for marketing or to sell or otherwise distribute the information to others; and (3) inspect upon request and before administration or use of protected information surveys of students and surveys created by a third party, instruments used to collect personal information from students for marketing, sales, or other distribution purposes, and instructional material used as part of the educational curriculum. A district must directly notify parents of these policies at least annually at the start of each school year and after any substantive changes.	
Public Health Service Act, 42 U.S.C. § 300gg-19 Appeals Process	Internal Claims and Appeals and External Review 29 C.F.R. § 2590.715-2719 ; 45 C.F.R. § 147.136	A district that provides a non-grandfathered group health plan, health insurance issuer offering group, or individual health plan, must implement an effective process for appeals of coverage determinations and claims. The process must include internal and external review of the decision. Plans and insurers must notify individuals of the availability of 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
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 must designate at least one employee to coordinate compliance efforts, adopt and publish grievance procedures 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.	Notice of Non-Discrimination

<p>Suicide Training and Awareness (STANDUP Act) (amending the Public Health Service Act) 117 P.L. 100, 136 Stat. 44</p>		<p>This bill requires the Department of Health and Human Services (HHS), when awarding certain grants for priority mental-health needs, to give preference to state, tribal, and local educational agencies that plan to implement evidence-based suicide awareness and prevention training policies. HHS may also consider suicide rates in the applicable jurisdiction and other factors when awarding the grants. In addition, HHS must coordinate with the Department of Education and the Department of the Interior to provide educational agencies with best practices for these training policies.</p>	
<p>Title IX of the Education Amendments of 1972, 20 U.S.C. §§ 1681-1688 (discrimination based on sex or blindness)</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 (this person must be referred to as the “Title IX Coordinator”); adopt a grievance process that complies with §106.45 for formal complaints as defined in §106.30; and provide notice of the district’s grievance procedures and grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how the recipient will respond. Districts must also post the Title IX Coordinator’s contact information prominently on its website to ensure accessible channels for reporting sex discrimination (including sexual harassment) at any time, the school’s non-discrimination policy and training materials used to train the school’s Title IX personnel.</p> <p>*On July 12, 2022, the Department of Education released proposed amendments to its Title IX regulations which will be open for public comment until September 10, 2022. The proposed amendments are subject to change.</p>	<p>Notice of Non-Discrimination</p> <p>OCR Guidance Fact Sheet</p> <p>Department of Education 2022 Proposed Title IX Rule Changes Summary</p> <p>Notice of Proposed Rulemaking</p>

<p>21st Century Community Learning Centers Grant Application (as amended by ESSA), 20 U.S.C. § 7173, 20 U.S.C. §§7111-22</p>		<p>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 application must, among other requirements, include the program objectives, a description of funds, and how effectiveness will be evaluated.</p>	<p>Parent and Educator Guide to School Climate Resources</p> <p>Current Guidance from DOE</p>
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