

August 2021

Policy Alert

Policies Required by Federal Law

Numerous federal laws and regulations require a policy, written procedure, or form. The 2021 chart listing [Policies Required](#) by Federal Law is now available.

Annual Notices

Numerous federal laws require schools to provide students, parents, and/or the public with notices, many of which must be provided at the beginning of the school year. The 2021 list of required [Annual Notices](#) is now available.



Policies Required by Federal Law¹ August 2021

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 Act, 42 U.S.C. §§ 6101-6107 , generally	Grievance procedures, 34 C.F.R. § 110.25	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	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 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.	EPA Model AHERA Asbestos Management Plan for Local Education Agencies AHERA Asbestos Management Plan Self-Audit Checklist Asbestos Training Resources and Requirements

¹ See also National School Boards Association, *Annual Notices* (August 2021), available to COSA members. If you have any questions, contact Jordan Cooper, NSBA Senior Staff Attorney.



<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>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>*In light of the pandemic, the EEOC has issued the following guidance: What You Should Know About COVID-19 and the ADA, the Rehabilitation Act, and Other EEO Laws (updated May 28, 2021).</p>	<p>Notice of Non-Discrimination</p> <p>Example Grievance Procedure from Redmond School District</p>
<p>Children’s Internet Protection Act (CIPA), 47 U.S.C. § 254(h)(5)(B)-(C), 254(l);</p>	<p>Internet safety policy, 47 C.F.R. § 54.520(c)(1)(i);</p> <p>elaborated by Federal Communications Commission Order and Report 11-125 at 15-16</p>	<p>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)</p> <p>Sample Internet Safety Policy</p>

* COVID-19 pandemic related update.



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<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 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. 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, 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. 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>Reproduction of Copyrighted Works by 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>

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, 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.	ESSA Dear Colleague Letter on ESEA Section 8546 Requirements
ESSA, 20 U.S.C. § 7912(a) , Unsafe School Choice Option		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.	Unsafe School Choice Option, Non-Regulatory Guidance
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 of 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	Policies, procedures, and documentation requirements,	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,	HHS Guidance

<p>(HIPAA), 42 U.S.C. §§ 1320d-1, 1320d-2(d);</p> <p>Health Information Technology for Economic and Clinical Health Act (HITECH), 42 U.S.C. § 17931</p>	<p>45 C.F.R. §§ 164.306, -308, -310, -312, -314(b), -316(a)</p>	<p>physical, and technical safeguards, and 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; (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) 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.</p> <p>*The Food and Nutrition Service implemented Waivers and Flexibilities for School Year 2021-22.</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>

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<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 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.</p>	<p>Model Form: Procedural Safeguards Notice</p>
<p>McKinney-Vento Homeless Assistance Act (as amended by</p>		<p>All school districts must have policies that remove barriers to enrollment and retention of homeless children and youths, including transportation,</p>	<p>Education for Homeless Children and Youth</p>

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<p>ESSA), 42 U.S.C. § 11432(1)(I), - (g)(1)(J)(i) & (iii), - (g)(7)(A)-(B)</p>		<p>and prevent homeless children and youths from being stigmatized or segregated based on their status as homeless.</p>	<p>Program, Non-Regulatory Guidance</p> <p>2016 Guidance on the McKinney-Vento Education for Homeless Children and Youths Program</p> <p>Fact Sheet</p>
<p>Migratory Education Program (MEP) (as amended by ESSA), 20 U.S.C. §§ 6391-99</p>	<p>Responsibilities and Program Requirements, 34 C.F.R. §§ 200.81-86</p> <p>Federal Register, 67 F.R. 71736</p>	<p>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.</p>	<p>National Certificate of Eligibility Instructions</p> <p>MEP Policy Q&A Resources</p>
<p>Moving Ahead for Progress in the 21st Century (MAP-21) Act, 49 U.S.C. § 5331(b)</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 and alcohol. Drugs and 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>Family and Community Engagement (as amended by ESSA), 20 U.S.C. § 6318</p>		<p>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.</p>	<p>Policy Statement (Not Sample Policy)</p> <p>Parent Involvement Title I, Part A, Non-Regulatory Guidance</p>

<p>Perkins V (as reauthorized by ESSA), 20 U.S.C. §§ 2341-44, Career and Technical Education (CTE) Program</p>		<p>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.</p>	<p>Plan Guide Plan Submittal</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>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 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.</p>	<p>Model Notification of Rights Under the PPRA</p>
<p>Public Health Service Act, 42 U.S.C. § 300gg-19</p>	<p>29 C.F.R. § 2590.715-2719; 45 C.F.R. § 147.136</p>	<p>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.</p>	<p>Revised versions of the notices are available at the U.S. Dept. of Labor Employee Benefits Security Administration page under Guidance</p>

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
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 (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.	Notice of Non-Discrimination OCR Guidance
21 st Century Grant Application (as amended by ESSA), 20 U.S.C. § 7173 , 20 U.S.C. §§7111-22		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.	Parent and Educator Resources School Climate Surveys Current Guidance from DOE



Annual Notices Required by Federal Law¹ August 2021

Numerous federal laws require school districts to provide students, parents, and/or the public with notices, many of which must be presented at the beginning of the school year. Federal agencies or other entities often create “model” notices (or offer guidance useful to the development of these required notices) that can easily be tailored to meet individual district needs. This document outlines many of the notices required by federal law, including the methods required to give notice where specified in the statutes and/or regulations. Where available, links to model notices or guidance documents designed to assist in drafting such notices are provided. This document does not include employment-related notices required by federal or state law.

Every Student Succeeds Act

The *Every Student Succeeds Act of 2015* (ESSA), requires state education agencies, school districts, and individual schools to provide numerous notices to parents, the public, and others. ESSA reauthorizes the Elementary and Secondary Education Act (ESEA), the national education law and longstanding commitment to equal opportunity for all students. Several ESSA provisions are summarized in the U.S. Department of Education’s [Transitioning to the Every Student Succeeds Act Frequently Asked Questions](#) (January 2017), which also has information about ESSA notice requirements that differ from those under No Child Left Behind Act (NCLB).

ESSA requires that states and school districts engage families and parents in the work of ensuring positive outcomes for all students. School districts that receive Title I funds must have written family and parent engagement policies with expectations and objectives for implementing meaningful family and parent involvement strategies. They are required to involve family members and parents in developing district plans and to provide technical assistance to schools on planning and implementing effective family and parent involvement activities to improve student academic achievement and school performance. ESSA requires all school districts that receive Title I funds to implement effective outreach to parents of English learners and hold regular meetings for those parents. See the U.S. Department of Education’s [Policy Statement on Family Engagement](#) for more information. Also, see the Department’s guidance on [ESSA Assessments under Title I, Part A and Title I, Part B: Summary of Final Regulations](#) and [chart](#), which compares drafted guidance with relevant prior guidance on Title I.

Under ESSA, SEAs and LEAs that receive Title I funds must publish state and local report cards on their websites that are concise and in an accessible format. ESSA makes Title I funds accessible to private

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schools and the Department of Education has provided non-regulatory guidance on this topic. See the non-regulatory guidance here: [Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act: Providing Equitable Services to Eligible Private School Children, Teachers, and Families](#) (October 7, 2019). For additional guidance, see also the U.S. Department of Education's [Crosswalk Between Draft Title I, Part A Guidance on Equitable Services and Prior Non-Regulatory](#) (March 28, 2019) and [Dear colleague letter on state plan amendments, school identification, reporting, and technical assistance](#) (October 24, 2019).

The supplement-not-supplant requirement under Title I changed under ESSA, but the U.S. Department of Education has not issued draft regulations. Instead, in 2019 the Department provided a [Title I, Part A Supplement Non Supplant Non-Regulatory](#) informational document along with a [summary response to comments on the informational document](#).

Family Educational Rights and Privacy Act

Pursuant to the Family Educational Rights and Privacy Act (FERPA), school districts must provide parents/guardians and eligible students (students at least 18 years of age) with annual notice of their rights to inspect and review education records, amend education records, consent to disclose personally identifiable information in education records, and file a complaint with the U.S. Department of Education. [34 C.F.R. § 99.7\(a\)\(2\)](#). The notice must include the procedure to request and review education records, as well as a statement that records may be disclosed to school officials without prior written consent. This statement should define a school official and what constitutes a legitimate educational interest providing the basis for accessing a student's educational records. [34 C.F.R. § 99.7\(a\)\(3\)](#). Notice may be provided in any way that is reasonably likely to inform parents of their rights and must effectively notify parents who have a primary or home language other than English and parents/guardians or eligible students who are disabled. [34 C.F.R. § 99.7\(b\)](#). The annual notification may be published by various means, including any of the following: in a schedule of classes; in a student handbook; in a calendar of school events; on the school's website (though this should not be the exclusive means of notification); in the student newspaper; and/or posted in a central location at the school or various locations throughout the school. See the Department of Education's Protecting Student Privacy [FERPA General Guidance for Students](#) (April 2020) for information about FERPA. For an additional resource also see the [FERPA Model Notification of Rights for Elementary & Secondary Schools](#) (April 2020).

Under FERPA, school districts may disclose directory information if they have given public notice to parents/guardians and eligible students of what information has been designated as directory information, and when and how parents/guardians and eligible students may opt out of allowing the district to disclose their directory information. [34 C.F.R. § 99.37\(a\)](#). Finally, under ESEA, school districts must provide notice that they routinely release the names, addresses, and phone numbers of secondary students to military recruiters unless parents opt out in writing. [20 U.S.C. § 7908](#). School districts may provide this notice as part of their general FERPA notice. The Protecting Student Privacy website provides a template notice for notifying parents and eligible students, which can be found here: [FERPA Model Notice for Directory Information](#).

FERPA regulations permit LEAs and schools to adopt limited directory information policies that allow the disclosure of directory information to specific parties, for specific purposes, or both. [34 C.F.R. § 99.37\(d\)](#). It is up to individual LEAs and schools to decide whether to adopt limited directory information policies and how to implement them.

The regulations' directory information exception makes clear that parents/guardians and eligible students may not, by opting out of the disclosure of directory information, prevent an LEA or school from requiring a student to wear or present a student ID or badge. [34 C.F.R. § 99.37\(c\)](#). While the Department does not require LEAs or schools to establish policies mandating that students wear badges, these are individual decisions that LEAs and schools should make, considering local circumstances.

The U.S. Department of Education recommends that districts post all FERPA and PPRA (see below) notices, including the directory information policy, on their websites. For more information, see the U.S. Department of Education's Privacy Technical Assistance Center's [Transparency Best Practices for Schools and Districts](#) (p. 5). The Department provides additional guidance on FERPA at <https://studentprivacy.ed.gov/>, including:

- [School Resource Officers, School Law Enforcement Units and FERPA](#);
- [A Parent's Guide to FERPA \(July 2021\)](#); and
- [A Parent's Guide for Understanding K-12 School Data Breaches \(May 2021\)](#)

Protection of Pupil Rights Amendment

The Protection of Pupil Rights Amendment (PPRA) requires school districts to adopt several policies regarding surveys of students, instructional materials, physical examinations, personal information used for marketing, and the like. Parents must be notified of these policies at least annually at the beginning of the school year and within a reasonable time after any substantial change to the policies. [20 U.S.C. § 1232h\(c\)\(2\)\(A\)](#). The Department of Education's Protecting Student Privacy website provides [PPRA General Guidance \(November 2020\)](#), a [PPRA Model General Notice of Rights](#) and a [PPRA Model Notice and Consent/Opt-Out for Specific Activities](#).

If a district plans to (1) use students' personal information for selling or marketing purposes; (2) administer any survey about any of the eight topics listed in the statute (political beliefs, income, sex behavior or attitudes, etc.); or (3) administer certain non-emergency, invasive physical examinations, the district must directly notify parents at least annually at the beginning of the school year of the specific or approximate dates when these activities are scheduled or expected to be scheduled. [20 U.S.C. § 1232h\(c\)\(2\)\(B\), \(c\)\(2\)\(C\)](#).

The Protecting Student Privacy [list policies](#) that PPRA requires LEAs to develop, with the consultation of parents. These policies concern privacy, parental access to information, and administration of physical examinations of minors. **NOTE:** This document also contains resources regarding FERPA and remote learning due to COVID-19.

The Department of Education's Protecting Student Privacy provides all FERPA and PPRA model notices at: <https://studentprivacy.ed.gov/annual-notices>.

Child Nutrition Programs

If school districts participate in the National School Lunch Program, the School Breakfast Program, or the Special Milk Program, they must provide both parents and the public with information about free and reduced-price meals and/or free milk near the beginning of each school year. [7 C.F.R. § 245.5](#). Districts also must provide parents with an application form. Districts may not disclose children's free

and reduced eligibility status, unless the requestor of such information falls into one of the categories specified in the National School Lunch Act. [42 U.S.C. § 1758\(b\)\(6\)\(A\)\(i\)-\(v\)](#).

The USDA's [Eligibility Manual for School Meals](#) contains information on federal requirements regarding the determination and verification of eligibility for free and reduced-price meals in the National School Lunch Program and the School Breakfast Program. The document notes what the application for these programs is to contain and includes a link to an online application. The document also describes to whom (pp. 83-84), and under what conditions information regarding free and reduced eligibility status may be disclosed (pp. 83-93).

Striving to reduce paperwork, Congress incorporated [three alternative provisions](#) into the standard requirements for annual determinations of eligibility for free and reduced-price school meals. Additionally, in schools where at least 80 percent of enrolled students have free or reduced-price meal eligibility, annual notification of program availability and certification only needs to occur once every 2 consecutive school years.

The 2016 amendment to the Healthy, Hunger-Free Kids Act of 2010 requires school districts to inform and update the public (including parents, students, and others in the community) about the content and implementation of their local school wellness policies. [42 U.S.C. § 1758b\(b\)\(4\)](#). School districts also must periodically measure and report on implementation of their local school wellness policies, including: (1) the extent to which schools under the jurisdiction of the local school district are in compliance with its local school wellness policy; (2) the extent to which the local school wellness policy of the local district compares to model local school wellness policies; and (3) the progress made in attaining the goals of the local school wellness policy. [42 U.S.C. § 1758b\(b\)\(5\)\(A\)](#). The USDA final rules for local school wellness policies, which became effective on August 29, 2016, appear at 7 CFR Parts 210 and 220. See the USDA's [Local School Wellness Policy](#) for other child nutrition-related information.

In 2017, the USDA published [Guidance for School Food Service Professionals](#) that highlights requirements for accommodating children with disabilities who participate in School Meal Programs. With the help of school food service staff, LEAs must implement procedures to enable parents and guardians to request modifications to meal services for their children with disabilities. [7 C.F.R. §§ 15b.25, 15b.6 \(b\)](#). LEAs must notify parents and guardians of both the process (1) to request meal modifications that accommodate the child's needs; and (2) for resolving disputes. The hearing process must follow the necessary [procedural requirements](#): notice, right to counsel, opportunity to participate, and examination of the record.

According to the [Local School Wellness Policy: Guidance and Q&As](#) (2017), the USDA does not require a specific timeline for updates to a wellness policy. Ideally, however, the policy should be updated after conducting a triennial assessment. [7 C.F.R. § 210.31\(e\)\(3\)](#). **NOTE:** In June 2021, the Food and Nutrition Service established a [nationwide waiver to support schools unable to complete a triennial assessment of the local school wellness policies due to school closures](#). The updates are dependent on the structure of the LEA's policy. An LEA must notify the public about the content of its policy annually and discuss any updates. [7 C.F.R. § 210.31\(d\)\(2\)](#). It also must inform the public about the progress made towards meeting the goals of the local school wellness policy. [7 C.F.R. § 210.31\(d\)\(3\)](#).

For model and sample policy language endorsed by the USDA, see the resources below.

- [Child Nutrition Sharing Site, Child Nutrition Program Resources](#)

- [UConn Rudd Center for Food Policy & Obesity, XYZ District School Wellness Policy](#)
- [CDC, School Health Guidelines](#)
- [FNS, School Meals Guidance and Resources](#)

NOTE: Due to the COVID-19 pandemic, USDA is granting states significant program flexibilities and contingencies to best serve program participants across their nutrition programs through June 2022. View the USDA’s press release, [Pandemic Flexibilities for Schools and Day Care Facilities to Support Safe Reopening and Healthy, Nutritious Meals](#) and the Food and Nutrition Services of the USDA’s [Response to COVID-19](#) website for more information. See also [SNAP’s COVID-19 Emergency Allotments Guidance](#).

Asbestos Hazard Emergency Response Act

The Asbestos Hazard Emergency Response Act (AHERA) requires school districts to inspect their buildings for asbestos-containing building materials, and develop, maintain, and update an asbestos management plan. School districts must annually notify parents, teachers, and employee organizations in writing of the availability of the management plan and planned or in-progress inspections, re-inspections, response actions, and post-response actions, including periodic re-inspection and surveillance activities. [40 C.F.R. §§ 763.84\(c\), \(f\), and 763.93\(g\)\(2\)](#).

McKinney-Vento Homeless Assistance Act

The McKinney-Vento Homeless Assistance Act requires school districts, through their homeless student liaisons, to provide public notice of the education rights of the homeless students enrolled in their districts. [42 U.S.C. § 11432\(e\)\(3\)\(C\)\(i\)](#). Such notice is to be disseminated in places where homeless students receive services under this Act, including schools, family shelters, and soup kitchens. [42 U.S.C. § 11432 \(g\)\(6\)\(A\)\(vi\)](#). The notice must be in a “manner and form” understandable to homeless students and their parents/guardians, “including, if necessary and to the extent feasible,” in their native language. [42 U.S.C. § 11432\(e\)\(3\)\(C\)\(iii\)](#).

The U.S. Department of Education has issued [guidelines](#) for states, which address ways a state may (1) assist LEAs to implement McKinney-Vento, as amended by ESSA, and (2) review and revise policies and procedures, along with LEAs, that may present barriers to the identification, enrollment, attendance, and success of homeless children and youths in school.

The U.S. Department of Education’s [Education for Homeless Children and Youths Program Non-Regulatory Guidance](#) highlights the key changes brought about by ESSA. For notice requirements under “tips for establishing an effective dispute resolution process,” see page 33.

Additional resources available from the U.S. Department of Education include: [Dear Colleague Letter: Educational Rights of Homeless Children and Youths](#) and guidance on [Supporting the Success of Homeless Children and Youths](#). Also, the National Center for Homeless Education (funded by the U.S. Department of Education) has created free [Educational Rights posters](#) (in black/white or color; English/Spanish; parents/students).

Title VI, Title IX, Section 504, the Age Discrimination Act, Title II of the Americans with Disabilities Act, and the Boy Scouts of America Equal Access Act

Several federal statutes protect the rights of beneficiaries not to be discriminated against in programs or activities receiving federal and/or state financial assistance. Specifically, the following statutes prohibit discrimination: [Title VI, 34 C.F.R. § 100.6\(d\)](#) (race, color, ethnicity, and national origin); [Title IX, 34 C.F.R. § 106.9](#) (sex and pregnancy); [Section 504, 34 C.F.R. § 104.8](#) and [Title II, 28 C.F.R. § 35.106](#) of the Americans with Disabilities Act (disability); and the [Age Discrimination Act, 34 C.F.R. § 110.25](#) (age). [The Boy Scouts of America Equal Access Act, 34 C.F.R. § 108.9](#) requires public schools to provide equal access to the use of school property to the Boy Scouts and other designated youth groups.

The regulations implementing the above statutes require school districts to notify students, parents, and others that they do not discriminate on the basis of race, color, ethnicity, national origin, sex, pregnancy, disability, or age, and that they provide equal access to the Boy Scouts and other designated youth groups. The regulations contain minor differences relating to the required content of the notices and the methods used to publish them.

The U.S. Department of Education's [Notice of Non-Discrimination](#) describes the content requirements of notices under these statutes, including the methods of notification required by Title IX and Section 504, and contains a sample notice of non-discrimination school districts may use to meet the requirements of all of the above statutes. **NOTE:** The notice must include the name or title and contact information of the coordinators designated to handle complaints under Title IX ([34 C.F.R. § 106.8](#)), Section 504 ([34 C.F.R. § 104.8](#)), the Americans with Disabilities Act ([28 C.F.R. § 35.107](#)), and the Age Discrimination Act ([34 C.F.R. § 110.25](#)).

Pursuant to the 2020 Title IX regulations, instead of notifying only students and employees of the Title IX Coordinator's contact information, schools must also notify applicants for admission and employment, parents or legal guardians of elementary and secondary school students, and all unions of the name or title, office address, e-mail address, and telephone number of the Title IX Coordinator. Additionally, schools must prominently display the required contact information for the Title IX Coordinator on their websites.

Individuals with Disabilities Education Act

Under the Individuals with Disabilities Education Act (IDEA), a school district must give parents of a child with a disability a copy of its procedural safeguards one time per year, and upon initial referral or parental request for an evaluation, the filing of a first request for a due process hearing, a disciplinary action constituting a change in placement, and at the request of a parent. [20 U.S.C. § 1415\(d\)\(1\)\(a\); 34 C.F.R. § 300.504\(a\)](#). The notice must fully explain the IDEA's procedural safeguards in an easily understandable manner, and in the native language of the parents unless it is clearly not feasible to do so. [20 U.S.C. § 1415\(d\)\(2\); 34 C.F.R. § 300.504\(c\), \(d\)](#). Parents may choose to receive the procedural safeguards notice and other notices under the IDEA by email, if the LEA makes this option available. [20 U.S.C. § 1415\(n\); 34 C.F.R. § 300.505](#).

The U.S. Department of Education's [Model Form: Procedural Safeguards Notice](#) provides guidance on required content of forms under the IDEA. **NOTE:** The procedural safeguards notice requirements in the IDEA also apply to parents of homeless children with disabilities. For more information, see

Question B-2 in [Questions and Answers on Special Education and Homelessness](#) by the Office of Special Education and Rehabilitative Services and the Office of Elementary and Secondary Education.

In 2017, the U.S. Department of Education provided guidance on when and how parents must be notified before “records containing personally identifiable information are destroyed under Part B of IDEA.” Specifically, it considered whether “under [34 C.F.R. § 300.624](#), a school district must specifically notify parents at the time the district intends to destroy [a student's] records or whether such notice must be provided at the time the records are no longer needed.” The Department determine through a [letter](#) that under the IDEA, parents must be informed when the personally identifiable information is no longer needed to provide services. NOTE: The Department also addresses inquiries concerning the implementation of [IDEA Part B procedural safeguards in the COVID-19 environment](#) in guidance released June 30, 2020.