

# CSBA Sample

## Board Policy

### Community Relations

BP 1113(a)

### DISTRICT AND SCHOOL WEB SITES

Note: The following **optional** policy is for use by districts that maintain their own web site(s) and may be revised to reflect district practice. District strategies for effective use of web sites may be incorporated into the district's comprehensive communications plan; see BP 1100 - Communication with the Public.

To enhance communication with students, parents/guardians, staff, and community members, the Governing Board encourages the Superintendent or designee to develop and maintain district and school web sites. The use of district and school web sites shall support the district's vision and goals and shall be coordinated with other district communications strategies.

(cf. 0000 - Vision)

(cf. 0440 - District Technology Plan)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 1114 - District-Sponsored Social Media)

(cf. 6020 - Parent Involvement)

### Design Standards

The Superintendent or designee shall establish design standards for district and school web sites in order to maintain a consistent identity, professional appearance, and ease of use.

Note: Pursuant to Title II of the Americans with Disabilities Act (42 USC 12131-12134), the district must ensure that individuals with disabilities are not discriminated against or excluded from participation in public services, programs, or activities. A U.S. Department of Justice (USDJ) technical assistance publication, *Accessibility of State and Local Government Websites to People with Disabilities*, affirms that this statute applies to district-sponsored web sites. Pursuant to Title II of the Americans with Disabilities Act (42 USC 12131-12134) and Section 504 of the Rehabilitation Act of 1973 (29 USC 705, 794; 34 CFR 104.1-104.39), districts have an obligation to provide an equal opportunity to individuals with disabilities to participate in and receive the benefits of the educational program, and must provide accommodations or modifications when necessary to ensure equal treatment. Such obligations have been interpreted by the U.S. Department of Education's Office for Civil Rights (OCR) to include the requirement that district web sites be accessible to individuals with disabilities. See the OCR's June 2010 and May 2011 Dear Colleague Letters. Thus, the districts should must consider the needs of individuals with disabilities and identify features that would enable such persons to access all the information on district and school web sites. site's information. For example, hearing impaired individuals may not be able to access information in Internet videos or other multimedia presentations that do not have captions, and visually impaired individuals who use screen readers or other assistive technology may not be able to "read" images or photographs without corresponding text. Examples of technical standards for web site accessibility are available from the World Wide Web Consortium, the California Department of Education's standards for state web sites, and other sources.

## DISTRICT AND SCHOOL WEB SITES (continued)

The ~~USDOJ's~~ **A U.S. Department of Justice** technical assistance publication, **Accessibility of State and Local Government Websites to People with Disabilities**, states that an agency with ~~an inaccessible web site~~ **a web site that is otherwise inaccessible to individuals with disabilities** may ~~also~~ meet its legal obligations by providing an alternative accessible way for ~~individuals with disabilities~~ **them** to use the programs or services (e.g., a staffed telephone information line), but points out that these alternatives are unlikely to provide an equal degree of access in terms of hours of operation or range of options and programs available. **See the accompanying administrative regulation for accessibility guidelines.**

The district's design standards shall address the accessibility of district ~~sponsored~~ **and school** web sites to individuals with disabilities, including compatibility with commonly used assistive technologies.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*

### **Guidelines for Web Site Content**

The Superintendent or designee shall develop content guidelines for district and school web sites and ~~shall~~ assign staff to review and approve content prior to posting.

Note: ~~The district may determine whether or not to post advertising of a commercial nature on district and school web sites. The following optional paragraph provides that the district will apply the same policy it has established for advertising in school sponsored publications (see BP 1325 – Advertising and Promotion) and may be revised to reflect district practice. The following optional paragraph ensures consistency of district policies regarding advertising and may be revised to reflect district practice.~~

Board policy pertaining to advertising in district and school publications, as specified in BP 1325 - Advertising and Promotion, shall also apply to advertising on district and school web sites.

*(cf. 1325 - Advertising and Promotion)*

### **Privacy Rights**

Note: Business and Professions Code 22580-22582 prohibit an operator of a web site from knowingly using, disclosing, compiling, or allowing a third party to use, disclose, or compile the personal information of a minor for the purpose of marketing or advertising specified types of products or services. Business and Professions Code 22584-22585 prohibit the operator of a web site that provides services to K-12 students from selling or disclosing specified student information or knowingly using that student information to engage in targeted advertising to students or parents/guardians or to amass a profile about a student. Business and Professions Code 22586, as added by AB 2799 (Ch. 620, Statutes of 2016), provides a similar prohibition for the operator of a web site used, designed, and marketed primarily for preschool or prekindergarten purposes from knowingly engaging in specified activities, including targeted advertising, selling or disclosing a student's information, and using specified information to amass a profile about a

student except in furtherance of preschool or prekindergarten purposes. See BP 5125 - Student Records for further information regarding protection of student information.

BP 1113(c)

## DISTRICT AND SCHOOL WEB SITES (continued)

The Superintendent or designee shall ensure that the privacy rights of students, parents/guardians, staff, Board members, and other individuals are protected on district and school web sites.

(cf. 1340 - Access to District Records)  
(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)  
(cf. 5022 - Student and Family Privacy Rights)  
(cf. 5125 - Student Records)

Note: The following **optional** paragraph may be revised to reflect district practice. The district should carefully consider whether to place personally identifiable information on district or school web sites since release of such information may put individuals, including students, at risk and also may violate Education Code 49073 which prohibits disclosure of student directory information to any private profit-making entity; see BP/AR/E 5125.1 - Release of Directory Information.

Telephone numbers and home and email addresses of students and/or their parents/guardians shall not be published on district or school web sites.

(cf. 5125.1 - Release of Directory Information)

Note: The following options address the use of students' photographs on district or school web sites. Option 1 is for use by districts that, pursuant to Education Code 49061 and 34 CFR 99.3, **have included** photographs in the definition of directory information, as specified in AR 5125.1 - Release of Directory Information, and **thus allow** parents/guardians the opportunity to request that their child's photograph not be released **publish student photographs along with their names unless a parent/guardian requested in writing that no photographs of their child be released** without their prior written consent. Option 2 is for use by districts that do not **wish to** allow students' photographs to be published along with their names **without unless** specific consent **for such publication is received from the parent/guardian**.

**OPTION 1:** ~~Photographs of individual students may be published, together with their names, except when their The district regards photographs as a category of directory information that would not generally be considered harmful or an invasion of privacy if disclosed. Therefore, a student's photograph, together with his/her name, may be published on district or school web sites unless the student's parent/guardian has notified the district in writing to not release the student's photograph without prior written consent, in accordance with BP/AR 5125.1 - Release of Directory Information.~~

**OPTION 2:** ~~Because of the wide accessibility of the Internet and potential risk to students, p~~Photographs of individual students shall not be published **on district or school web sites** ~~with~~

Attachment H  
Use CSBA Sample with additional changes

~~their names~~ **accompanied by the student's name** or other personally identifiable information without the prior written consent of the student's parent/guardian.

Note: The remainder of this policy is for use by all districts.
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BP 1113(d)

## DISTRICT AND SCHOOL WEB SITES (continued)

**If students' names are not included,** ~~pp~~ photographs of **individual students or** groups of students, such as at a school event, may be published **on school or district web sites** ~~provided that students' names are not included.~~

<b>Note: The following optional paragraph may be revised to reflect district practice. It is recommended that districts not post employees' home addresses, personal telephone numbers, or personal email addresses on district or school web sites, in order to maintain employee privacy and safety. If such information is posted, employees should be informed that using a personal account or device to receive communications regarding district business does not categorically exclude these records from disclosure upon request under the California Public Records Act (Government Code 6250-6270), pursuant to the California Supreme Court's decision in <u>City of San Jose v. Superior Court</u>. See BP 1340 - Access to District Records, AR 3580 - District Records, and BB 9012 - Board Member Electronic Communications.</b>
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~~Staff members'~~ **Employees'** home addresses, ~~or~~ **personal** telephone numbers, **and personal email addresses** shall not be posted on district or school web sites.

The home address or telephone number of any elected or appointed official including, but not limited to, a Board member or public safety official, shall not be posted on district or school web sites without the prior written permission of that individual. (Government Code 3307.5, 6254.21, 6254.24)

No public safety official shall be required to consent to the posting on the Internet of his/her photograph or identity as a public safety officer for any purpose if that officer reasonably believes that the disclosure may result in a threat, harassment, intimidation, or harm to the officer or his/her family. (Government Code 3307.5)

(cf. 3515.3 - District Police/Security Department)

### *Legal Reference:*

#### EDUCATION CODE

35182.5 *Contracts for advertising*

35258 *Internet access to school accountability report cards*

48907 *Exercise of free expression; rules and regulations*

48950 *Speech and other communication*

49061 *Definitions, directory information*

49073 *Release of directory information*

## Attachment H

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60048 *Commercial brand names, contracts or logos*

### **BUSINESS AND PROFESSIONS CODE**

**22580-22582 *Digital privacy***

**22584-22585 *Student Online Personal Information Protection Act***

**22586 *Preschool and prekindergarten privacy***

*Legal Reference continued: (see next page)*

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## **DISTRICT AND SCHOOL WEB SITES (continued)**

*Legal Reference: (continued)*

### **GOVERNMENT CODE**

3307.5 *Publishing identity of public safety officers*

6254.21 *Publishing addresses and telephone numbers of officials*

6254.24 *Definition of public safety official*

11135 *Nondiscrimination; accessibility to state web sites*

### **PENAL CODE**

14029.5 *Prohibition against publishing personal information of person in witness protection program*

### **UNITED STATES CODE, TITLE 17**

**101-1101 *Federal copyright law***

**101-122 *Subject matter and scope of copyright***

**504 *Penalties for copyright infringement***

### **UNITED STATES CODE, TITLE 20**

1232g *Federal Family Educational Rights and Privacy Act*

### **UNITED STATES CODE, TITLE 29**

**705 *Definitions; Vocational Rehabilitation Act***

794 *Section 503 of the Rehabilitation Act of 1973; accessibility to federal web sites*

### **UNITED STATES CODE, TITLE 42**

12101-12213 *Americans with Disabilities Act*

### **CODE OF FEDERAL REGULATIONS, TITLE 16**

312.1-312.12 *Children's Online Privacy*

### **CODE OF FEDERAL REGULATIONS, TITLE 34**

99.1-99.67 *Family Educational Rights and Privacy*

**104.1-104.61 *Nondiscrimination on the basis of disability***

### **COURT DECISIONS**

***City of San Jose v. Superior Court, (2017) 2 Cal.5th 608***

***Aaris v. Las Virgenes Unified School District, (1998) 64 Cal.App.4th 1112***

*Management Resources:*

### **U.S. DEPARTMENT OF EDUCATION OFFICE FOR CIVIL RIGHTS PUBLICATIONS**

***Dear Colleague Letter, May 26, 2011***

***Joint Dear Colleague Letter: Electronic Book Readers, June 2010***

### **U.S. DEPARTMENT OF JUSTICE PUBLICATIONS**

***Accessibility of State and Local Government Websites to People with Disabilities, June 2003***

### **WORLD WIDE WEB CONSORTIUM PUBLICATIONS**

***Web Content Accessibility Guidelines, December 2008***

### **WEB SITES**

***CSBA: <http://www.csba.org>***

## Attachment H

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*California Department of Education, Web Accessibility Standards:*

*<http://www.cde.ca.gov/re/di/ws/webaccessstds.asp>*

*California School Public Relations Association: <http://www.calspra.org>*

***U.S. Department of Education, Office for Civil Rights: <https://www2.ed.gov/about/offices/list/ocr>***

*U.S. Department of Justice, Americans with Disabilities Act: <http://www.ada.gov>*

*World Wide Web Consortium, Web Accessibility Initiative: <http://www.w3.org/wai>*

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#### **Policy Reference UPDATE Service**

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