



SACRAMENTO CITY UNIFIED SCHOOL DISTRICT BOARD OF EDUCATION

Agenda Item 10.3

Meeting Date: September 21, 2017

Subject: Revisions to Board Policy (BP) 1113, District and School Websites

- Information Item Only
- Approval on Consent Agenda
- Conference (for discussion only)
- Conference/First Reading (Action Anticipated: (October 5, 2017))
- Conference/Action
- Action
- Public Hearing

Division: Legal Services

Recommendation: Approve revisions to District policy regarding District and School Websites.

Background/Rationale: The District is required to update its web site and corresponding policy in order to comply with the evolving standards of the Americans with Disabilities Act (“ADA”) and other disability discrimination laws. The Department of Education’s Office for Civil Rights (“OCR”) has reviewed numerous school district web sites nation-wide, including SCUSD’s web site. Accordingly, OCR and the District have entered into a voluntary agreement to update its web sites, policy, and accessibility trainings. The updates to the policy are designed to continue compliance with ADA standards that ensure accessibility to disabled individuals, including those with visual or hearing impairments, as well as other impairments. The enclosed revised policy meets the standards of the ADA as required by OCR.

Financial Considerations: The District will incur a cost for the audit required by OCR and any upgrades or modifications to the website to ensure accessibility.

LCAP Goal(s): Family and Community Empowerment

Documents Attached:

1. Executive Summary
2. Revised BP 1113
3. Revised red-line of BP 1113

Estimated Time of Presentation: 5 minutes

Submitted by: Raoul Bozio, In House Counsel

Jessie Ryan, Chair of Governance and Policy Committee

Approved by: Jorge A. Aguilar, Superintendent

Board of Education Executive Summary

Legal Services

Board Policy (BP) 1113: District and School Websites

September 21, 2017



I. Overview/History of Department or Program:

The District is required to update its web site and corresponding policy in order to comply with the evolving standards of the Americans with Disabilities Act (“ADA”) and other disability discrimination laws, including Section 504. The Department of Education’s Office for Civil Rights (“OCR”) has reviewed school district web sites across the country to measure their accessibility to individuals with disabilities. Accordingly, OCR and the District have entered into a voluntary agreement to update its web sites, policy, and accessibility trainings.

The updates to the policy are designed to ensure continued compliance with ADA and Section 504 standards as provided in implementing regulations so as to ensure accessibility to disabled individuals, including those with visual or hearing impairments, as well as other impairments. The enclosed revised policy meets the standards of the accessibility as required by OCR.

II. Driving Governance:

Title II of the Americans with Disabilities Act of 1990, and its implementing regulations at 28 C.F.R. Part 35; Section 504 of the Rehabilitation Act of 1973, and its implementing regulations at 34 C.F.R. Part 104.

III. Budget:

The District will incur a cost for the audit of the District website and any upgrades or modifications required to ensure accessibility.

IV. Goals, Objectives and Measures:

The goal is to ensure access for disabled individuals to District information and resources available through the District website.

V. Major Initiatives:

Family and Community Empowerment

VI. Results:

VII. Lessons Learned/Next Steps:

Next Steps include the adoption of this Board Policy at the October 5th, 2017 Board Meeting. The required audit and website trainings will commence in the Fall of 2017. Upgrades or modifications to the website to ensure accessibility will likely be required.

Sacramento City USD

Board Policy

District And School Web Sites

BP 1113

Community Relations

To enhance communication with students, parents/guardians, staff, community members and the public at large, the Governing Board encourages the development and ongoing maintenance of district and school web sites on the Internet. Web sites shall support the educational vision of the district and shall be consistent with the district's plans for communications and media relations.

(cf. 0000 - Vision)

(cf. 0200 - Goals for the School District)

(cf. 0440 - District Technology Plan)

(cf. 1100 - Communication with the Public)

(cf. 1112 - Media Relations)

(cf. 3312 - Contracts)

(cf. 4040 - Employee Use of Technology)

(cf. 5124 - Communication with Parents/Guardians)

(cf. 5145.2 - Freedom of Speech/Expression: Publications Code)

(cf. 6010 - Goals and Objectives)

(cf. 6145.3 - Publications)

(cf. 6145.5 - Student Organization and Equal Access)

(cf. 6162.7 - Use of Technology in Instruction)

(cf. 6163.4 - Student Use of Technology)

The Superintendent or designee shall develop guidelines regarding the content of district and school web sites which shall include standards for the ethical and responsible use of information and technology. These guidelines shall be consistent with law, Board policy and administrative regulation.

District and school web sites shall not include content which is obscene, libelous or slanderous, or which creates a clear and present danger of inciting students to commit unlawful acts on school premises, violate school rules or substantially disrupt the school's orderly operation.

Any links to external sites shall follow the same guidelines applicable to district and school web sites.

The Superintendent or designee shall ensure that copyright laws are not violated in the use of material on district or school web sites.

(cf. 4132/4232/4332 - Publication or Creation of Materials)

(cf. 6162.6 - Use of Copyrighted Materials)

Content

The Superintendent or designee shall ensure that web site content protects the privacy rights of students, parents/guardians, staff, Board members and other individuals.

No personal information about students or their parents/guardians, including phone numbers, home addresses or e-mail addresses, shall be published on a district or school web page.

Student directory information shall not be published if parents/guardians have requested that it be withheld.

(cf. 1340 - Access to District Records)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 5145.1 - Privacy)

Photographs of students shall be used only with written permission from the students' parents/guardians.

Home addresses or telephone numbers of staff members shall not be posted.

District and school web sites shall not post the home address or telephone number of any elected or appointed official without the prior written permission of that individual. (Government Code 6254.21)

(cf. 1100 - Communication with the Public)

No public safety officer shall be required as a condition of employment to consent to the use 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)

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

Staff and students may submit materials for web site publication to the district or school webmaster who shall ensure that the content adheres to district guidelines and policies.

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

49073 Release of directory information

60048 Commercial brand names, contracts or logos

GOVERNMENT CODE

3307.5 Publishing identity of public safety officers

6254.21 Publishing addresses and phone numbers of board members

UNITED STATES CODE, TITLE 17

101-1101 Federal copyright law

UNITED STATES CODE, TITLE 20

1232g Federal Family Educational Rights and Privacy Act (FERPA)

CODE OF FEDERAL REGULATIONS, TITLE 16

312.1-312.11 Children's Online Privacy

COURT DECISIONS

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

Perry Education Association v. Perry Local Educators' Association, (1983) 460 U.S. 37

Board of Education, Island Trees Union Free School District, et.al. v. Pico, (1982) 457 U.S. 853

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: November 5, 2001 Sacramento, California

Sacramento City USD

Board Policy

Access To District Record

BP 1340

Community Relations

The Governing Board recognizes the right of citizens to have access to public records of the district. The Board intends the district to provide any person reasonable access to the public records of the schools and district during normal business hours and within the requirements of state and federal law. Such records shall be examined in the presence of the staff member regularly responsible for their maintenance or his or her designee.

In response to a public records request, the Superintendent or designee shall make reasonable efforts to locate the requested records, including, but not limited to, any electronic communication substantively related to the records, such as email, text messages, instant messages, and other electronic communications, regardless of whether they are transmitted through a district-provided device or account or through an employee's or Board member's personal device or account.

The district may charge for copies of public records or other materials requested by individuals or groups. The charge shall be based on actual costs of duplication, as determined by the Superintendent or designee and as specified in administrative regulation.

Public access shall not be given to records listed as exempt from public disclosure in the California Public Records Act or other statutes.

(cf. 3553 - Free and Reduced Price Meals)

(cf. 4112.6/4212.6/4312.6 - Personnel Files)

(cf. 4112.62/4212.62/4312.62 - Maintenance of Criminal Offender Records)

(cf. 4119.23/4219.23/4319.23 - Unauthorized Release of Confidential/Privileged Information)

(cf. 5020 - Parent Rights and Responsibilities)

(cf. 5125 - Student Records)

(cf. 5125.1 - Release of Directory Information)

(cf. 6162.5 - Student Assessment)

(cf. 9011 - Disclosure of Confidential/Privileged Information)

(cf. 9321 - Closed Session Purposes and Agendas)

Legal Reference:

EDUCATION CODE

35145 Public meetings

35170 Authority to secure copyrights

35250 Duty to keep certain records and reports

41020 Requirement for annual audit

42103 Publication of proposed budget; hearing

44031 Personnel file contents and inspections
44839 Medical certificates; periodic medical examination
49060-49079 Pupil records
49091.10 Parental review of curriculum and instruction
52850 Applicability of article (School-Based Program Coordination Plan availability)

GOVERNMENT CODE

3547 Proposals relating to representation
6250-6270 California Public Records Act
6275-6276.48 Other exemptions from disclosure
53262 Employment contracts
54957.2 Minute book record of closed sessions
54957.5 Agendas and other writings distributed for discussion or consideration
81008 Political Reform Act, public records; inspection and reproduction

CALIFORNIA CONSTITUTION

Article 1, Section 3 Right of access to governmental information

CODE OF REGULATIONS, TITLE 5

430-438 Individual pupil records

COURT DECISIONS

International Federation of Professional and Technical Engineers v. The Superior Court of Alameda County, (2007) 42 Cal.4th 319
Los Angeles Times v. Alameda Corridor Transportation Authority, (2001) 88 Cal.App.4th 1381
Kleitman v. Superior Court, (1999) 74 Cal.App. 4th 324
Fairley v. Superior Court, (1998) 66 Cal.App. 4th 1414
North County Parents Organization for Children with Special Needs v. Department of Education, (1994) 23 Cal.App. 4th 144

ATTORNEY GENERAL OPINIONS

71 Ops.Cal.Atty.Gen. 235 (1988)
64 Ops.Cal.Atty.Gen. 186 (1981)

Management Resources:

ATTORNEY GENERAL PUBLICATIONS

Summary of the California Public Records Act, 2004

LEAGUE OF CALIFORNIA CITIES PUBLICATIONS

The People's Business: A Guide to the California Public Records Act, 2008

WEB SITES

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

California Attorney General's Office: <http://www.caag.state.ca.us>

Institute for Local Government: <http://www.cacities.org/index.jsp?zone=ilsg>

State Bar of California: <http://www.calbar.ca.gov>

Policy SACRAMENTO CITY UNIFIED SCHOOL DISTRICT

adopted: November 5, 2001 Sacramento, California

revised: May 21, 2009

revised: August , 2017