



LAW UPDATE

SPECIAL EDUCATION

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SCHOOL DISTRICT WEBSITE REQUIREMENTS

This is in response to the SLS Board of Directors' request for information regarding the requirements for posting materials on school district websites, and whether the law requires districts to maintain an Internet website.

The law does not specifically require school districts to maintain a website, although such a requirement can be implied under some of the statutes calling for posting on websites (see discussion in the Conclusion section below). However, most school districts elect to maintain a website to assist in providing information to students, families within the district, and the community. If a school district chooses to have a website, the website must be accessible pursuant to Section 508 of the Rehabilitation Act and agendas must be posted there in accordance with the Ralph M. Brown Act. In addition to accessibility issues, school districts are under a number of obligations to ensure that their website is compliant with the law. Some of the laws that govern school website content are found in the Education Code and the Government Code. Several of these code sections require posting on school district websites which seem to imply that a school district must have a website to be in compliance with the law.

Website Standards Under the Education Code

When a school district chooses to maintain a website, that website must follow certain requirements. The website requirements under the Education Code can be divided into two categories: mandatory "shall include" and optional "may include." These requirements are as follows:

Shall Include

- Citizen's Oversight Committee Agendas, Minutes & Reports (Ed. Code 15280)
- School accountability report card information (Ed. Code 35258)
- Information regarding filing a Title IX complaint (Ed. Code 221.61)

- Annual posting of statewide resources, including community-based organizations, that provide support to youth, and their families, who have been subjected to school-based discrimination (Ed. Code 234.5)
- Integrated pest management plan (Ed. Code 17611.5)
- If school offers competitive athletics, then specific information including enrollment and athletic information: The total enrollment of the school, classified by gender. The number of pupils enrolled at the school who participate in competitive athletics, classified by gender. The number of boys' and girls' teams, classified by sport and by competition level. (Ed. Code 221.9)
- Official notice of accreditation status/loss of accreditation status (Ed. Code 35178.4)
- Posting of local control and accountability plan, duties of county superintendents (Ed. Code 52065)
- Posting of data related to economic impact aid funding on Internet website (Ed. Code 54029)
- California Mathematics Placement Act of 2015; Mathematics placement policy for pupils entering grade nine; Mathematics placement policy for pupils transitioning between elementary and middle or junior high school; Posting of policy on website (Ed. Code 51224.7)
- Posting on Web site notifying children of telephone number to report child abuse or neglect (Ed. Code 33133.5)

May Include

- Provision of sexual abuse and sex trafficking prevention education by school district; Right of parent or guardian to excuse child; Resources on Internet Website; Intervention programs; In-service training (Ed. Code 51950)
- Sudden Cardiac Arrest information, training course & other materials (Ed. Code 33479.2(c))
- Bias-related discrimination, harassment, intimidation, and bullying in schools Information (Ed. Code 234.2(c))

Website Requirements Under the Government Code

The Government Code includes fewer requirements for websites than the Education Code, and unlike the Education Code, these requirements all fall under the “shall include” category. The requirements are as follows:

Shall Include

- School Board Agenda (Gov. Code 54954.2)
- Notice of meeting (Gov. Code 11125)

Website Requirements Under Federal Law

With regard to content, school districts should also keep in mind Federal copyright law (17 USC 107) which dictates the fair use of published materials for instructional purposes. Another consideration for districts are a staff log in or intranet that is not accessible to the public, may be considered public records under the PRA.

Other Considerations

A district's website is probably most commonly used by staff (primarily teachers) for access to such information as payroll, human resource and attendance. Further, many forms are on the website that staff uses regularly. Collective bargaining agreements and Board Policies are also commonly accessed by staff via the website. Job postings and applications are processed through a district's website. Nonetheless, if a website is maintained by a school district, the website must be compliant under state and federal law.

Districts are reminded that their websites and web content must be accessible to people with disabilities under the Americans with Disabilities Act, and that, beginning in 2019, specific requirements come into play concerning easy access to agendas posted on the website and the format for documents posted there to ensure they are easily retrievable and searchable (Assembly Bill 2257).

Conclusion

Although there is no specific requirement for a school district to maintain a website, districts must remain compliant with the law if a website is maintained. Many code sections seem to imply that a website will be maintained (for example, Education Code section 54029 provides that "as a condition of the receipt of the economic impact aid funds, a school district shall post in an easily accessible location on its Internet website data related to economic impact aid funding for purposes of budget transparency..." There is not simply one section of either the Education or Government codes where one can look to determine whether a particular website meets all of the required elements. From one perspective, this is because no two schools face identical issues that need to be addressed and each district must tailor its website to meet the needs of its students albeit following the guidelines established under the law, and each website must be evaluated on a case by case basis. Even

so, this is an area of law that is largely undeveloped, and many changes and/or improvements can be expected in upcoming years.

If you have any questions concerning this or related issues, do not hesitate to contact our office.

– CHRISTINA J. OLESON

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