



LAW UPDATE EDUCATION

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October 2021

SCHOOL DISTRICT WEBSITE REQUIREMENTS

While it is now common for districts and school sites to maintain a website, there are no specific statutes or regulations that require either to do so. However, there are several statutes and regulations that require certain information be posted to a district's website. Some statutes and regulations specifically state an alternative means of publication if the district does not maintain a website, while others do not. Without an alternative to posting on a website, the statutes imply that a district must maintain a website. One such example is Education Code section 54029. It states, "As a condition of the receipt of 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."¹

Maintaining a website can also assist a district with some of the yearly notifications required to be sent to students, parents, or guardians. The majority of notification statutes and regulations require written notification to students, parents or guardians, but some allow for notification via a district's website.

If a district and/or school site has chosen to maintain a website, there are several mandates for that website. For example, the website must be accessible in accordance with section 508 of the Rehabilitation Act.² In addition to accessibility requirements, there are content mandates. The statutes and regulations for these mandates are found in the Education Code, Government Code, and Code of Federal Regulations, as well as advisory memoranda from various federal agencies. The majority of these statutes and regulations require certain information be posted to a district's website, while some information is optional or encouraged.

¹ Education Code section 54029. Also see section 56205.5: "The superintendent or other chief administrator of a local educational agency shall post on the Internet Web site of the local educational agency any local plan, annual budget plan, annual service plan, and annual assurances support plan upon approval of the special education local plan area, and any updates or revisions to the plans upon approval of the special education local plan area." Also see section 46600.2 that requires a school district to post on its website the procedures and timelines for interdistrict transfers.

² Government Code section 7405; Rehabilitation Act section 508 (29 USCS section 794d).

In addition to the recommendations below, please see CSBA Sample Policy E 1113 for a list of requirements for district websites.

A. INFORMATION THAT MUST BE POSTED TO A DISTRICT'S WEBSITE – NO EXCEPTIONS

1. Education Code section 46600.2: Interdistrict Transfer Policy

This section requires a district to post on its website the procedures and timelines to request an interdistrict transfer. This shall include a link to the policy of the governing board and must be accessible to the public without a password. There is no exception given if the district does not have a website.

Section 46600.2 lists several things that should be included on the website. This includes, but is not limited to:

- (1) The date upon which the school district will begin accepting and processing interdistrict transfer requests for the subsequent school year.
- (2) The reasons for which the school district may approve or deny a request, and any information or documents that must be submitted as supporting evidence.
- (3) If applicable, the process and timelines by which a denial of a request may be appealed within the school district before the school district renders a final decision.
- (4) That failure of the parents to meet any timelines established by the school district shall be deemed an abandonment of the request.
- (5) Applicable timelines for processing a request, including statements that the school district shall do both of the following:
 - (a) Notify a parent submitting a current year request, as defined in section 46600.1, of its final decision within 30 calendar days from the date the request was received.
 - (b) Notify a parent submitting a future year request, as defined in section 46600.1, of its final decision as soon as possible, but no later than 14 calendar days after the commencement of instruction in the school year for which interdistrict transfer is sought.
- (6) The conditions under which an existing interdistrict transfer permit may be revoked or rescinded.

If the district does not have an interdistrict transfer policy, refer to CSBA Sample Policies: BP and AR 5116.1, AR 5117, and BP 5119.

2. Education Code section 48301: Interdistrict Transfer; School District of Choice

This section will be inoperative on July 1, 2023. Section 48301 requires that if a governing board elects to operate the school district as a “school district of choice,” the district shall post the application information on their website. The information to be posted shall include, at a minimum, any application form, the timeline for a transfer, and an explanation of the selection process of the school district of choice.

3. Education Code section 52065: Local Control and Accountability Plan

This section has one set of website posting requirements for school districts and one set for the county superintendent of schools. There are no exceptions for not having a website.

The district is required to:

- (1) Prominently post on the homepage of its website any local control and accountability plan approved by the district’s governing board and any updates, revisions, or addenda, including those to comply with federal law, to a local control and accountability plan approved by the governing agency.
- (2) Prominently post all local control and accountability plans submitted by charter schools that were authorized by the school district, or links to those plans, on its website.

The county superintendent of schools is required to:

- (1) Prominently post on the homepage of its website a local control and accountability plan approved by the governing board of education and any updates or revisions to a local control accountability plan approved by the county board of education.
- (2) Prominently post or provide a link on its website to all local control and accountability plans submitted by school districts and charter schools.

Note that both districts and county superintendents are required to post the plans on their websites’ homepage. A charter school is required to post the plan “prominently” on its website, but not necessarily on the homepage. If the district does not have a policy, refer to CSBA Sample Policy AR 0460.

4. Education Code section 56205.5: Required SELPA Documents

A district superintendent or other chief administrator shall post on the district’s website any local plan, annual budget plan, annual service plan, and annual assurances support plan upon

approval of the special education local plan area (SELPA), and any updates or revisions to the plans upon approval of the SELPA. The county superintendent is also required to post these plans, as well as any plan submitted by special education local plan areas in the county. This last requirement of the county superintendent may also be fulfilled by a link from its website to the district's plan on the district's website.

CSBA Sample Policies BP and AR 0430 describe what should be contained in the local plan. There are no exceptions listed for districts that do not maintain a website.

5. 34 Code of Federal Regulations 200.61: Parents' Right to Know

Districts that receive funds under this subpart must make "widely available," through public means for each grade served by the district, information on each assessment required by the state to comply with section 1111 of the Elementary and Secondary Education Act (ESSA). "Widely available" includes posting in a clear and easily accessible manner on the district's website and, where practicable, on the website of each school served by the district.

There is no exception for a district not having a website. The language of "where practicable" with regard to the individual school sites indicates that it is required only if the school site has an existing website. It does not appear to allow for an exception if a district does not have a website. For guidance on a policy see CSBA Sample Policy BP 3230.

6. Education Code section 51747: Independent Study

For the 2021-2022 school year only, districts and county offices of education must notify parents and guardians of all enrolled students of the option to enroll in independent study.³ The notice must inform parents/guardians of the: (1) right to request a student-parent-educator conference prior to enrolling in independent study; (2) student's rights regarding procedures for enrolling, disenrolling, and reenrolling in independent study; and (3) synchronous and asynchronous instructional time that a student will have access to as part of independent study.

This section does not provide for any exceptions if the district does not have a website. However, please note that it is only required for the current school year, 2021-2022. If the district does not have an independent study policy, refer to CSBA Sample Policies BP 6158 and AR 6158.

7. Education Code section 47604.1: Charter School's Governing Meeting

This section requires a charter school to audio record, video record, or both, all governing board meetings and post them on the school's internet website.⁴ There are no provisions if a charter school does not have a website. It actually states that the "requirements of this section shall not be waived by the State Board of Education (state board) pursuant to section 33050⁵ or

³ Education Code section 51747(h)(1).

⁴ Education Code section 47604.1(c)(4)(C).

⁵ Exemptions to waivers of provisions that may be granted by the state board.

any other law.” Regarding charter school policies, refer to CSBA Sample Policies BP 0420.4 and E 0420.41.

8. Education Code section 47605: Charter School Admission Policy

Subsection 47605(e)(4) addresses rules regarding dis-encouragement/encouragement of enrolling/disenrolling and prohibition of requiring student’s records to be submitted prior to enrollment. The California Department of Education (CDE) was tasked with developing notice of requirements and that notice shall be posted on a charter school’s website.

This section instructs charter schools to develop a notice of the requirements of this subdivision and requires that the notice be posted on the charter school’s website.

9. Education Code section 15280: Citizen’s Oversight Committee Minutes

The minutes of a citizen’s oversight committee, as well as all documents received and reports issued, shall be a matter of public record and made available on a website maintained by the governing board of the district.

10. Education Code section 54029: Data Related to Economic Impact Aid Funding

As a condition of receiving economic impact aid funds, the district shall post information for purposes of budget transparency in an easily acceptable location on its website. This information shall include the amount of economic impact aid:

- (1) Allocated to the school district in that fiscal year.
- (2) Used by the school district for administrative costs in that fiscal year.
- (3) Expended for limited-English-proficient students in that fiscal year and the prior fiscal year by the school district and by each school within the district.
- (4) Expended for state compensatory education in that fiscal year and the prior fiscal year by the school district and by each school within the district.
- (5) The amount of unexpected economic impact aid and an explanation of why these funds have not been expended.

If the district does not have an Economic Impact Aid Funding policy, see CSBA Sample Policy AR 3231.

11. Education Code section 51224.7: Mathematics Placement Policy

This section requires the district to “ensure” that its mathematics placement policy is posted on its website. A mathematics placement policy was to be in place by January 1, 2016. If the district does not yet have a policy, refer to CSBA Sample Policies BP 6142.92, BP 6152.1, and 6152.1.

**B. INFORMATION THAT MUST BE POSTED TO A DISTRICT'S WEBSITE
IF ONE IS MAINTAINED**

1. Education Code section 234.6: Safe Place to Learn Act⁶

This section requires several different areas of information regarding suicide prevention, harassment, discrimination, and bullying to be accessible on the district's "existing internet website" indicating that a district is not required to create and maintain a website for the purpose of making this information available. For those districts that do have an existing website, the information is required to be "readily accessible in a prominent location" on the district's website in a manner that is easily accessible to parents/guardians and students. This section required compliance by the beginning of the 2020-2021 school year.

Pursuant to the Safe Place to Learn Act, districts are required to post the following to their existing website:

a. Policy on Pupil Suicide Prevention in Grades 7-12

Education Code section 215 required all districts to adopt a suicide prevention policy prior to the beginning of the 2017-2018 school year.

If the district has not yet adopted a suicide prevention policy, please see CSBA Sample Policies BP and AR 5141.52 and BP 5141.5 regarding students' mental health.

b. Policy on Pupil Suicide Prevention in Grades K-6

Education Code section 215 required an age-appropriate suicide prevention policy to be in place before the beginning of the 2020-2021 academic year. If the district has not yet adopted this policy, it is advisable to do so as soon as possible to be in compliance with section 215.

Section 215 requires that a suicide prevention policy for grades K-6 be adopted in consultation with school and community stakeholders, the county mental health plan, school-employed mental health professionals, and suicide prevention experts. The policy, as well as the policy for grades 7-12, shall specifically address the needs of high risk groups including, but not limited to, youth bereaved by suicide, youth with disabilities, mental illness, or substance use disorders, homeless youth, youth in out-of-home settings, such as foster care, and lesbian, gay, bisexual, transgender, or questioning youth. They also have requirements regarding training and materials.

⁶ See Education Law Update "AB34 – The Safe Place to Learn Act" distributed by SLS in March 2021.

If the district has not yet adopted a suicide prevention policy, see CSBA Sample Policies BP and AR 5141.52 and BP 5141.5 regarding students' mental health.

c. The Definition of Discrimination and Harassment Based on Sex as Described in Section 230

Section 230 prohibits discrimination and harassment based on sex in the denial of benefits of any academic, extracurricular, research, occupational training, or other program or activity. This section specifically covers athletics and requires equivalent opportunity in athletic programs. While section 230 primarily addresses equal opportunities in athletics, section 234.6 requires that this definition include the rights set forth in Education Code section 221.8.⁷

If the district has not yet adopted a policy regarding the definition of discrimination and harassment based on sex, please see CSBA Sample AR 5145.3 and 5145.7. (See AR 6145.2 regarding nondiscrimination and equivalent opportunities in an athletic program.)

⁷ Based on Title IX, section 221.8 states:

- (a) You have the right to fair and equitable treatment and you shall not be discriminated against based on your sex.
- (b) You have the right to be provided with an equitable opportunity to participate in all academic extracurricular activities, including athletics.
- (c) You have the right to inquire of the athletic director of your school as to the athletic opportunities offered by the school.
- (d) You have the right to apply for athletic scholarships.
- (e) You have the right to receive equitable treatment and benefits in the provision of all of the following:
 - (1) Equipment and supplies.
 - (2) Scheduling of games and practices.
 - (3) Transportation and daily allowances.
 - (4) Access to tutoring.
 - (5) Coaching.
 - (6) Locker rooms.
 - (7) Practice and competitive facilities.
 - (8) Medical and training facilities and services.
 - (9) Publicity.
- (f) You have the right to have access to a gender equity coordinator to answer questions regarding gender equity laws.
- (g) You have the right to contact the State Department of Education and the California Interscholastic Federation to access information on gender equity laws.
- (h) You have the right to file a confidential discrimination complaint with the United States Office of Civil Rights or the State Department of Education if you believe you have been discriminated against or if you believe you have received unequal treatment on the basis of your sex.
- (i) You have the right to pursue civil remedies if you have been discriminated against.
- (j) You have the right to be protected against retaliation if you file a discrimination complaint.

d. Title IX Information

The Education Code required certain Title IX information to be posted on the district's website by July 1, 2017. Additionally, new Title IX regulations, effective August 20, 2020, require that districts post all Title IX training materials on their websites.⁸ This information shall include the name and contact information of the Title IX Coordinator, the rights and responsibilities of the district, and a description of the complaint process. As to the rights of pupils, the district shall include links to the CDE Office of Equal Opportunity and the U.S. Department of Education, Office for Civil Rights (OCR). As to the description of the complaint process, the district shall include an explanation of the statute of limitations and how to file a complaint beyond the statute of limitations, how a complaint will be investigated, and a link to OCR's complaint form, telephone number, and email address.⁹

With regard to all Title IX-related postings, refer to CSBA Sample Policies AR 4030, BP 4030, AR 4119.11, E 4119.12, BP 4119.11, AR 4119.12, AR 5145.3, BP 5145.3, AR 5145.7, BP 5145.7, AR 5145.71, and E5145.71.

e. Link to the Athletes' Bill of Rights on the District's Website

Prior to July 1, 2006, the CDE was required to post an "Athletes' Bill of Rights" on its website.¹⁰ The district must now provide a link to the department's information regarding the Athletes' Bill of Rights pursuant to requirements of Title IX. The Athletes' Bill of Rights must be in English and Spanish at a reading level that high school students can comprehend.

f. The District's Written Policy on Sexual Harassment, as It Pertains to Pupils, Pursuant to Education Code section 231.5

Section 231.5 requires the district to have a written policy on sexual harassment, regardless of whether the actions meet the Title IX definition of sexual harassment. In addition to being published on the district's website, the policy must be displayed in a "prominent location" at its school site(s). Prominent location is defined as "that location, or those locations, in the main administrative building or other area where notices regarding the institution's rules, regulations, procedures, and standards of conduct are posted."

⁸ 34 Code of Federal Regulations section 106.45(b)(10)(D).

⁹ Education Code section 221.61.

¹⁰ Education Code section 221.6; also see footnote 9 above.

g. The District's Policy, *if it Exists*, on Preventing and Responding to Hate Violence as Described in Education Code section 233

Section 233 requires that the State Board of Education adopt policies, establish guidelines, provide grants and, to the extent possible, provide advice and direct services regarding prevention of hate violence. The guidelines include training for teachers, administration, and staff, guidelines to develop non-discriminatory instructional and counseling methods, and instructional curricula that promotes understanding, awareness, and appreciation for the contribution of people with diverse backgrounds.¹¹ These guidelines are to be created on the condition that they do not create a state mandate of increased costs to the district.

Note that this is the only policy posting that is required pursuant to Education Code section 234.6, if the policy exists, whereas the remainder of the policies required in Section 234.6 are required. If the district does not have a policy addressing hate-motivated behavior, refer to CSBA Sample Policy BP 5145.9.

h. The District's Anti-discrimination, Anti-harassment, Anti-intimidation, and Anti-bullying Policies

These policies focus on prohibiting discrimination, harassment, intimidation, and bullying based on actual or perceived characteristics as described in Education Code section 234.1. The statute draws from several different statutes to define the protected characteristics. First is the Penal Code's definition of hate crimes. The protected characteristics of the victim are: disability, gender, nationality, race orientation, religion, sexual orientation, and association with a person or group with one or more of these actual or perceived characteristics.¹² This includes immigration status.¹³ Second is the Education Code's defined protected classes: disability, gender, gender identity, gender expression, nationality, race or ethnicity, religion, and sexual orientation.¹⁴

i. Anti-cyberbullying Procedures

The only guidance given on this topic is that the district should have adopted a procedure for preventing acts of bullying, including cyberbullying, on or before December 31, 2019.¹⁵ Beyond adopting a policy, there is no guidance as to what this policy should include.

¹¹ See Education Code section 233 for complete list of guidelines.

¹² Penal Code section 422.55.

¹³ Education Code section 234.1(a).

¹⁴ Education Code section 220.

¹⁵ Education Code section 234.4(a).

j. Social Media Bullying

This section is to include references to possible forums for social media bullying (a) internet websites with free registration and ease of registration, (b) internet websites offering peer-to-peer instant messaging, (c) internet websites offering comment forums or sections, and (d) internet websites offering images of video posting platforms.

If the district does not yet have an anti-bullying policy, refer to CSBA Sample Policies BP and AR 5131.2.

k. Link to Statewide Resources, Including Community-based Organizations

The State Superintendent will provide on its website, and to each school district, a list of statewide resources, including community-based organizations. The district's website should also contain information from the State Superintendent's website listing the statewide resources for youth who have been affected by gangs, gun violence, and psychological trauma caused by violence at home, at school, and in the community.¹⁶

l. Any Additional Information the District Deems Important for Preventing Bullying and Harassment

2. Education Code section 221.61: Title IX Information

The school shall post in a "prominent and conspicuous" location on their website:¹⁷

- (1) The name and contact information of the Title IX Coordinator.¹⁸
- (2) Links including but not limited to the webpages of the CDE's Office of Equal Opportunity and the United States Department of Education OCR describing the rights of students and the public and the responsibilities of the school with regard to Title IX. This list must also include the athlete's rights as described in Education Code section 221.8.
- (3) A description of how to file a Title IX complaint, which shall include:

¹⁶ Education Code section 234.5(b).

¹⁷ If an individual school within a district does not have its own website, the school can comply with this section by posting the information on its district's website or the county board of education's website. This section does not require a school site or district to establish a website if it does not already maintain one.

¹⁸ Shall include the coordinator's phone number and email address.

- a. An explanation of the statute of limitations on filing a complaint and how a complaint may be filed after that statute of limitations has expired.
- b. An explanation of how the complaint will be investigated and how a complainant may further pursue the complaint outside of the district by including a link to the OCR webpage.
- c. The contact information for OCR¹⁹ and an internet link to the department's complaint form.

Additional postings regarding Title IX are required pursuant to Code of Federal Regulations - see below.

3. 34 Code of Federal Regulations section 106.8: Title IX Coordinator Contact Information, Dissemination of Policy, and Adoption of Grievance Policy

The Title IX Coordinator's contact information and Title IX policy must be prominently displayed on the district's website if one is maintained. Contact information includes the name or title, office address, email address, and telephone number. To maintain the required confidentiality, it is recommended that the email address used be accessible only by the Title IX Coordinator.

The policy must include a grievance procedure that provides a "prompt and equitable resolution" of complaints. Title IX policies should have been adopted prior to August 14, 2020. If the district has not yet adopted Title IX policies, see CSBA policies which include newly created policies as well as policies that need to be amended.

This information is required to be posted on the district's website, "if any," meaning a district is not required to have or create a website for this notification if it does not already have one. As this information must also be contained in the handbook or catalog that is provided to those that the district is required to notify under subdivision (a) of section 106.8,²⁰ notification can be provided through the handbook if the district does not have an existing website.

4. 34 Code of Federal Regulations section 106.45: Publication of Title IX Training Materials

Title 34 of the Code of Federal Regulations, section 106.45, primarily addresses the Title IX grievance procedure requirements and includes a requirement that each member of the

¹⁹ Shall include the phone number and email address for that office.

²⁰ Those required to be notified include applicants for admission and employment, students, parents or legal guardians of elementary and secondary school students, employees, and all unions or professional organizations holding collective bargaining or professional agreements with the recipient.

Title IX investigation team be appropriately trained to participate in the complaint process.²¹ The materials used to train each person must be published on the district's website. If the district does not maintain a website, the training materials must be made available for inspection upon request by members of the public. Be cognizant of the fact that the training materials are likely copyrighted by the presenter(s), meaning a district must obtain consent to post those materials.

All Title IX information contained must be "prominently displayed" on the website. It is recommended that the homepage of a district and school site's website have a direct link to all required Title IX information.

5. Education Code section 44050: Code of Conduct Regarding Employee Interactions with Students

If a district maintains a section on employee interactions with students in its employee code of conduct, the district shall provide the policy or a link to it on each school's website. If the individual school does not have a website, the information shall be posted to the district's website in a manner that is accessible to the public without a password. Posting this information to the website does not alleviate the requirement to also provide written notification pursuant to section 44050. This section provides that a school or district is not required to create a website in order to comply if it does not currently maintain a website.

If the district does not have a policy regarding employee interactions with students, refer to CSBA Sample Policies BP 4219.21, BP 4219.24, BP 4319.21, and BP 4319.24; Title IX policies may also be applicable to this topic.

6. Government Code sections 54954.2 and 54956: Board Agenda

These sections of the Ralph M. Brown Act require agendas for regular and special meetings to be posted on the district's website, if it has one, in addition to the physical posting.

Section 54954.2 requires a district to post the agenda for a meeting of the governing board at least 72 hours prior to the meeting if the district maintains a website. Beginning on January 1, 2019, the agenda is required to be posted online through a prominent, direct link to the current agenda; it cannot be in a contextual menu.

Section 54656 requires a district that calls a special board meeting to give 24 hours' notice prior to the meeting and requires that the notice be posted on the district's website if it maintains one.

The Brown Act also requires that the online posting include a prominent, direct link to the current agenda that does not require accessing a "contextual menu," such as a "drop-down" menu.

²¹ This applies to the roles of Title IX Coordinator, Investigator, Decision Maker, Appeal Decision Maker, and Informal Resolution Facilitator.

For those districts using an “integrated agenda management platform,” such as BoardDocs or Agenda Online, there should be a prominent, direct link to the agenda platform, where the current agenda is posted at the top of the page. In addition, the Brown Act now has a number of requirements concerning the format in which documents are posted online in an effort to ensure universal access.²²

CSBA Sample Policy BB 9320 provides sample board by-laws, including what notices must be posted on a district’s website. CSBA Sample Policy E 9321 provides policies for closed session agendas and BB 9130 provides guidance for board committees.

7. Education Code section 35178.4: Loss of WASC Accreditation

If a school loses its Western Association of Schools and Colleges (WASC) accreditation, the district must inform each parent or guardian in writing and if it maintains a website, the written notice must be posted to the website. This section also requires the district to notify parents of the results of an inspection to gain accreditation. Parents must be notified of inspection results no later than 60 days from the time results are available by either written notice or posting to the school or district’s website.

See CSBA Sample Policy BP 6190 to develop a policy that addresses evaluation of an instructional program.

8. Education Code section 35258: School Accountability Report Card

Pursuant to section 35256, if the district maintains a website it must post information contained in the school’s School Accountability Report Card. This information shall be made available by February 1 of each year. If the district does not have a website, it must make a hard copy available.

CSBA Sample Policy BP 0510, School Accountability Report Card, contains the policy.

9. Education Code section 221.9: Sports Statistics

If a school maintains a website, each school that offers competitive athletics shall provide total enrollment by gender, the number of students who participate in competitive athletics by gender, and the number of boys’ and girls’ teams, classified by sport and competition level. If the school does not have an individual website, the information shall be posted on the district or charter operator’s website. CSBA Sample Policy AR 6145.2 is an Athletic Competition Policy and lists what is required to be on the website. With regard to charter schools, refer to CSBA Sample Policies BP and E 0420.41.

²² These requirements are contained in the Brown Act provision relating to regular meetings but the language appears to apply to special meetings as well.

10. Education Code section 17611.5: Pest Management Plan

Education Code section 17611.5 recommends a school site develop and post to their website an integrated pest management plan. However, if the school site chooses to use a pesticide not included in section 17610.5, the school site is required to develop and post to their website an integrated pest management plan. If the school site does not maintain a website, this information shall be posted on the district's website. If neither the school site nor district maintain a website, the information may be provided in the annual notice sent to staff and parents/guardians. Please note this is one notice that a district can provide by posting as opposed to having to disseminate with the annual notice, an advantage to a website as described above.

Also, see CSBA Sample Policy AR 3514.2 as guidance for an Integrated Pest Management Policy if the district does not have one. See CSBA Sample Policies BP 5145.6 and E 5145.6 if the district does not have a website and must provide information in the annual parental notifications.

11. U.S. Department of Agriculture FNS Instruction 113.1: Non-Discrimination in Food and Nutrition Service (FNS) Programs

If the district uses a website to inform the public about FNS Programs, it must also include a non-discrimination statement within that information. If the district does not use a website for this purpose, it does not have to post this additional information.

C. DISCRETIONARY POSTINGS TO A DISTRICT'S WEBSITE

1. Government Code section 12950 and Title 2 California Code of Regulations section 11023: Harassment, Discrimination, and Retaliation Prevention Policy and Complaint Procedure

Section 12950 requires the California Department of Education to develop a poster regarding sexual harassment/discrimination and a district must post the poster in a "prominent and accessible location in the workplace." The district is also responsible for providing an information sheet with the workplace sexual harassment definition, policies, and protections.²³ While the poster or information sheet is not required to be posted on the district's website, the district may do so in order to disseminate the information in addition to physically posting the poster or information sheet. Posting on the district's website cannot be in lieu of physically posting.

The California Code of Regulations has a similar statute requiring dissemination of a "harassment, discrimination, and retaliation prevention policy."²⁴ This regulation provides for the policy to be disseminated in one of five ways, one of which is by posting on the district's intranet

²³ See Government Code section 12950 (b) for a specific list of what must be included in this notification.

²⁴ See 2 CCR 11023(b) for a specific list of what must be included in the written notification of this policy.

with a tracking system to assure that all employees have read and acknowledged receipt of the policy.²⁵ Section 11023 also specifies that there must be a separate poster regarding transgender rights and it must be posted in a prominent and accessible location in the workplace.²⁶

2. Title 2 California Code of Regulations sections 11049 and 11051: Employer Notice to Employees of Rights and Obligations for Reasonable Accommodation, to Transfer, and to Take Pregnancy Disability Leave

Section 11049 mandates what shall be included in an employer's pregnancy policy for employees and how an employer must disseminate this policy. As to dissemination of the policy, section 11049(d) requires the information to be posted on the premises in a conspicuous place where employees are located. To assist with dissemination of this notice, the district can also put this information on its website. The section provides that "electronic posting" is sufficient as long as it is posted electronically in a "conspicuous place or places where employees would tend to view it in the workplace." Note that publication on the district's website does not substitute for distribution of the policies and rights as required in section 11049(d).

See section 11051, which states the rights and obligations of a pregnant employee, for specifics of what must be included in the policy. If the district does not have a written policy regarding an employee's rights during pregnancy, see CSBA Sample Policies AR 4161.8, 4261.8, and 4361.8.

3. Title 2 California Code of Regulations section 11095: California Family Rights Act (CFRA) Notice of Rights and Obligations

This section mandates that an employer covered by CFRA inform employees of the Act's provisions and provide information regarding the procedures for filing violation complaints with the Department of Fair Employment and Housing. This section states that the notice must be posted in a prominent location "where it can be readily seen by employees and applicants for employment."

This section allows for "electronic posting," as long as the requirements of notice are met, meaning that the website posting must be in a location that is prominent and readily seen by employees and applicants for employment. If the district does not yet have a policy regarding CFRA rights, see CSBA Sample Policies AR 4161.8, 4261.8, and 4361.8.

4. Labor Code section 1034: Lactation Accommodation Policy

This section requires an employer to develop and implement a lactation accommodation policy for employees. The policy must be included in the employee handbook or set of policies made available to employees. It must be distributed to new employees upon hiring, when an

²⁵ See 2 CCR 11023(c) for a complete list of policy dissemination methods.

²⁶ See 2 CCR 11023(d)

employee makes an inquiry about a lactation accommodation, or when an employee requests parental leave.

The district may choose to post this policy along with other employee rights policies on their website. Note that posting on the website does not alleviate the district's duty to provide the policy as required by the statute. If the district does not have a lactation accommodation policy, please see CSBA Sample Policy BP 4033.

5. Education Code section 49428: Mental Health Services Accessibility

This section requires a district to notify students and parents or guardians, at least twice a school year, of how to initiate access to available student mental health services on campus or in the community. Section 49428 lists three approved methods of delivery of this notification and one of them is by posting on the district's website. If the district does not have a website, it may satisfy this section with notification by the other two listed methods.²⁷

6. Education Code section 56301: Special Education Procedural Safeguards

If the district maintains a website, it may post a copy of the current special education procedural safeguards notice on its website.

If the district does not have a procedural safeguards policy, please see CSBA Sample Policy AR 6159.1, Procedural Safeguards and Complaints for Special Education. There are also other sample policies that address procedural protections, such as when to refer a student for assessments (see BP 5141.5 and BP 6164.4).

7. 34 California Federal Regulations section 300.504 (20 U.S.C. section 1415): Federal Special Education Procedural Safeguards Notice

Federal law requires IDEA procedural safeguards to be provided to parents once a year. As with state requirements, federal regulations provide that a copy of the current procedural safeguards may be placed on the district's website if it maintains one. However, note that placing the safeguards on the website does not excuse the district's requirement to provide a hard copy of the procedural safeguards to parents/guardians as required by 34 C.F.R. section 300.504.

8. Education Code section 49557: Application for Free or Reduced Lunches

Section 49557 is discretionary in that it gives the district a choice of whether or not to post the application for reduced or free lunches on its website. However, there are requirements for that posting if the district chooses to place the application on the website. The website must:

²⁷ Education Code section 49428 (a)(1) lists methods of notification for parents or guardians and section 49428(b)(2) lists methods of notification for students.

- (1) Include a link to the U.S. Department of Agriculture’s online translated application and instructions;
- (2) Require completion of only those questions necessary for determining eligibility;
- (3) Include clear instructions for families who are homeless or migrant;
- (4) Comply with the privacy rights and disclosure protections established by the federal Richard B. Russell National School Lunch Act and the Children’s Online Privacy Protection Act of 1998; and
- (5) Include links to the following:
 - a. Online application to CalFresh;
 - b. Online single state application for health care;
 - c. Webpage maintained by the State Department of Public Health entitled “About WIC and How to Apply,” or another website that connects families to the Special Supplemental Nutrition Program for Women, Infants, and Children; and
 - d. Webpage of a summer lunch program authorized to participate within the city or school district.

The application cannot be online if: (1) the required information can be used by a private entity for any purpose other than administration of a school food program, (2) it requires an applicant to waive any rights, or (3) it requires creation of an account in order to submit an application.

9. California Department of Education Memo SNP-03-2017: Meal and Collection Policies

In its “Unpaid Meal Charges and Excess Account Balances” bulletin, CDE recommends posting the district’s meal and collection policies on the district’s website. Refer to CSBA Sample Policies BP and AR 3551 regarding meal and collection policies.

10. Education Code section 33479.2: Sudden Cardiac Arrest Symptoms and Warnings

The CDE is required to post information and materials regarding sudden cardiac arrest symptoms, warning signs, and other relevant information to its website. Districts are encouraged to post this information and materials to their website.

If the district does not currently have a policy addressing sudden cardiac arrest, refer to CSBA Sample Policies AR 4127, 4227, and 4327; these contain a section on training for teachers

and coaches. (Also see CSBA Sample Policy AR 6145.2 addressing athletic competitions with instruction on sudden cardiac arrest.)

In addition to the numerous resources cited in this Education Law Update, the district should also review its memoranda of understanding (MOUs), contracts, employee handbooks, district policies, etc., for any posting requirements contained in those agreements or policies. This is especially important with regard to employee MOUs and contracts. If it agrees to provide notification via its website, the district is responsible for maintaining a website in order to provide those notifications and fulfill its responsibilities pursuant to the MOU or contract.

A Website Requirement Checklist is attached for your use.

Please contact our office if you have follow-up questions.

- Melissa D. Allen

Education Law Updates are intended to alert clients to developments in legislation, opinions of courts and administrative bodies and related matters. They are not intended as legal advice in any specific situation. Please consult legal counsel as to how the issue presented may affect your particular circumstances.