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### **Revised Policy - Vol. 40, No. 1**

#### **7540.02 - ~~DIGITAL CONTENT AND ACCESSIBILITY~~WEB ACCESSIBILITY, CONTENT, APPS, AND SERVICES**

##### **A. ~~Creating Digital Content~~Creation of Content for Web Pages/Websites, Apps, and Services**

The Board of Education authorizes staff members ( ☒ ) and students [END OF OPTION] to create ~~content for the District's website and District-approved/affiliated apps and services~~ content, apps, and services (see Bylaw 0100 Definitions) ("digital content") ~~that are hosted by the Board on its servers or District affiliated servers (i.e., servers the Board pays to use or otherwise sanctions the use of) and/or published on the Internet.~~

~~District-generated and school-related digital content~~The content, apps, and services must comply with applicable State and Federal laws (e.g., copyright laws, Children's Internet Protection Act ("CIPA"), Section 504 of the Rehabilitation Act of 1973 ("Section 504"), Americans with Disabilities Act ("ADA"), Student Online Personal Protection Act ("SOPPA"), and Children's Online Privacy Protection Act ("COPPA")) and reflect the professional image/brand of the District, its employees, and students. ~~District-generated digital content~~Content, apps, and services must be consistent with the Board's Mission Statement and ~~is staff created web content, services, and apps are~~ subject to prior review and approval of the Superintendent before being published on the ~~District's website or District-approved/affiliated apps/services~~Internet and/or used with students.

**[NOTE: CHOOSE ONE (1), BOTH, OR NONE OF THE FOLLOWING OPTIONS.]**

( ☒ ) ~~School-related student-created content for the Board's website or District-approved/affiliated apps/services are subject to~~Student-created content, apps, and services are subject to Policy 5722 - School-Sponsored Publications and Productions.

( ☐ ) ~~Creation of school-related content by students for the Board's website or District-approved/affiliated apps/services~~The creation of content, apps, and services by students must be done under the supervision of a District professional staff member.

**[END OF OPTIONS]**

##### **B. Purpose of ~~Digital~~ Content of District Web Pages/Sites, Apps, and Services**

The purpose of ~~digital~~ content, apps, and services covered by this policy is to educate, inform, and communicate. The following criteria shall ~~be used to~~ guide the development of ~~District-generated digital content~~such content, apps, and services:

## 1. Educate

**Digital content** should be suitable for and usable by students and teachers to support the curriculum and the Board's Objectives as listed in the Board's Strategic Plan.

## 2. Inform

**Digital content** may inform the community about the school, teachers, students, or departments, including information about curriculum, events, class projects, student activities, and departmental policies.

## 3. Communicate

**Digital content** may communicate information about the plans, policies, and operations of the District to members of the public and other persons who may be interested in and/or affected by District matters.

The information **published on the Board's website and District-approved/affiliated apps/services** should reflect and support the Board's Mission Statement, Educational Philosophy, and School Improvement Process.

When the **digital** content includes a photograph or personally identifiable information relating to a student, the Board will abide by the provisions of Policy 8330 - Student Records.

Under no circumstances are **District-generated digital content** to be used for commercial purposes, advertising, political lobbying, or to provide financial gains for any individual. Included in this prohibition is the fact no **digital content published** on the District's website may:

1. include statements or other items that support or oppose a candidate for public office, the investigation, prosecution, or recall of a public official, or passage of a tax levy or bond issue;
2. link to a website of another organization if the other website includes such a message; or
3. communicate information that supports or opposes any labor organization or any action by, on behalf of, or against any labor organization.

**x ]** Under no circumstances shall a staff member post on their personal web pages/websites or private digital accounts (i.e., non-District-approved/affiliated apps/services) **is staff member created content, apps, and services, including personal web pages/websites, to be used to post** student progress reports, grades, class assignments, or any other similar class-related material. Employees are required to use the **Board's website or District-approved/affiliated apps/services** (e.g., **Board-specified website, app, or service** (e.g., **Progressbook/PowerSchool/Infinite Campus**)) for the purpose of conveying information to students and/or parents. **[END OF OPTION]**

**[ ]** Staff members are prohibited from requiring students to go to the staff member's personal web pages/websites and/or private digital accounts (i.e., non-District-approved/affiliated apps/services) (including, but not limited to, the staff member's personal accounts on Facebook, Instagram, Pinterest, **including, but not limited to, their Facebook, Instagram, Pinterest pages,** YouTube Channel(s), or TikTok sites) to check grades, obtain class assignments and/or class-related materials, and/or to turn in assignments. **[END OF OPTION]**

**[ ]** If a staff member creates **digital content, apps, and services**, related to their class, it must be hosted on the Board's **website or a District-approved app/service** **server or a District-affiliated server.**

**[ ]** The Board's website, including school-specific websites, shall be generally open/available to the public unless specific digital content is unique to a specific child and/or includes student personally identifiable information, in which case the information must be password-protected or access to it must be otherwise restricted. When digital content involving student personally identification information or information concerning coursework particular a specific student's classes/assignments is password-protected/access is otherwise restricted, the student's parent(s)/guardian(s) will continue to have access to that digital content **Unless the content, apps, and services contain student personally identifiable information, Board websites, apps, and web services that are created by students and/or staff members that are posted on the Internet should not be password protected or otherwise contain restricted access features, whereby only employees, student(s), or other limited groups of people can access the site. Community members, parents, employees, staff, students, and other website users will generally be given full access to the Board's website(s), apps, and services.**

Digital content published on the Board's website Web content, apps, and web services should reflect an understanding that both internal and external audiences will be viewing the information.

The District's website(s) and web pages, apps, and services must be hosted on Board owned or District affiliated servers.

The Superintendent shall prepare administrative guidelines defining the rules and standards applicable to staff ( ) and students [END OF OPTION] who publish digital content on the Board's website and District-approved/affiliated apps/services the use of the Board's website and the creation of web content, apps, and web services by staff ( ) and students [END OF OPTION].

The Board retains all proprietary rights related to the design of and content for its website(s) and any apps/services it operates and/or is affiliated with, apps, and web services, absent written agreement to the contrary.

In order for a student's school work (i.e., work that is created in or for a class a class, at school, or as part of a school-sponsored extracurricular activity) to be displayed on the Board's website, the student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) must provide written permission and expressly license its display without cost to the Board.

Likewise, prior written permission from a student (who is eighteen (18) years of age or older) or the student's parent (if the student is seventeen (17) years of age or younger) is necessary for a student to be identified by name on the Board's website.

### C. Accessibility of Web Content and Mobile Apps Website Accessibility

The District is committed to providing persons with disabilities an opportunity equal to that of persons without disabilities to participate in the District's programs, benefits, and services, including those delivered through electronic and information technology, except where doing so would impose an undue burden or create a fundamental alteration. The District is further committed to ensuring persons with disabilities are able to acquire the same information, engage in the same interactions, and enjoy the same benefits and services within the same timeframe as persons without a disability, with substantially equivalent ease of use; that they are not excluded from participation in, denied the benefits of, or otherwise subjected to discrimination in any District programs, services, and activities delivered online through the web or a mobile app, as required by Section 504 and Title II of the ADA and their implementing regulations; and that they receive effective communication of the District's programs, services, and activities delivered in-person or online.

This policy reflects the Board's commitment and intention to comply with the requirements of Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. Section 794, 34 C.F.R. Part 104, Title II of the Americans With Disabilities Act of 1990, 42 U.S.C. Section 12131, and 28 C.F.R. Part 35 in all respects. For purposes of this policy, "web content" means "information and sensory experience to be communicated to the user by means of a user agent, including code or markup that defines the content's structure, presentation, and interactions." Examples of web content include text, images, sounds, videos, controls, animations, and conventional electronic documents (e.g., content in the following electronic file formats: portable document formats ("PDF"), word processor file formats, presentation file formats, and spreadsheet file formats). Additionally, "mobile applications" ("mobile apps") means "software applications that are downloaded and designed to run on mobile devices, such as smartphones and tablets."

#### 1. Technical Standards

Web content and mobile apps that the District provides and/or makes available, directly or through contractual, licensing or other arrangements, shall comply with the World Wide Web Consortium's Web Content Accessibility Guidelines ("WCAG") 2.1, Level AA standards, unless the Board can demonstrate that such compliance would result in a fundamental alteration in the nature of its programs, services, or activities, or an undue financial and administrative burden. The District will adhere to the technical standards of compliance identified at: [insert link to District website]. The District measures the accessibility of online content and functionality according to the World Wide Web Consortium's (W3C's) Web Content Accessibility Guidelines (WCAG) 2.0 Level \_\_\_\_\_, and the Web Accessibility Initiative Accessible Rich Internet Applications Suite (WAI ARIA 1.1) for web content. ( ) [insert another acceptable standard selected by the District e.g., the Section 508 Information and Communication Technology Accessibility Standards published by the U.S. Access Board, which serves as the standards the Federal government uses for its own websites.

[DRAFTING NOTES:

(1) Districts with a population of 50,000 or more residents must fully comply with WCAG 2.1,

**Level AA standards by April 24, 2026; Districts with fewer than 50,000 residents must fully comply with WCAG 2.1, Level AA standards by April 26, 2027.**

**(2) While the Department of Justice's Final Rule allows public entities to employ alternative designs, methods, or techniques if they provide equivalent or greater accessibility and usability, Neola does not recommend that approach. If a board wants to consider an alternative technical standard, it should consult with its legal counsel. While OCR currently (as of December 2022) recommends WCAG 2.0 Level AA, WCAG 2.1 is gradually becoming the standard courts cite as the ADA accessibility standard that public entities should use for websites, mobile applications, and digital content compliance. Further, W3C published a working draft of WCAG 2.2 in August 2020 and a Candidate Recommendation draft of WCAG 2.2 in September 2022; a final version of WCAG 2.2 is expected to be released in early 2023. The W3C states that WCAG 2.0 and 2.1 remain its recommendation, but version 2.2 should be used to maximize future applicability of accessibility efforts. The W3C also encourages the use of the most current version of WCAG when developing or updating Web accessibility policies.] [END OF DRAFTING NOTES]**

Notwithstanding the preceding, Federal regulations provide for the following content types to have limited exemption from the WCAG 2.1, Level AA requirements:

- a. Archived web content (provided all four (4) Federal criteria are met).
- b. Preexisting conventional electronic documents (with specific restrictions).
- c. Third-party content that is not created pursuant to a contract between the Board and a third-party.
- d. Password-protected documents pertaining to a specific student or account.
- e. Preexisting social media posts.

Even when the preceding exceptions apply, the District, however, will still provide effective communication and reasonable modifications in accordance with the ADA.

In addition, documents currently used for accessing District programs, services, programs, or activities do not qualify for the above exceptions, regardless of creation date.

When a person with a disability cannot access District-generated or affiliated web content or mobile apps that meet WCAG 2.1, Level AA standards, the District will: (1) provide alternate means of access to the same information and functionality; (2) make reasonable modifications to policies, practices, or procedures; (3) ensure effective communication through appropriate auxiliary aids and services; and (4) respond to accommodation requests within three (3) **[insert timeframe]** business days. Such accommodations may include: (a) alternative document formats (large print, Braille, audio); (b) telephone or in-person assistance for online services; and/or (c) email or mail delivery of information typically accessed online.

## 2. **DigitalWeb** Accessibility Coordinator

The Board designates its ( ) Section 504/ADA Compliance Coordinator(s) (☒) Technology Director ( ) \_\_\_\_\_ **[END OF OPTIONS]** as the District's **DigitalWeb** Accessibility Coordinator(s). ( ) That individual ( ) Those individuals ( ) is ( ) are **[END OF OPTIONS]** responsible for coordinating and implementing this policy.

**[SELECT OPTION 1 OR 2]**

**[ ] [OPTION 1]**

See Board Policy 2260.01 for the Section 504/ADA Compliance Coordinator(s)' contact information.

☒ **[OPTION 2]**

The District's **DigitalWeb** Accessibility Coordinator(s) can be reached at \_\_\_\_\_ **[Insert name and/or title, address, e-mail, phone].**

## 3. Technology Director

9964 Gast Rd. Bridgman, MI  
269-465-5432

**[END OF OPTION 2]****[END OF OPTIONS]****4. Third Party Content**

Links included on the Board's website(s) and District-approved/affiliated mobile apps that pertain to its programs, activities, or web services and apps that pertain to its programs, benefits, and/or services must also meet the above criteria and comply with State and Federal law (e.g. copyright laws, CIPA, Section 504, ADA, SOPPA, and COPPA). The District's Digital Accessibility Coordinator(s) or designee(s) will vet online content available on the Board's website and through District-approved/affiliated mobile apps that are related to the District's programs, activities, and/or services for compliance with this criteria for all new content published on the District's website and mobile apps after adoption of this policy. While the District strives to provide access through its website to online content provided or developed by third parties (including vendors, video sharing websites, and other sources of online/digital content) that is in an accessible format, that is not always feasible. The District's administrators and staff, however, are aware of this requirement with respect to the selection of online content provided to students. The District's Web Accessibility Coordinator(s) or designee will vet online content available on its website(s), apps, and services that are related to the District's programs, benefits, and/or services for compliance with this criteria for all new content published on the District's website(s), apps, and services after adoption of this policy.

Content posted by third parties (e.g., members of the public) on District platforms is exempt from the WCAG 2.1, Level AA requirements. Those platforms, however, along with content posted by the District staff or contractors, must be fully compliant.

Additionally, nothing herein Nothing in the preceding paragraph, however, shall prevent the District from including links on its website(s) and apps/services to the Board's website(s), apps, and services to:

- a. recognized news/media outlets (e.g., local newspapers' websites, local television stations' websites); or
- b. websites, services, and/or apps that are developed and hosted by outside vendors or organizations that are not part of the District's program, benefits, or services.

The Board recognizes that such third party websites may contain advertisements that are not age-appropriate or consistent with the requirements of Policy 9700.01, AG 9700B, and State and Federal law.

**4. Regular Audits**

The District will, under the direction of the Digital Web Accessibility Coordinator(s) or designee(s), at regular intervals, audit the District's digital content to ensure it meets the required technical standards online content and measure this content against the technical standards adopted above.

**[ ] [OPTION]**

☒ This audit will occur ☐ quarterly ☒ semi-annually ☐ at least annually ☐, with quarterly monitoring of high-priority content and newly published materials ☐ annually ☐, with quarterly monitoring of high-priority content and newly published materials **[END OF INTERNAL OPTIONS]** no less than once every two (2) years. **[END OF OPTION]**

**[SELECT OPTION 1 OR OPTION 2]** If problems are identified through the audit, such problems will be documented, evaluated, and, if necessary, remediated within a reasonable period of time.

**[ ] [OPTION 1]**

The audit must be documented ☐ and include compliance assessment reports, identified accessibility barriers, remediation plans with specific timelines, vendor compliance status, and user complaint tracking and resolution. **[END OF INTERNAL OPTION]**

**[END OF OPTION 1]****[ x ] [OPTION 2]**

If problems are identified through the audit, such problems will be documented, evaluated, and if necessary, remediated within a reasonable period.

**[END OF OPTION 2]****[END OF OPTIONS]****5. Reporting Concerns or Possible Violations**

If a person accessing the District's ~~web content and/or District-approved/affiliated mobile apps~~ website(s), apps, or services (e.g., a student, prospective student, employee, guest, or visitor) ("user") believes that specific web content and/or a mobile app has violated the WCAG 2.1, Level AA standards, the user may contact the Digital the District has violated the technical standards identified above in its online content, the user may contact a/the Web Accessibility Coordinator with any accessibility concerns. The user may also file a formal complaint utilizing the procedures set out in Board Policy 2260.01 relating to Section 504 and Title II.

**D. Instructional Use of Apps/~~Services and Web Services~~**

The Board authorizes the use of apps and web services to supplement and enhance learning opportunities for students either in the classroom or for extended learning outside the classroom.

**[SELECT OPTION 1 or 2]****[ ] [OPTION 1]**

The Board requires the ( ) Superintendent ( ) \_\_\_\_\_ **[END OF INTERNAL OPTION]** pre-approve each app/~~service and/or web service~~ that a teacher intends to use to supplement and enhance student learning. To be approved, the app/~~service and/or web service~~ must have a FERPA-compliant privacy policy, as well as comply with all requirements of the COPPA, CIPA, and Section 504/ADA, including the WCAG 2.1, Level AA accessibility standards Children's Online Privacy Protection Act ("COPPA"), Student Online Personal Protection Act (SOPPA), and the Children's Internet Protection Act (CIPA) ( ) and Section 504 and the ADA.

**[END OF OPTION 1]****[ x ] [OPTION 2]**

A teacher who elects to supplement and enhance student learning through the use of apps/~~services and/or web services~~ is responsible for verifying/certifying to the ( ) Superintendent (x ) Principal / Technology Director **[END OF INTERNAL OPTION]** that the app/~~service and/or web service~~ has a FERPA-compliant privacy policy, and it complies with all requirements of the COPPA, CIPA, and Section 504/ADA, including the WCAG 2.1, Level AA accessibility standards Children's Online Privacy Protection Act (COPPA), Student Online Personal Protection Act (SOPPA), and the Children's Internet Protection Act (CIPA) ( ) and Section 504 and the ADA.

**[END OF OPTION 2]****[END OF OPTIONS]**

The Board further requires (x ) the use of a Board-issued e-mail address in the login process ~~for District-approved/affiliated apps/services~~ ( ) prior written parental permission for a student seventeen (17) years of age or younger to use the student's personal e-mail address in the login process ~~for District-approved/affiliated apps/services~~ **[END OF OPTION]**.

**E. Training**

The District will provide ( ) annual ( ) periodic **[END OF OPTION]** training for its employees who 1) create web content, documents, or multimedia materials, 2) manage the Board's website and digital services, 3) select and contract with technology vendors, and 4) work on online communications ~~are responsible for creating web content or distributing information online so that these employees are aware of this policy and understand their roles and responsibilities with respect to web design and creation and/or uploading of documents and multimedia content.~~

The training should cover:

**[SELECT OPTION 1 OR OPTION 2]****[ ] [OPTION 1]**



1. WCAG 2.1, Level AA guidelines and success criteria,
2. accessible document creation (PDFs, Word, PowerPoint),
3. alternative text requirements for images and media,
4. video captioning and audio description requirements,
5. accessible form and navigation design,
6. color contrast and visual design standards,
7. vendor accessibility evaluation criteria, and
8. the District's responsibilities under Title II of the ADA, including its grievance procedures.

**[END OF OPTION 1]**

**[ x] [OPTION 2]**

this Policy and responsibilities associated with the specified staff members' roles related to the implementation of this policy and ensuring the District's digital content is appropriate and accessible.

**[END OF OPTION 2]**

**[END OF OPTIONS]**

**[ ]** Such training shall be facilitated by qualified individuals with demonstrated knowledge, skill, and experience concerning the accessibility standards and ADA compliance. **[END OF OPTION]**

**[ ]** New employees in covered positions must complete accessibility training within \_\_\_\_\_ **[insert timeframe]** of hire. **[END OF OPTION]**

**F. One-Way Communication Using the District Website and/or District-Approved/Affiliated Apps/Services**  
~~District Website(s), Apps, and Services~~

The Board approves the use of its website and District-approved/affiliated apps/services website(s)/web pages, apps, and services to promote school activities and inform stakeholders and the general public about District news and operations.

Such communications constitute public records that will be archived.

When the Board or Superintendent designates communications distributed via the District's website and/or District-approved/affiliated apps/services District web pages/websites, apps, and web services to be one-way communication, public comments are not solicited or desired, and the website or app/service is website(s), apps, or services are to be considered a nonpublic forum.

If the District uses an app/service and/or service that does not allow the District to block or deactivate public comments, the District's use of that app/service and/or service will be subject to Policy 7544 – Use of Social Media unless the District is able to automatically withhold all public comments.

If unsolicited public comments can be automatically withheld, the District will retain the comments in accordance with its adopted record retention schedule (see AG 8310A – Public Records, and AG 8310E – Record Retention and Disposal), but it will not review or consider those comments.

**[DRAFTING NOTE: Districts are advised to adopt a new category of records that covers such "hidden public comments" on social media. Unless dictated by State law, retention periods established by the district for such unsolicited communications should be limited.]**

28 C.F.R. Part 35, Subpart H (Nondiscrimination on the Basis of Disability; Accessibility of Web Information and Services of State and Local Government Entities – Effective 6/24/2024)

Legal

28 C.F.R. Part 35, Subpart H (Nondiscrimination on the Basis of Disability;  
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