



Book	Policy Manual
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Title	Replacement DIGITAL CONTENT AND ACCESSIBILITY
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### **Replacement Policy - Vol. 35, No. 1**

#### **7540.02 - DIGITAL CONTENT AND ACCESSIBILITY**

##### **A. Creating Digital Content**

The Board authorizes staff members  and students ~~[END OF OPTION]~~ to create content for the District's website and District-approved/affiliated apps and services (see Bylaw 0100 - Definitions) ("digital content").

District-generated and school-related digital content 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 must be consistent with the Board's Mission Statement and is subject to prior review and approval of the District Administrator before being published on the District's website or District-approved/affiliated apps/services.

~~[DRAFTING 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 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 must be done under the supervision of a District staff member.

~~[END OF OPTIONS]~~

##### **B. Purpose of Digital Content**

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

###### **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 is 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 that no digital content published on the District's website or District-approved/affiliated apps/services 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.

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) 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., ~~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, 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 related to their class, it must be hosted on the Board's website or a District-approved app/service. ~~[END OF OPTION]~~

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 identifiable information or information concerning coursework, particularly 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. ~~[END OF OPTION]~~

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

~~( ) The District Administrator 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 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, 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 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

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 the "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., web content or content in mobile apps 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.

### **[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) Since the deadlines depend on the population size, Wisconsin school districts should use the population estimate on the most recent Small Area Income and Poverty estimates (SAIPE). For districts that are entirely contained within one city or county, they may rely on the population figures for that city or county. If the district is unsure what deadline applies to them, they should consult legal counsel. (3) 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. END OF DRAFTING NOTES]~~**

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

- a. archived web content (provided all four (4) Federal criteria in 28 C.F.R. 35.104 are met);
- b. certain preexisting conventional electronic documents (with specific restrictions);
- c. third party content that is not created pursuant to a contract, license, or other arrangement between the Board and a third party;
- d. password-protected or otherwise secured documents pertaining to a specific student, their property, or their account; and
- 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.

Content maintained for any purpose other than reference, research, or recordkeeping does not qualify as one of the listed exceptions above, regardless of the date it was created. If the content is labeled "archived" or stored in an area clearly identified as being "archived" it still has not risen to the level required to fall into an exception.

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 ~~\_\_\_\_\_~~ **(10)** **[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. Digital Accessibility Coordinator

The Board designates its ~~( ) Section 504/ADA Compliance Coordinator(s)~~  Technology Director ~~( )~~ ~~[END OF OPTIONS]~~ as the District's Digital 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.~~

~~[END OF OPTION 1]~~

[OPTION 2]

The District's Digital Accessibility Coordinator(s) can be reached at \_\_\_\_\_ bmesenberg@dce.k12.wi.us. ~~[Insert name or title, address, e-mail, phone].~~

~~[END OF OPTION 2]~~

## 3. Third Party Content

Links included on the Board's website(s) and District-approved/affiliated mobile apps that pertain to its programs, activities, 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.

Content posted by third parties (e.g., members of the public) on District platforms is exempt from the WCAG 2.1, Level AA requirements unless the third party is posting due to contractual, licensing, or other arrangements with the District. Those platforms, however, along with content posted by the District staff or contractors, must be fully compliant. ~~[DRAFTING NOTE: The District cannot contract with a third party to host the District's website, social media content, and mobile apps to avoid the District's obligations to comply with WCAG 2.1, Level AA. The third party exception only applies to content posted by an unaffiliated third party (e.g., a post by a community member on a District's social media page).]~~

Additionally, nothing herein shall prevent the District from including links on its website(s) and apps/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 must contain age-appropriate advertisements that are 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 Accessibility Coordinator(s) or designee(s), at regular intervals, audit the District's digital content to ensure it meets the required technical standards.

This audit will occur ~~( ) quarterly ( ) semi-annually ( ) at least annually ( ) no less than once every two (2) years. ( )~~, 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]. [END OF OPTION]~~

~~{SELECT OPTION 1 OR OPTION 2}~~

~~{ } {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}~~

] [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}~~

## 5. Reporting Concerns or Possible Violations

If a person accessing the District's web content and/or District-approved/affiliated mobile apps (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 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

~~{SELECT OPTION 1 or OPTION 2}~~

[OPTION 1]

The Board requires the ~~( ) District Administrator~~  ~~\_\_\_\_\_~~ Director of Technology ~~[END OF INTERNAL OPTION]~~ to pre-approve each app/service that a teacher intends to use to supplement and enhance student learning. To be approved, the app/service must have a FERPA-compliant privacy policy, as well as comply with all requirements of the COPPA, SOPPA, CIPA, and Section 504/ADA, including the WCAG 2.1, Level AA accessibility standards.

~~{END OF OPTION 1}~~

~~{ } {OPTION 2}~~

~~A teacher who elects to supplement and enhance student learning through the use of apps/services is responsible for verifying/certifying to the ( ) District Administrator ( ) \_\_\_\_\_ [END OF INTERNAL OPTION] that the app/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.~~

~~{END OF OPTION 2}~~

The Board further requires  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.

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]~~

[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]

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

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

Included in this approval is the use of Short Message Service (SMS) texting for official District communications. The District SMS service will include:

##### 1. Consent and Privacy for SMS Communication

The District is committed to protecting the privacy of all recipients. The following terms govern the use of SMS communication:

- a. Explicit Consent (Opt-in): The District shall obtain explicit, verifiable permission (opt-in) before sending any SMS texts to students, parents, staff, or community members.
- b. Data Sharing: Information obtained as part of the SMS consent process will not be shared, sold, or rented to third parties.
- c. Data Collection: The District will not collect or save personal data or information from its SMS users beyond what is strictly necessary to maintain the opt-in list.
- d. Confidentiality: No confidential or personally identifiable student/staff information will be exchanged through SMS text messaging.

##### 2. Types of SMS Communications

If an individual has consented to receive school-related text messages from the District, they may receive messages related to:

- a. Emergencies and Cancellations
- b.  School and Office Appointments
- c.  General Reminders (e.g., deadlines, schedule changes)
- d.  District and School Events
- e. ~~( ) Attendance Notifications~~

f. ~~(-) Transportation Updates~~

g. ~~(-) \_\_\_\_\_ [OTHER]~~

h. ~~(-) \_\_\_\_\_ [OTHER]~~

~~[END OF OPTIONS]~~

3. Standard Messaging Disclosures

a. Message and data rates may apply. Message frequency may vary.

b. Users can opt-out at any time ~~by texting ( ) "STOP" ( ) \_\_\_\_\_ [END OF OPTION].~~

c. ~~(-) \_\_\_\_\_ [OTHER].~~

~~[END OF OPTIONS]~~

~~[END OF OPTION]~~

Such communications constitute public records that will be archived.

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

If the District uses an app/service that does not allow the District to block or deactivate public comments, the District's use of that app/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 8305 - Collection, Classification, Retention, Access and Security of District Data / Information), 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.]~~

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- Legal 118.125, Wis. Stats.
- 947.0125, Wis. Stats.
- 948.11, Wis. Stats.
- 995.55, Wis. Stats.
- Protecting Children in the 21st Century Act, Pub. L. No. 110-385, Title II, Stat. 4096 (2008)
- Children's Internet Protection Act (CIPA), Pub. L. No. 106-554 (2001)
- 20 U.S.C. 1232g
- 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)
- 34 C.F.R. Part 99

Last Modified by Ellen Suckow on May 12, 2026