DISTANCE EDUCATION

DEFINITION AND GUIDELINES

Distance education means instruction in which the instructor and student are separated by distance and interact through the assistance of communication technology. All distance education, including hybrid courses, is subject to the distance education requirements. In addition, instruction provided as distance education is subject to the requirements that may be imposed by the Americans with Disabilities Act (42 U.S.C. § 12100 et seq.) and section 508 of the Rehabilitation Act of 1973, as amended, (29 U.S.C. § 794d). NOTE: Authority cited: Sections 66700 and 70901, Education Code.

The Board of Governor’s approval of distance education (DE) regulations for the California Community Colleges permits colleges to explore and develop educational initiatives using advanced communication and computing technologies to address student access issues related to geographical, cultural, disability or facility barriers.

Ensuring that distance education courses, materials and resources are accessible to students with disabilities is a shared institutional responsibility. Faculty need to receive appropriate training in order to ensure that they understand what constitutes accessibility, and institutions must provide faculty with both the necessary training and resources to ensure accessibility.

The Americans with Disabilities Act of 1990 (42 U.S.C. 12100 et seq.), section 508 of the Rehabilitation Act of 1973 (29 U.S.C. Sec. 794d), and California Government Code section 11135 all require that accessibility for persons with disabilities be provided in the development, procurement, maintenance, or use of electronic or information technology by a community college district using any source of state funds.

The following are a few general principles that should be followed in ensuring that distance education courses are accessible to students with disabilities. They embody the general concepts of the law but do not provide a detailed legal analysis of the ADA requirements.

1. One of the primary concepts of Distance Education (DE) is to offer students “Learning anytime, anywhere.” Therefore, all DE resources must be designed to afford students with disabilities maximum opportunity to access distance education resources “anytime, anywhere” without the need for outside assistance (i.e. sign language interpreters, aides, etc.).

2. Distance education resources must generally be designed to provide “built-in” accommodation (i.e. closed or open captioning, descriptive narration) and/or interface design/content layout, which is accessible to “industry standard” assistive computer technology in common use by persons with disabilities.

3. Whenever possible, printed information should be provided in the alternative format preferred by the student (i.e. Braille, audio tape, large print, electronic text, MP3, DAISY). When choosing between possible alternative formats or methods of delivery, consideration should be given to the fact that methods which are adequate for short, simple or less important communications may not be equally effective or appropriate for longer, more complex, or more critical material. (Example: Use of a telephone relay service may be an acceptable method for a faculty member to respond to a brief question from a deaf student during his/her office hours, but would not be appropriate as a means of permitting that same student to participate in a class discussion in a course conducted by teleconference.) Issues concerning accommodation should be resolved through appropriate campus procedures as defined under title 5, section
4. Adoption of access solutions, which include assigning assistants (i.e. sign language
interpreters, readers) to work with an individual student to provide access to
distance education resources, should only be considered as a last resort when all
efforts to enhance the native accessibility of the course material have failed. This is
particularly true since colleges have for several years received funding to assist them
in providing access to distance education. In the event that a student files a
discrimination complaint, a district relying on the use of readers or interpreters to
make a distance education course accessible will bear the burden of demonstrating
that it was not possible to build in accessibility.

5. Access to DE courses, resources and materials include the audio, video and text
components of courses or communication delivered via existing and emerging
technologies. Access includes the audio, video, multimedia and text components of
Web sites, electronic chat rooms, e-mail, instructional software, CD-ROM, DVD, laser
disc, video tape, audio tape, electronic text and print materials. Where access to Web
sites not controlled by the college is required or realistically necessary to completion
of a course, the college must take steps to ensure that such sites are accessible or
provide the same material by other accessible means.

6. Distance education courses, resources and materials must be designed and delivered
in such a way that the level of communication and course-taking experience is the
same for students with or without disabilities.

7. Any DE courses, resources or materials purchased or leased from a third-party
provider, or created or substantially modified "in-house" after August 1999, must be
accessible to students with disabilities, unless doing so would fundamentally alter
the nature of the instructional activity or result in undue financial and administrative
burdens on the district.

8. In August 1999, the Chancellor’s Office began requiring that the curriculum for each
DE course and its associated materials and resources be reviewed and revised, as
necessary, when the course undergoes curriculum review pursuant to title 5,
sections 55002 and 55206, every six years as part of the accreditation process. Thus,
this process should now have been completed for all distance education courses. If a
college has not yet reviewed its distance education courses to ensure accessibility, it
should do so immediately. However, in the event that a student with a disability
enrolls in an existing DE course before this review is completed, the college will be
responsible for acting in a timely manner and making any requested modifications to
the curriculum, materials or resources used in the course, unless doing so would
fundamentally alter the nature of the instructional activity or result in undue
financial burden on the district.

9. In the event that a discrimination complaint is filed alleging that a college has
selected software and/or hardware that is not accessible for persons with
disabilities, the Chancellor’s Office and the U.S. Department of Education, Office for
Civil Rights will not generally accept a claim of undue burden based on the
subsequent substantial expense of providing access, when such costs could have
been significantly reduced by considering the issue of accessibility at the time of
initial selection.

10. In all cases, even where the college can demonstrate that a requested
accommodation would involve a fundamental alteration in the nature of the
instructional activity or would impose an undue financial and administrative burden,
the college must provide an alternative accommodation that is equally effective for
the student if such an accommodation is available.

11. The college is responsible for assuring that distance education courses, materials and resources are accessible to students with disabilities. All college administrators, faculty and staff who are involved in the use of this instructional mode share this obligation. The Chancellor’s Office will make every effort to provide technical support and training for faculty and staff involved in the creation of accessible distance education courses, resources and materials.

55202. COURSE QUALITY STANDARDS

The same standards of course quality shall be applied to any portion of a course conducted through distance education as are applied to traditional classroom courses, in regard to the course quality judgment made pursuant to the requirements of section 55002, and in regard to any local course quality determination or review process. Determinations and judgments about the quality of distance education under the course quality standards shall be made with the full involvement of faculty in accordance with the provisions of subchapter 2 (commencing with section 53200) of chapter 2.

55204. INSTRUCTOR CONTACT

In addition to the requirements of section 55002 and any locally established requirements applicable to all courses, district governing boards shall ensure that:

a. Any portion of a course conducted through distance education includes regular effective contact between instructor and students, through group or individual meetings, orientation and review sessions, supplemental seminar or study sessions, field trips, library workshops, telephone contact, correspondence, voice mail, e-mail, or other activities. Regular effective contact is an academic and professional matter pursuant to sections 53200 et seq.

b. Any portion of a course provided through distance education is conducted consistent with guidelines issued by the Chancellor pursuant to section 409 of the Procedures and Standing Orders of the Board of Governors.


55206. SEPARATE COURSE APPROVAL

If any portion of the instruction in a proposed or existing course or course section is designed to be provided through distance education in lieu of face-to-face interaction between instructor and student, the course shall be separately reviewed and approved according to the district’s adopted course approval procedures. This includes hybrid courses.

55208. FACULTY SELECTION AND WORKLOAD

Instructors of course sections delivered via distance education technology shall be selected by the same procedures used to determine all instructional assignments. Instructors shall possess the minimum qualifications for the discipline into which the course’s subject matter most appropriately falls, in accordance with article 2 (commencing with section 53410) of subchapter 4 of chapter 4, and with the list of discipline definitions and requirements adopted by the Board of Governors to implement that article, as such list may be amended from time to time.

The number of students assigned to any one course section offered by distance education shall be determined by and be consistent with other district procedures related to faculty assignment. Procedures for determining the number of students assigned to a course section offered in whole or in part by distance education may include a review by the curriculum committee established pursuant to section 55002(a)(1).

DISTANCE EDUCATION PROPOSALS

To propose a course for distance education delivery submit the Distance Education Questions form along with a New Course Proposal form or a Curriculum Revision form and a Master Course Directory form.

Proposals for distance education and hybrid delivery require separate Curriculum Committee approval. Submit the Distance Education Questions form found on the Curriculum website. Answers should specifically address the course being proposed.

A DE version is defined as a version of a regular course in which technology is regularly utilized 51 percent or more of the time to deliver instruction during the course term and where the student and instructor are separated by distance.

A hybrid version is defined as a version of a regular course in which technology is used less than 51 percent of the time to deliver instruction during the course term and where the student and instructor are separated by distance.

College policy is that maximum class size regulations parallel traditional offerings of the course.