



Administrative Procedure

Chapter 3 – General Institution

AP 3725 – INFORMATION AND COMMUNICATIONS TECHNOLOGY ACCESSIBILITY & ACCEPTABLE USE

The San Diego Community College District will ensure that individuals with disabilities have access to instructional materials and Information and Communication Technology (ICT) in District facilities and on District campuses in compliance with state and federal law. Board of Trustees Policy, *BP 3725, Information and Communications Technology Accessibility & Acceptable Use*, was established pursuant to the Americans with Disabilities Act of 1990 (ADA) and Section 508 of the Rehabilitation Act of 1973.

The purpose of this procedure is to ensure that the District does not discriminate because of disability and to ensure that individuals with disabilities can participate in and benefit from District services, programs, and activities.

1. DEFINITIONS

- a. Accessible – An individual with a disability is afforded the opportunity to acquire the same information, engage in the same interactions, and enjoy the same services as a person without a disability in an equally effective and equally integrated manner, with substantially equivalent ease of use.
- b. Equally Effective – Alternative access for individuals with disabilities to instructional materials and Information and Communication Technology that (1) is timely, (2) is accurate in translation, (3) is delivered in a manner and medium appropriate to the disability of the individual, and (4) affords the individual with a disability the opportunity to obtain the information as fully, equally and independently as a person without a disability with substantially equivalent ease of use. Note, such alternative(s) must afford individuals with disabilities equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement in the most integrated setting appropriate to the person's needs.
- c. Individual with a Disability – An individual with a disability is a person who has one or more physical or mental impairments that substantially limit one or more major life activities.
- d. Information and Communication Technology (ICT) – ICT encompasses electronic and information technology covered by Section 508 of the Rehabilitation Act of 1973, as well as telecommunications products, interconnected Voice over Internet Protocol (VoIP) products, and Customer Premises Equipment (CPE) covered by Section 255. Examples of ICT include computers, information kiosks and transaction machines, telecommunications equipment, multifunction office machines, software, websites, and electronic documents. Additionally, ICT does not include any equipment that contains embedded information technology that is used as an integral part of the product, but the principal function of which is not the acquisition, storage, manipulation, management,

movement, control, display, switching, interchange, transmission, or reception of data or information.

- e. Instructional Materials – Electronic instructional materials, such as, syllabi, textbooks, presentations and handouts, which are delivered within SDCCD’s learning management system, via email or via another electronic means for face-to-face classes as well as distance education courses. Activities such as instructional videos, online collaborative writing, web conferencing, blogging, and any other instructional materials not defined that are implemented as technology evolves are included.
- f. Timely – As it relates to equally effective alternative access to instructional materials and ICT, timely means that the individual with a disability receives access to the instructional materials or ICT at the same time as an individual without a disability to the extent feasible and in support of essential workplace and/or educational requirement.

2. ICT AND INSTRUCTIONAL MATERIAL ACCESSIBILITY AND ACQUISITION

The District is committed to ensuring timely and equal access to instructional materials and ICT for all, particularly for individuals with disabilities. In accordance with Government Code Sections 7405, 11135, and 11546.7, and best practices, the District will comply with the accessibility requirements of Section 508 of the Federal Rehabilitation Act of 1973 by:

- a. Developing, purchasing, or acquiring to the extent feasible, instructional materials and ICT products that are accessible to individuals with disabilities;
- b. Using and maintaining instructional materials and ICT that is consistent with this Standard; and
- c. Promoting awareness of this Standard to all relevant individuals who are responsible for creating, selecting, or maintaining electronic content and applications.

The District acknowledges that ensuring timely and equal access to equally effective instructional materials and ICT is the responsibility of all District administrators, faculty, and staff.

When developing, procuring, or maintaining ICT, the District shall ensure that those products conform to Section 508 standards unless a conforming product is not commercially available or, unless a significant difficulty or expense is imposed on the District. Where an exception is claimed, it is necessary to provide the information in a timely manner and in an alternate format suitable for the individual with a disability. Purchasers must also pursue effective acquisition strategies for acquiring ICT products that conform to the applicable standards.

3. ACQUISITION OF AN ICT PRODUCT

- a. Purchaser will identify general product specifications, including a market research to determine availability of conforming product(s).
- b. Refer to District hardware and software standards and conforming ICT products; submit purchase requests with a completed 508 Accessibility Evaluation Form.

- c. The purchaser should request a Voluntary Product Accessibility Template (VPAT) from the product supplier during the product evaluation phase.
- d. Submit the 508 Determination form, supporting documentation, and a purchase requisition with appropriate signatures through the usual college or College of Continuing Education process.

4. ACQUISITION OF AN ICT PRODUCT THAT IS NOT FULLY CONFORMING

- a. If a fully conforming product is not found, the most conforming product may be purchased.
- b. If the most conforming product does not meet the District's standard, an explanation must be provided.
- c. Submit the 508 Determination form to Purchasing and Contracts, including the requestor's minimum needs and an explanation of the most conforming product. Include information necessary to meet in a timely manner and in an alternate format suitable for the individual with a disability, such as "additional captioning needed upon arrival."

5. WEB-BASED PRODUCTS OR SUPPLEMENTAL APPLICATIONS OF A TEXTBOOK

- a. Web development or web course content, refer to Section 508 Checklist. Course content will be reviewed by the District's accreditor during the accreditation cycle.
- b. Web-based standards include the ability to have standards built into the development process or to be used with assistive technology.
- c. For web standards at SDCCD, refer to Administrative Procedure, *AP 6100.1, Web Principles and Standards*.
- d. The vendor hereby warrants that the products or services to be provided under this agreement comply with the accessibility requirements of Section 508 or the Rehabilitation Act of 1973, as amended (29 U.S.C. & 794d), and its implementing regulations set forth at Title 36, Code of Federal Regulations, part 1194. Materials requested may require additional research to assure accessibility.
- e. Vendor agrees to promptly respond to and resolve any complaint regarding accessibility of its products or services which is brought to its attention and if not currently accessible, authorizes permission for SDCCD to make those materials accessible for students with disabilities. Failure to comply with these requirements shall constitute a breach and be grounds for termination of the agreement.

6. COMPETITIVE QUOTATIONS AND ADVERTISED BIDS

- a. If the purchase exceeds the mandated bid threshold, it will be subject to advertised, competitive bidding and awarded by the Board of Trustees as described in Board of Trustees Policy, *BP 6330, Purchasing and Contract Service*. Contact Purchasing Services prior to beginning market research.
- b. If the purchase will be less than the advertised bid threshold but more than \$200.00, the

purchase requisition should recommend at least three suitable products or explain why fewer than three products are available to meet the need.

7. REFERENCES FOR 508 SUPPORT MATERIALS

- a. Complete standards are available on the federal Section 508 website, <http://www.section508.gov/>
- b. An explanatory guide is available on the Access Board website, <http://www.access-board.gov/guidelines-and-standards/communications-and-it/about-the-ict-refresh>
- c. Search Section 508 website database for “buy accessible” Voluntary Product Accessibility Template (VPAT), <http://www.section508.gov/sell/vpat>
- d. Section 508 Checklist for web development, <http://www.webaim.org/standards/508/checklist>

Approved by
the Chancellor: June 28, 2023

Supersedes: AP 3108.1 – 10/14/10; (*Renumbered AP 3725*)