



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

CITY COLLEGE • MESA COLLEGE • MIRAMAR COLLEGE • COLLEGE OF CONTINUING EDUCATION

*Educational Services*

## Chapter 3 – General Institution

Cabinet Review: 04/18/2023 & 04/25/2023

DGC Review: 04/19/2023 & 05/03/2023

Board of Trustees – First Read: 05/11/2023; Second Read: 06/15/2023

### Policies and Procedures Review

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The following Board of Trustees Policies and Administrative Procedures are being revised in response to CCLC Legal Updates and the required six-year review.

**Category 2:** New and/or revisions to policies and/or procedures in response to legal and/or regulatory requirements.

#### **Board of Trustees Policies:**

##### **BP 3725 (formerly BP 3108) – Information and Communications Technology Accessibility & Acceptable Use**

CATEGORY-2

- Updated to align with current practice and legal requirement
- Updated to add additional references to Section 504 of the Rehabilitation Act of 1973, California Government Codes sections, and Federal Regulations

#### **Administrative Procedures:**

##### **AP 3440 (formerly AP 3105.2) – Service Animals**

CATEGORY-2

- Updated to clarify and define Service Animals
- Updated to outline requirements, expectations, and exceptions for the use of Service Animals on District property
- Updated to reference and identify avenues for complaint processes

##### **AP 3725 (formerly AP 3108.1) – Information and Communications Technology Accessibility & Acceptable Use**

CATEGORY-2

- Updated to include applicable definitions
- Updated this procedure to provide flexibility for districts to indicate when an individual with a disability will receive access to instructional materials or ICT under this procedure
- Updated to align with current practice and legal requirement



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

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## Board of Trustees Policy

### Chapter 5 – Student Services Chapter 3 – General Institution

#### BP 3108 – ACCESSIBILITY STANDARDS FOR ELECTRONIC AND INFORMATION- TECHNOLOGY – SECTION 508

#### BP 3725 – INFORMATION AND COMMUNICATIONS TECHNOLOGY ACCESSIBILITY & ACCEPTABLE USE

~~The District is committed to all provisions of Section 508 of the Rehabilitation Act of 1973 to provide accessibility to electronic and information technologies for individuals with disabilities. Electronic and information technologies are a significant means by which the SDCCD provides information to students, faculty, staff and other constituents.~~

~~Accessibility is also a part of the District's ongoing commitment to establish a barrier-free learning community or universal access to all students.~~

- ~~1. Individuals with disabilities are guaranteed access to educational institutions and systems of communications under Section 508 and California Government Code Section 11135 which specifies that:~~
  - ~~a. The development, procurement, maintenance and use of electronic or information technology shall comply with accessibility standards of Section 508;~~
  - ~~b. Accessibility improvements of existing technology will increase the successful education and employment of individuals with disabilities, particularly blind and visually impaired and deaf and hard of hearing; and~~
  - ~~c. The college will respond to and resolve any complaint regarding accessibility of its products or services that are brought to the attention of the college/District.~~

The District is committed to ensuring timely and equal access to instructional materials and Information and Communication Technology (ICT) for all members of the community, including individuals with disabilities. As it relates to equally effective alternative access to instructional materials and ICT, "timely manner" 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 requirements.

As an ongoing commitment to establishing a barrier-free learning and working community with universal access to all, accessibility is provided in accordance with Sections 504 & 508 of the Rehabilitation Act of 1973.

Administrative Procedure, AP 3725, Information and Communications Technology Accessibility & Acceptable Use, is established to comply with the requirements specified in Section 508 of the Rehabilitation Act and its implementing regulations.

The intent of this policy is to ensure compliance with state and federal laws.

Reference: Sections 504 & 508 of the Rehabilitation Act of 1973;  
California Government Code Section 7405, 11135, and 11546.7;  
36 Code of Federal Regulations Parts 1194.1 et seq.

Adopted: ~~October 27, 2016~~

Supersedes: BP 3108 – 10/14/10; 10/27/16; (Renumbered BP 3725)



# SAN DIEGO COMMUNITY COLLEGE DISTRICT

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## Administrative Procedure

### ~~Chapter 5 – Student Services~~ ~~Chapter 3 – General Institution~~

#### ~~AP 3108.1 – ACCESSIBILITY STANDARDS FOR ELECTRONIC AND INFORMATION TECHNOLOGY (EIT) – SECTION 508~~

#### AP 3725 – INFORMATION AND COMMUNICATIONS TECHNOLOGY ACCESSIBILITY & ACCEPTABLE USE

The San Diego Community College District will ~~permit qualified students ensure that individuals~~ with disabilities ~~to have access to instructional materials and electronic and information technology~~ Information and Communication Technology (ICT) in District facilities and on District campuses in compliance with state and federal law. ~~Board of Trustees Policy 3108, Accessibility Standards for Electronic and Information Technology 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 ~~qualified students 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, ~~and to ensure that the District does not discriminate on the basis of disability.~~ ~~This procedure implements Policy BP 3108 with regards to electronic and information technology on campus.~~

### 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. ACQUISITION OF AN EIT CONFORMING PRODUCT

- a. Employee will identify need and general product specifications, including a market research to determine availability of conforming products.
- b. Refer to District hardware and software standards and conforming EIT products; submit purchase requests with a completed 508 EIT Determination form.

## 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.

The technical standards for Section 508 provide criteria specific to electronic and information technology (EIT) acquisition. The term EIT includes, but is not limited to, computers, software, telecommunications products (telephones), information kiosks and transaction machines, World Wide Web sites, multimedia, and office equipment such as copiers and fax machines. It 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.~~

When developing, procuring, or maintaining ~~EIT~~ 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 ~~would~~ is be imposed on the District. Where an exception is claimed, it ~~will still be~~ 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 ~~EIT-ICT~~ products that conform to the applicable standards. ~~Standards and other references are listed in Section E.~~

### 3. ACQUISITION OF AN ICT PRODUCT

- a. Employee-Purchaser will identify ~~need a~~ general product specifications, including a market research to determine availability of ~~confirming conforming~~ product(s).
- b. Refer to District hardware and software standards and conforming ~~EIT~~ ICT products; submit purchase requests with a completed 508 ~~EIT Determination Form~~ Accessibility Evaluation Form.
- c. ~~For EIT products not on list; search for Section 508 website database “buy accessible”~~ 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, ~~and with~~ supporting documentation, and a purchase requisition with appropriate signatures through the usual college ~~CE or College of~~ Continuing Education process.

### 4. ACQUISITION OF AN ~~EIT-ICT~~ PRODUCT THAT IS NOT FULLY CONFORMING

- a. If a fully conforming product is not found, the most conforming product ~~must~~ may be purchased.
- b. ~~Or, if the most conforming product does not meet your needs, you must then explain why the District’s standard, an explanation must be provided.~~
- c. Submit the 508 Determination form to Purchasing and Contracts including with 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 Chancellor’s Office in the usual~~ 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 ~~the Administrative Procedure, AP 6100.1, Web Principles and Standards Procedure 6100.1.~~
- d. The vendor hereby warrants that the products or services to be provided under this agreement comply with the accessibility requirements of ~~s~~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 ~~this- the~~ agreement” ~~(06.11.2001).~~

#### 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 ~~ed~~ by the Board of Trustees as described in ~~the 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/sec508/guide/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: ~~October 14, 2010~~

Supersedes: ~~New Procedure~~ 10/14/10