

AB 386 – Instructional Materials for Disabled Students
Reducing Access Barriers for Deaf Students

Assemblymember Ira Ruskin, 21st A.D.

What Does AB 386 Do?

AB 386 expands the definition of nonprinted instructional materials to include “audiovisual works and digital media files”. The bill also allows public colleges and universities to create captioned versions of audiovisual works if a publisher does not respond to a written request within two weeks.

Background

Both federal and state laws guarantee that students with disabilities at colleges and universities are provided equal access to the instruction, information and services provided by those colleges and universities.

AB 422 (Steinberg) was signed by the Governor in 1999 to require publishers of instructional materials in California to provide electronic versions of printed materials for use by students with disabilities at public colleges and universities. It also stated that nonprinted instructional materials would be subject to the same conditions. However, AB 422 did not specify audiovisual works that may need captioning or other alterations to make these materials accessible to deaf or hearing impaired students.

There are 4,100 deaf or hearing impaired students enrolled at a California Community College whose academic success depends on the college’s ability to prepare instructional materials in a format they can use.

Barriers Faced by Deaf and Hearing Impaired Students in California

In some cases where captioning or other information is not already available on audiovisual works or other types of media, it is necessary for the college to add captioning to make the information accessible to deaf or hearing impaired students.

The publisher’s response to providing captioning for these materials is varied. Some publishers want a written request from colleges to caption their work which can take weeks and delay student access to class material. Others only want to give permission to caption the work if they are paid or are provided the newly-captioned version by the college. Furthermore, other publishers never respond to such requests. Regardless, the college must still provide access to the material to comply with state disability and federal ADA laws.

The colleges are often put in an untenable position. On the one hand, they are required to provide all students with disabilities access to instructional materials. On the other hand, they must comply with existing copyright laws. In either case, the colleges are vulnerable to law suits. Currently, many publishers provide the colleges permission to provide this important service so deaf and hearing impaired students do not lose valuable instructional time because of not having access to critical course materials. Many copyright holders, do not respond to the colleges request for permission to caption.

This bill attempts to codify current practice in working with the publishers or copyright holders to provide captioning for materials in a timely fashion or providing the colleges the permission to caption. In the case where a publisher or copyright holder does not respond or does not have the ability to caption in a timely fashion, the colleges would have the authority to caption in time for students to have access to these materials. The success of deaf and hearing impaired students is significantly reduced if colleges cannot provide access to captioned audiovisual materials being used in classroom instruction.

List of Supporters

Chancellor’s Office of the California Community Colleges (sponsor),
Student Senate for California Community Colleges,
Long Beach Community College District,
American Federation of State, County, and Municipal Employees, AFL-CIO,
Disability Rights California,

Faculty Association of California Community Colleges,
Community College League of California
Los Rios Community College District
Rio Hondo Community College District
San Jose-Evergreen Community College District