# Background Information

**Policy Title:** Timely Instructional Materials Policy for Accessibility and Affordability, Implementation of

**Policy Statement:**

The purpose of the Implementation of Timely Instructional Materials policy is to improve timely identification of required instructional materials needed for accessibility and affordability by establishing deadlines for timely identification, identify the processes and parties responsible for identification, change and conversion of course materials.

**Why is the Policy/Policy Amendment Necessary:**

Under both state and federal laws, the University must make timely provision of accessible instructional materials to students with disabilities. (Americans with Disabilities Act of 1990 (ADA); Section 504 of the Rehabilitation Act of 1973; California Govt. Code Section 11135). Moreover, the University also has the obligation to disclose, on its internet course schedule and in a manner of its choosing the ISBN (International Standard Book Number) and retail price information of required and recommended college textbooks and supplemental materials for each course listed in the institution’s course schedule for preregistration and registration purposes (Higher Education Opportunity Act).

In order to provide timely delivery of accessible instructional materials and price information, it is imperative that all course materials are identified in a prompt and timely manner.

**Who the Policy Applies To:**

Faculty, colleges, academic departments, Services to Students with Disabilities, Hornet Bookstore, University Library, University Financial Aid

**Responsibilities:**

Academic Affairs, Academic Departments, College Deans, Faculty Senate, Services to Students with Disabilities, Hornet Bookstore, University Library

**Procedures:** *(Typically “procedures to carry out the policy are included as part of the Policy)”*

I. Course material identification:

- **Faculty** identify required and recommended textbooks and supplemental materials by the first day of student registration for the upcoming semester (“Textbook Identification Deadline.”) In accordance with the Textbook Transparency Act and Accessible Technology Policy, faculty are encouraged to consider price and accessibility in the selection of materials.

- **Academic Department Chairs** or appropriate administrators in consultation with
faculty specify default textbook information and instructional materials that will be used in the event that other materials have not been specified prior to the Textbook Identification Deadline.

- **Deans** or their designee are responsible for insuring that faculty identify appropriate course materials prior to the Textbook Identification Deadline and insuring that course materials are identified and communicated to the campus Bookstore no later than the first day of student registration for the upcoming semester ("Textbook Identification Deadline."). Default options shall be on file for every section of every course in the appropriate Dean’s office.

- The **Bookstore** shall notify Department Chairs and College Deans of those courses for which the Bookstore has not received the course material selections. The Bookstore shall send this list at least two weeks before the Textbook Identification Deadline, one week prior to the deadline, and one week after the deadline. The Bookstore also makes available the textbook list for the internet class schedule used for preregistration and registration purposes.

- **Library Reserves** needs at least 2 weeks advance notice from the date course materials will be used in class. Faculty members need to follow copyright guidelines prior to placing materials on electronic reserves.

- Course material change:
  
  A. **Faculty** who wish to change or add course materials after the Textbook Identification Deadline must consult with the Department Chair or appropriate administrator. Because federal legislation requires course materials to be available to all students at the same time, changes or additional materials will only be approved if course materials are available simultaneously to all students enrolled in the course.

  B. **Department Chairs** or appropriate administrators who approve an exemption to change course materials shall inform the Bookstore of the new order and contact SSWD.

  C. **The Bookstore** will notify Department Chairs and appropriate administrators should a faculty member request a change after the Textbook Identification Deadline.

  1. **Course material conversion:**

     A. **Services to Students with Disabilities** (SSWD) uses procedures for obtaining, producing, and delivering alternative media requests or files in accessible formats for students with disabilities, advocates for adequate staffing and resources for conversions and consults with Department Chairs or appropriate administrators in the event of a change.
B. Academic Technology and Creative Services will provide access to staff of Services to Students with Disabilities (SSWD) to SacCT courses when students with disabilities are enrolled, for the purpose of converting instructional materials.

Additionally see Frequently Asked Questions (FAQ) below for technical assistance.

PART II. Context and Consultation

COMMITTEE/COMMITTEES/GROUPS PROPOSING THE POLICY
California State University (CSU) Academic Senate Resolution on Providing Equal Access to Programs and Services for Individuals with Disabilities (AS-2801-07/AA/FA) recommends that “each campus in consultation with their Senate develop policy, procedures and processes that will provide accessible textbooks and other instructional materials to students with disabilities at the same time that standard textbooks and other instructional materials become available for students without disabilities” (http://www.calstate.edu/AcadSen/Records/Resolutions/2006-2007/2801.shtml)

EXISTING POLICY/POLICIES AFFECTED (Does this bring several policies together or split them up? Does this supersede, replace, augment? Etc.)
Operationalizes timely access to instructional materials for accessibility and affordability as described in the following policies:

- Accessible Technology Policy (adopts CSU Executive Order 926) http://www.csus.edu/umanual/it/AccessibleTechnologyPolicy.htm
- Implementation of the College Textbooks Transparency Act (California Education Code Section 66406.7) (Recommendations on): http://www.csus.edu/acse/08-09(actions.htm#FS%2008-57
- Library Policy for Placing Copyrighted Materials on Electronic Reserves: http://library.csus.edu/content2.asp?pageID=337

CONSULTATION THAT HAS OCCURRED (Committees and Subcommittees; Academic Affairs, Faculty and Staff, Legal, etc.)
The policy was originally drafted in spring 2012 by a diverse committee consisting of nine Department Chairs and administrators convened by then Provost Joseph Sheley The draft policy on Timely Instructional Materials Adoption was distributed to the Department Chairs and Program Directors at their April 2012 meeting and then the draft policy was revised further. The Faculty Senate Executive Committee reviewed the April 24, 2012 draft policy on August 28, 2012. Based on questions concerning legal requirements, the draft policy was shared with the CSU
Accessible Technology Initiative Director on September 6, 2012, and the University Counsel on September 12, 2012 for feedback. The draft policy was also discussed at the open forum of the Faculty Senate Academic Information Technology Committee meeting on September 7, 2012. A Workgroup on Accessible Materials (WAM) began meeting on September 25, 2012. WAM includes individuals from the Faculty Senate, Hornet Bookstore, Services to Students with Disabilities, Library, Financial Aid, and Department Chairs.

**OTHER RATIONALE OR CONSIDERATIONS** *(How is this policy different than the one it is replacing? How often will this policy be reviewed? Is there an expiration of the policy? Etc.)*

Currently the timely textbook adoption rate for the campus is still less than 50% (according to the Bookstore textbook adoption rates). The current policy (Accessible Technology policy and Implementation of the College Textbooks Transparency Act policy) does not provide for implementation processes necessary in light of current adoption rates and the potential impact on student access to materials as provided for by law. Additionally, the Affordable Textbook Act and Copyright Law provide a basis for developing guidelines and processes. This policy should be reviewed every five years or when and if changes to textbook formats, accessibility related laws, or CSU policies may change.

**ARGUMENTS IN FAVOR** *(list a few of the compelling arguments that have been made for the policy and their attributions if appropriate)*

- Timely adoption of required textbooks and supplementary instructional materials is needed to ensure that all students have equal access to affordable course materials, including students with disabilities. The university cannot engage in discrimination related to disability. Advanced planning is needed to make materials accessible and to plan equally effective alternatives and academic adjustments if materials can't be made accessible. Late materials negatively impact the learning process and retention for students with disabilities and increase the risk of civil rights claims against the university or faculty.

- A lack of timely identification of instructional materials increases staff workload and adds financial costs to the campus to keep up with the backlog of text conversions. When materials are changed last minute, and books are converted that didn’t need to be converted, the university can lose $10,000 or more per (Braille) book, and this is irresponsible to the public who help fund higher education.

- Failing to comply with the federal textbook requirements puts the campus at risk of losing its federal student aid desperately needed by the majority of Sacramento State students. Late identification of instructional materials denies all students the opportunity to assess the costs of textbooks when they register for classes, research the cheapest books, utilize lower-cost Bookstore options such as rental or used books, and sell back books to the Bookstore. Submitting textbook adoption information to the Bookstore by the Textbook Identification Deadline allows the bookstore to obtain as many used books as possible and to purchase books back from students at higher prices.
ARGUMENTS AGAINST (list a few of the compelling arguments that have been made against the policy and their attributions if appropriate)

- Faculty identify new materials or texts identified after the Textbook Identification Deadline that would better serve the learning outcomes.
- Faculty receive course assignments after the Textbook Identification Deadline.
- Restrictions on changes may conflict with faculty choice of materials.

FREQUENTLY ASKED QUESTIONS

WHAT ARE THE FEDERAL AND STATE LAWS AND CSU EXECUTIVE ORDERS AND CODED MEMORANDA THAT RELATE TO TIMELY ADOPTION OF INSTRUCTIONAL MATERIALS?


  “(d) PROVISION OF ISBN COLLEGE TEXTBOOK INFORMATION IN COURSE SCHEDULES.—To the maximum extent practicable, each institution of higher education receiving Federal financial assistance shall—(1) disclose, on the institution’s Internet course schedule and in a manner of the institution’s choosing, the International Standard Book Number and retail price information of required and recommended college textbooks and supplemental materials for each course listed in the institution’s course schedule used for preregistration and registration purposes.”


  “No qualified individual with a disability shall, on the basis of disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.”


  “(d) A recipient . . . shall take such steps as are necessary to ensure that no handicapped student is denied the benefits of, excluded from participation in, or otherwise subjected to discrimination under the education program or activity operated by the recipient because of the absence of educational auxiliary aids for students with impaired sensory, manual, or speaking skills...”

- Section 508 of the Rehabilitation Act (Electronic and Information Technology): [http://www.section508.gov/](http://www.section508.gov/)

- Section 67302 of the California State Education Code: [http://www.htctu.net/divisions/altmedia/ab422/AB422Requirements.html](http://www.htctu.net/divisions/altmedia/ab422/AB422Requirements.html)


- CSU Executive Order 926 - The California State University Board of Trustees Policy on Disability Support and Accommodations: [http://www.calstate.edu/EO/EO-926.html](http://www.calstate.edu/EO/EO-926.html)

- CSU Executive Order No. 1045 - System wide Policy Prohibiting Discrimination, Harassment, and Retaliation Against Students and Applicants for Admission and System wide Procedure for Handling Discrimination, Harassment and Retaliation Complaints by Students and Applicants for Admission Against the CSU and/or CSU Employees: [http://www.calstate.edu/EO/EO-1045.html](http://www.calstate.edu/EO/EO-1045.html)

- Accessible Technology Initiative Coded Memoranda: [http://www.calstate.edu/accessibility/](http://www.calstate.edu/accessibility/)
WHAT DO THE TERMS ACCESSIBLE AND ALTERNATE FORMATS MEAN?
Accessible materials are those that are usable by all people, to the greatest extent possible, without the need for adaptation or special modification. The U.S. Access Board (http://www.access-board.gov/) develops accessibility standards and guidelines for facilities, transportation, telecommunications, and electronic and information technology. Alternate formats are media which provide access to information in a different manner than the format that was originally provided. Alternate formats used by students with disabilities may include, but are not limited to: Braille, electronic text documents, large print, recorded audio, tactile graphics, and transcripts. (http://www.calstate.edu/accessibility/.)

HOW DO I KNOW IF COURSE MATERIALS NEED TO BE MADE ACCESSIBLE?
Course materials for new courses need to incorporate accessibility (see Course Proposal Form A: http://www.csus.edu/acaf/forms/FormA.doc). Existing course materials need to be made accessible when a student with a disability enrolls in a course. It is the student’s responsibility to provide documentation of disability to SSWD and to contact faculty regarding approved accommodations. If alternate materials are needed for a student with a disability enrolled in your course, you will be notified by SSWD. If you have any questions, please feel free to contact SSWD for consultation.

HOW LONG DOES IT TAKE TO CONVERT MATERIALS INTO ALTERNATE FORMATS?
It can take up to 8 weeks or more for SSWD and other resources to convert materials into the formats needed by students with disabilities. Conversion of materials may involve researching, contacting publishers, scanning, using optical character recognition, editing, reformatting, and other labor-intensive tasks. Faculty may be asked to provide syllabi, handouts, etc. in electronic text to facilitate conversions. (www.csus.edu/sswd/SSWD%20Information/services/AlternativeMediaUnit.html#Faculty.)

DOES THIS POLICY NOW REQUIRE THAT I CAN ONLY HAVE STUDENTS BUY THEIR INSTRUCTIONAL MATERIALS THROUGH THE BOOKSTORE?
Nothing in this policy requires that faculty or students be compelled to purchase materials from a single source. However the Bookstore’s reporting function, through the course schedule, is the only means by which the University ensures that materials are provided on a timely basis so that all students have equal access to affordable and accessible materials.

WHAT IF I AM ASSIGNED TO A COURSE AFTER THE DEADLINE AND I REALLY DON’T LIKE THE CHOSEN TEXT? HOW DO I DEMONSTRATE A COMPELLING REASON FOR A CHANGE OF MATERIALS?
You would need to first provide a written justification to the Department Chair (or appropriate administrator) for approval, who will confer with SSWD. Late adoptions make it very difficult for
the University to provide materials to all students in a timely manner. In addition, late changes can cost thousands of dollars in conversions of unneeded materials.

**MY DEPARTMENT HAS A LARGE NUMBER OF SECTIONS FOR A SINGLE COURSE AND WE TYPICALLY DO NOT STAFF THE COURSE UNTIL WELL AFTER REGISTRATION STARTS. WHAT ARE WE SUPPOSED TO DO?**

Your department must still meet the deadline to either choose course materials or indicate that no text is required. Departments, or equivalent units, may choose from a variety of strategies to facilitate faculty input on these matters including:

- have a departmental committee or course coordinator provide input on the selection of materials
- use a system in which the text from the previous offering of the course is entered
- enter the text used by the majority of sections in the previous semester

**IF I AM GIVEN AN EXEMPTION TO CHANGE COURSE MATERIALS, HOW DO I NEED TO PROCEED?**

Contact the Bookstore with the new order and be sure to contact SSWD so that they can work with faculty and students to plan for accessibility of the new materials if a student with a disability is enrolled. For example, ensuring that there is an accessible electronic version available of the materials can facilitate the conversion of these materials into alternate formats if it is needed.

**DOES THIS POLICY REFER ONLY TO TEXTBOOKS? ARE COURSE PACKS OR READERS EXEMPT? WHAT ABOUT E-TEXTS?**

This policy applies to all course materials. Even course readers prepared by outside commercial firms need to be reported to the Bookstore so that the University can ensure accessibility for students. E-texts are not exempt. Whenever possible choose e-texts from publishers that provide accessible electronic content.

**WHAT ARE SOME RESOURCES THAT CAN ASSIST ME?**

- Textbook Information Provision and Affordable Learning Solutions: [http://als.csuprojects.org/hea](http://als.csuprojects.org/hea)
- CSU Affordable Learning Solutions: [http://als.csuprojects.org/](http://als.csuprojects.org/)
- Resources on Accessibility of E-Textbooks: [http://als.csuprojects.org/accessibility](http://als.csuprojects.org/accessibility)
- Instructional Materials Accessibility Information and Checklist for Faculty: [http://www.csus.edu/accessibility/checklist.html](http://www.csus.edu/accessibility/checklist.html)
- Academic Calendar (Registration Dates): [http://www.csus.edu/acaf/calendars/index.html](http://www.csus.edu/acaf/calendars/index.html)
- Services to Students with Disabilities: [http://www.csus.edu/sswd](http://www.csus.edu/sswd)
- Academic Technology and Creative Services: [http://www.csus.edu/atcs](http://www.csus.edu/atcs)
- Library Course Reserves Information: [http://library.csus.edu/content2.asp?pageID=162](http://library.csus.edu/content2.asp?pageID=162)