Effective and Equitable Online Education: A Faculty Perspective

For Consideration Spring 2023

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Introduction

In the early 2000s, the California Community College system, driven by a commitment to providing increased academic access to students, began to scale its distance education (DE) course offerings. Since this time, the shift from correspondence courses to interactive, asynchronous online learning has accelerated. With this shift, the need for resources and guidance for effective and equitable online instruction has also accelerated.

The purpose of this paper is to address the need for guidance on professional standards for educational practices in online education that prepare institutions for expanding and improving access to effective and equitable distance education for more students. Since 1995, the Academic Senate for California Community Colleges (ASCCC) has provided ongoing leadership and in the introduction, implementation, and improvements of distance education instruction. Furthermore, the ASCCC has played a leading role in shaping policies and procedures for distance and online education in order to ensure that California community college students receive the most effective educational experience possible.

At the 2022 Spring Plenary Session, the delegates adopted – by acclamation – Resolution 13.02 (S22)[1] calling for an update to the *Ensuring an Effective Online Program: A Faculty Perspective* paper to not only account for changes in accessibility and other Title V federal regulations, but to also discuss the faculty's role in establishing and maintaining equitable and accessible learning environments:

> Whereas, Accessibility in the digital learning environment is an essential part of an equitable learning environment, and students deserve to have access to digital learning materials and environments without revealing their disability status as provisioned by Section 508 of the Rehabilitation Act;
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> Whereas, Accessibility in the digital learning environment—or compliance with Section 508 of the Rehabilitation Act—is required for all government-funded institutions including the California Community Colleges, and the California Community Colleges' Chancellor's Office Information and Communication Technology and Instructional Material Accessibility Standard (2020) says that "ensuring equal access to equally effective instructional materials and ICT [information communication technology] is the responsibility of all California Community College administrators, faculty, and staff"; and
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> Whereas, Accessibility is an academic and professional matter per Title 5 §53200, and faculty should have and maintain full freedom of and purview over their instructional materials and digital learning environments, while fulfilling their

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[1] Resolution 13.02 (S22): *Faculty Responsibility for Equitable, Accessible Learning Environments*

obligation as educators to provide accessible learning environments as required legally and as a tool for closing equity gaps;

Resolved, That the Academic Senate of California Community Colleges urge local academic senates to advocate for making accessibility a campus-wide priority because it relates to faculty agency over equitable student access in all teaching and learning environments;

Resolved, That the Academic Senate for California Community Colleges update its paper *Ensuring Effective Online Programs: A Faculty Perspective* by Fall 2023 to include clarification of the differences between Accommodations (as referenced in Section 504 of the Rehabilitation Act) and Accessibility (as referenced in Section 508 of the Rehabilitation Act) as these definitions relate to faculty fulfilling their responsibility as educators in all modalities, and also develop other resources as appropriate; and

Resolved, That the Academic Senate for California Community Colleges work with the California Community Colleges Chancellor's Office and other stakeholders to guide the development of the local infrastructure necessary to support faculty with professional learning, tools, and expert support in the creation of fully accessible learning environments.

Since much of the content from the 2018 paper around the purview and role of local academic senates in collegial consultation with local governance groups still stands as accurate, this paper will not replace these sections entirely. Additionally, just as the 2018 paper used the term "online" deliberately to differentiate its subject matter from traditional correspondence courses and from other forms of distance education, this paper shall follow suit.

This paper is divided into multiple major sections. The first section centers on the changing landscape of online education in California, integration of the ASCCC's inclusion, diversity, equity, anti-racist, and accessibility (IDEAA)[2] framework into online education, as well as andragogical elements[3] that are necessary to create equitable and accessible online learning environments. The second major section is dedicated to effective practices for developing and offering online education at a college, including the roles of the local academic senate, curriculum committee, online or distance education committee, professional development committee, and other entities under shared governance or participatory decision-making structures that have a role to play in the creation and offering of online courses and programs. The final section of the paper

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[2] Resolution 1.02 (S22): *Adding Anti-Racism to the Academic Senate for California Community Colleges' Vision Statement.*

[3] "Andragogical elements" refers to the tools and strategies used to teach adult learners.

contains a series of recommendations that local academic senates should consider when advancing online education opportunities at their campus.

Building Equitable Learning Environments in Online Education

The Changing Landscape of Online Education in the California Community Colleges

According to the *2017 Distance Education Report*[4] from the California Community Colleges Chancellor's Office (CCCCO), between 2005 and 2015 the number of students taking one or more distance education (DE) courses grew from 11% to 28%. While this data includes all forms of DE courses (telecourses, correspondence courses, etc.), asynchronous online courses comprised 96% of all DE course offerings in 2016-17. Without the barriers of time and place that face-to-face courses pose, the system's growth in online courses expanded college access to students who had been otherwise left out of the traditional higher education model. By 2017, the demographic of a student most likely to take a distance education course was female, 20-24 years old, and Latina.

Online courses provide students with the flexibility to achieve their academic goals while meeting their day-to-day responsibilities such as work and childcare, and when courses are conducted asynchronously, they support students who may not have the privilege to predict their schedule week-to-week or have reliable transportation to campus. The CCCCO's *2017 Distance Education Report* revealed a rapid growth in students taking an online course and the United States Department of Education (2020)[5] echoes this upward trend:

> We expect the current trends of distance education programs capturing an increasing share of students to continue, and perhaps to accelerate as institutions and accreditors become more experienced in establishing or evaluating these programs.

If state and federal projections of online learning demonstrated an increase in distance education offerings prior to the COVID-19 pandemic, then the pandemic itself only accelerated this increase by effectively forcing colleges to rapidly convert all course offerings to an online format of some kind. Now three years into the pandemic, colleges are faced with questions regarding the future of online course offerings as well as with the flexibility that various online education models can offer students in advancing their academic goals. Couple these questions with the ongoing implementation of the CCCCO's Vision for Success, Guided Pathways, and AB705/AB1705 legislation, colleges and their respective faculty not only have much to grapple with but also an opportunity to make holistic, innovative online education programs for students that provide the flexibility

[4] CCCCO. 2017. Distance Education Report.
[5] US Department of Education. 2020. *Federal Register, Volume 85. No. 171*. 34 CFR Parts 600, 602, and 668.

they seek in meeting their diverse needs and honoring their authentic lived experiences and backgrounds.

Acknowledging Student Basic Needs in Online Education

While noting the flexibility and opportunities that a robust online education program can provide students, the ASCCC would be remiss in not acknowledging that online courses also exacerbate equity gaps. The pandemic only further exacerbated these equity gaps by revealing serious concerns related to student basic needs. According to the *2022 Brief*[6] released by the Intersegmental Working Group on Student Basic Needs, the pandemic "exacerbated basic needs insecurity by further destabilizing the lives of those with unmet basic needs and increasing the number of students experiencing multiple instabilities for the first time." A study conducted by Conron, O'Neill, and Sears (2021)[7] revealed that, "Nearly one in ten (9.5%) of LGBTQ students did not have access to reliable internet and a quiet space to complete online instruction," and, "more transgender students reported a lack of reliable internet and a quiet space to complete on-line instruction than cisgender students, 30.6% versus 4.5%, respectively."

To mitigate the impact of the pandemic on student basic needs, the US Department of Education passed the *American Rescue Plan*, *"*to support college students, particularly at community colleges and rural institutions." With the *American Rescue Plan* came a total of $40 billion for colleges and universities through the Higher Education Emergency Relief Fund (HEERF) of which the California Community Colleges saw approximately $2.1 billion. Colleges were encouraged to use portions of these funds to provide students with increased access to technology hardware such as laptops, headsets, and wi-fi hotspots. Colleges also used HEERF funds to increase open educational resources (OER) offerings that supported students with no cost or low cost textbooks and materials to help mitigate financial barriers. Katie Steen (2022)[8] writes:

> leveraging OER to expand access to free, high-quality textbooks is explicitly cited as a strategy to meet college students' basic needs. The [US] Department [of Education] specifically points to OER as an example of a high-impact strategy that can build long-term capacity to ensure students have the tools they need to succeed in navigating challenges created by the pandemic[9].

As necessary as equipment and materials are for student success and advancing digital equity[10], they are not, however, sufficient to close equity gaps; campuses should also provide hardware technology and technology competency support for students. For example, many colleges are creating technology support services that help students not

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[6] The Opportunity to Strengthen Basic Needs Supports for California's Post-Secondary Students through Partnership and Shared Accountability: Recommendations from the Intersegmental Working Group on Student Basic Needs, March 2022.

[7] Conron, et al. (2021). COVID-19 and Students in Higher Education. UCLA School of Law: Williams Institute.

[8] Steen, Katie. (2022). Leveraging OER to Meet Student Basic Needs with COVID Relief Dollars. SPARC.

[9] US Department of Education. (2022). Using Higher Education Emergency Relief Fund (HEERF) Institutional Portion Grant Funds to Meet the Basic Needs of Students

[10] The Marconi Society: Digital Inclusion Webpage

only use their technological tools and devices but also how to use software and learning management systems (LMS) to navigate our ever-increasingly complex learning environments. Discipline faculty, when discovering trends or patterns in student challenges with technology, should share these with their local academic senates, include them in their program review assessments, and connect with distance education departments. Opportunities to plan for ongoing technology support can be realized through student equity and achievement plans (SEA), comprehensive master plans, and equity plans.

Student Mental Health in Online Education
In addition to an increase in OER and access to technology, students in online courses demonstrated an increased need in mental health support services throughout the pandemic[11]. Even now, the need for robust mental health support services remains. According to the Healthy Minds Survey[12], "in 2020–2021, more than 60% of students met criteria for one or more mental health problems, a nearly 50% increase from 2013." Further results from the survey indicated that, "while mental health worsened among all groups in the study period [,] students of color had the lowest rates of mental health service utilization." Racial battle fatigue, trauma, discrimination, and navigating access to services are factors often playing a significant part of the experience of students of color in general and the possible isolation of an online environment might exacerbate the barriers if not mitigated with intentional culturally responsive and inclusive practices in the online and virtual space.

As faculty design their online courses, intentional and ongoing statements to students about how and where to access free mental health support services in myriad places is critical. While a faculty member may be able to physically interact with and potentially see a student struggling in a face-to-face setting, this interaction and intervention proves particularly challenging in an online learning environment. However, because instructional faculty regularly perhaps interact with a student more than any other department or area on campus, they can play a significant role in promoting mental health resources. Faculty might work together with their local health centers to develop and embed mental health modules in their learning management software programs, provide contact information for mental health resources in their syllabi, and frequently email students to share information about how to access mental health services on campus.

Inclusion, Diversity, Equity, Anti-Racism, and Accessibility in Online Education
Answering the Call to Action
In 2020, the CCCCO disseminated the *Call to Action*[13], which details six areas of focus to dismantle systemic racist structures in education and to critically engage in self-

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[11] Babb, et al. (2022). Assessing the Effects of the COVID-19 Pandemic on Nontraditional Students' Mental Health and Well-Being. *SAGE Public Health Emergency Collection*. 72(2): 140–157.

[12] Lipson, S.K., et. al. (2022). Trends in college student mental health and help-seeking by race/ethnicity: Findings from the national healthy minds study, 2013–2021. *Journal of Affective Disorders*, Volume 306, Pages 138-147.

[13] California Community Colleges Chancellor's Office. 2020. Call to Action.

assessment to implement lasting equitable change across the California Community College system. The third area of focus reads:

> **Campuses must audit classroom climate and create an action plan to create inclusive classrooms and anti-racism curriculum**. As campus leaders look at overall campus climate, it is equally critical that faculty leaders engage in a comprehensive review of all courses and programs, including non-credit [sic], adult education, and workforce training programs. Campuses need to discuss how they give and receive feedback and strive to embrace the process of feedback as a productive learning tool rather than a tool wielded to impose judgment and power. Faculty and administrative leaders must work together to develop action plans that provide proactive support for faculty and staff in evaluating their classroom and learning cultures, curriculum, lesson plans and syllabi, and course evaluation protocols. Campuses also need to look comprehensively at inclusive curriculum that goes beyond a single course, such as ethnic studies, and evaluate all courses for diversity of representation and culturally-relevant content. District leaders should engage with local faculty labor leaders to review the tenure review process to ensure that the process promotes and supports cultural competency. Additionally, districts should be intentional about engaging the experiences, perspectives and voices of non-tenured and adjunct faculty in the equity work of the campus. This work must be led in partnership with campus CEO's/Presidents, college faculty, chief instructional officers, chief student service officers, the ASCCC, the Student Senate for California Community Colleges (SSCCC) and campus student leaders.

The ASCCC Executive Committee heard this call and began working to revise its mission, vision, and value statements with an intentional emphasis on integrating anti-racism work. At the spring 2022 plenary session, delegates adopted Resolution 1.02 (S22) *Adding Anti-Racism to the Academic Senate for California Community Colleges' Vision Statement[14],* which added "anti-racism" to the ASCCC's mission, vision, and values statement, resulting in the ongoing development of a new foundational framework centered on inclusion, diversity, equity, anti-racism, and accessibility (IDEAA) that guides all work of the ASCCC moving forward, including online and distance education.

Online courses pose powerful opportunities for achieving equity in California community colleges. Embracing IDEAA as core values requires individual mindset shifts and institutional investments. Faculty must make a personal commitment to engaging in anti-racist training, developing cultural humility[15], and a lifelong, critical journey of self-reflection. This includes becoming self-aware of their own identities, privileges, and unconscious biases, including those related to gender, ageism, and ableism; engaging in

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[14] Resolution 1.02 (S22): *Adding Anti-Racism to the Academic Senate for California Community Colleges' Vision Statement.*

[15] ASCCC. 2022. *Cultural Humility Tool Kit*.

anti-racist professional development; acknowledging and creating space for diverse perspectives; applying a race-conscious lens; and making changes to end inequities. Equity-minded educators wholeheartedly embrace diversity as an asset, as opposed to a burden, to consider how power and privilege marginalizes individuals from non-dominant identities, and to seek out and remove barriers that prevent students from being successful.

This paper continues in the discussion of IDEAA principles below; however, please note that while these sections are parsed out separately for organization, faculty teaching online courses must remember that these principles are intersectional and work together to make the online education classroom an engaging learning environment for all.

Increasing Inclusion in Online Education

Inclusion is defined as, "authentically bringing traditionally excluded individuals and/or groups into processes, activities, and decision/policy making in a way that shares power."[16] At the heart of inclusion is working with students to help them establish a sense of belonging. According to Strayhorn (2018),[17]students with a strong sense of belonging demonstrate increased success and retention rates, particularly among Black male students who are disproportionately impacted at many colleges.

Developing inclusive online learning environments can take a variety of forms, including any of the following:
- Creating a short survey at the beginning of the course that invites students to volunteer to share their thoughts about online learning, previous challenges in online courses, how they prefer to communicate, and any current fears, such as a fear of asking for help. Faculty can then use these responses to inform online or virtual classroom policies on their syllabus.
- Welcoming all students to include their pronouns next to their username. Faculty should respect and use these pronouns, and if a mistake is made, acknowledge, apologize, and self-correct.
- Establishing rapport through storytelling with students by actively participating in activities such as discussion boards. Faculty should not only respond to students within the discussion board posts, and may also wish to also respond to the original prompt with their own original post, allowing students to respond to their instructor in the same way they would respond to their peers.
- Using inclusive language to mitigate trauma via "coded language"[18] and promote culturally-responsive perspectives.
- Developing community classroom norms using a free online platform. Once completed, add these norms to a syllabus module or place that is easily accessible.

[16] Gilson, C. B., Gushanas, C. M., Li, Y., & Foster, K. (2020). Defining inclusion: Faculty and student attitudes regarding postsecondary education for students with intellectual and developmental disabilities. Intellectual & Developmental Disabilities, 58(1), 65 81. https://doi-org.ezproxy.losrios.edu/10.1352/1934-9556-58.1.65

[17] Strayhorn, T. L. (2018). *College Students' Sense of Belonging: A Key to Educational Success for All Students.* Routledge.

[18] Class Trouble. 2020. A Guide to Coded Language in Education, Vol. I and II.

> When students demonstrate the embodiment of one of these norms, acknowledge and thank them for helping to make the learning environment better.

- Writing personal learning outcome statements or goals that align with the course's existing student learning outcomes and class objectives. Use these personal learning outcomes as opportunities to focus on particular learning goals and provide student feedback. Students can also reflect on these personal learning outcomes and provide feedback to the faculty about their experiences in working towards achieving these personal learning outcomes.
- Establishing clear and defined online classroom policies together with students that are then reflected in the syllabus.

Whereas faculty may begin the semester with all of the policies and procedures established in their syllabus, taking the opportunity to include students in these important decisions will not only help students see themselves as co-creators of their own knowledge but will work to facilitate a sense of belonging and an increased agency in their academic goals.

Cultivating Diversity in Online Education

Diversity in online education centers on culturally responsive androgogical frameworks and practices and seeks to further inclusivity and sense of belonging. In this paper, the definition of diversity from the University of Washington[19] and curated by the CCCCO[20] is used for a frame of reference. Diversity is:

> all inclusive and supportive of the proposition that everyone and every group should be valued. It is about understanding these differences and moving beyond simple tolerance to embracing and celebrating the rich dimensions of our differences.

Culturally responsive practices are developed from an open-mindedness that values community and collectivism; it is a mindset where the faculty designs online courses using equity principles that recognize and acknowledge the historic omission of people of color from traditional Eurocentric curriculum, history, and classroom practices. This framework and mindset challenge the traditional structures, policies, and practices that hinder marginalized students and perpetuates institutionalized racism, discrimination, and the erasure of histories and instead builds on communal practices and diverse funds of knowledge from students' experiences. Culturally responsive practices invite online learning that intentionally creates an environment that values the collective voices of diverse cultures and the lived experiences and backgrounds of all students.

Online courses designed from a culturally responsive framework engage students in collaborative groupwork, pair shares, team assignments, and various activities that value storytelling and sharing ideas; it is a framework that builds on the students' backgrounds and schemata while scaffolding and supporting students to activate their intellectual

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[19] Department of Epidemiology. 2017. Equity, Diversity, and Inclusion Committee. University of Washington School of Public Health. Retrieved 2023.

[20] CCCCO. DEI Glossary of Terms. Retrieved 2023.

agency. In the design of online courses, faculty should develop safe spaces that value students learning from each other and that value academic relationships, both peer-to-peer and teacher-to-student. Scholars in this area, such as Gloria Ladson-Billings, Zaretta Hammond, and Paulo Freire, describe the importance of creating learning partnerships to maximize learning, and this is certainly possible in the online environment with the use of technology and online applications, such as shared online documents, jamboards, surveys, polls, video platforms, and other technology that have interactive components, where students can share and discuss and learn together.

Advancing Equity in Online Education

Shortly after the release of the CCCCO's *Call to Action*, the USC Race Center, formerly the Center for Urban Education (CUE), released their study entitled, *Student Equity Plan Review: A Focus on Racial Equity*, which noted several key findings related to existing equity plans from various California community colleges. While all of the findings of CUE's report are critical, two findings are particularly relevant in conversations of inclusion, diversity, equity, anti-racism, and accessibility (IDEAA) in online education. CUE researchers note that "only 1% of equity plan activities are dedicated to the creation or delivery of culturally relevant pedagogy," and, "approximately 2/3 of the equity plan activities do not explicitly involve instructional faculty members."

According to Hammond (2014)[21], students of color, English language learners, linguistically and culturally diverse students, and low-income students are less likely than other students to receive intellectually challenging instruction in K-12 classes and are more likely to enroll in community colleges. As such, community college faculty serve both independent and dependent learners in every class. Adult learning theories like andragogy assume that a student is an independent learner and leave out students who require scaffolding, regular check-ins, individualized support, and personal rapport to ensure mutual trust is established. These are tenets of culturally responsive teaching, which is key to moving the needle and achieving equity both on campus and online in our system.

Anti-Racism in Online Education

Engaging in anti-racist educational practices means intentionally interrogating structures and practices to dismantle and "stand in the gap"[22] to mitigate the barriers by using the power we have as instructors to transform and codify policies that value racial diversity and call out racist practices. In the context of online education, intentional instructional design with an anti-racist lens that challenges traditional practices and traditional models, lessons, activities, and content that center Eurocentric practices. Anti-racism educational practices encompass the social justice work that the framework of culturally responsive practices falls under.

When engaging in anti-racist online curriculum design, both self-reflection and institutional reflection that interrogate local policies and procedures in designing online courses,

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[21] Hammond, Z. (2014). Culturally Responsive Teaching and the Brain: Promoting Authentic Engagement and Rigor Among Culturally and Linguistically Diverse Students. Corwin.

[22] Cooke, N. (2020). "Turning AntiRacist Knowledge and Education into Action." Publishers Weekly. Retrieved 2023.

programs, and services must take place. The ASCCC's 2020 paper entitled, *Anti-Racism Education in California Community Colleges: Acknowledging Historical Context and Assessing and Addressing Effective Anti-Racism Practices for Faculty Professional Development*[23], the ASCCC's 2022 *DEI in Curriculum Framework*[24], as well as the ASCCC's 2019 paper entitled, *Effective Practices in Online Tutoring*[25], all provide model examples, reflective questions, and pertinent recommendations that can be used to engage faculty in courageous conversations in adopting anti-racist online education pedagogies at their local campuses.

The following are examples of questions for faculty to consider when reflecting and moving to action for online education:

- What data do we or should we collect to assess student needs for online education and programs?
  - How are we using this data to inform strategic planning and measuring outcomes?
  - What are the barriers and divides that students encounter in online environments?
  - How can the college and faculty mitigate those barriers?
- How do we know that students have access to equitable and accessible online courses and programs?
- Have we asked the students what their experiences are in online courses and programs?
  - How can we use the student voice to frame decision-making?
- Who are we excluding by offering a course or program in a distance education or non-distance education modality?
  - What steps are we taking to mitigate these barriers to access?

Accessibility in Online Education

Another critical requirement in online education is the development of an accessible online learning environment, including the accessibility of *all* digital resources offered in that environment. The 2019 CCCCO memo entitled, "Information and Communication Technology and Instructional Material Accessibility Standard,"[26] claims:

> Historically, our system has handled accessibility issues by siloing it in Disabled Student Programs and Services. This is untenable and ignores the fact that accessibility is an institutional responsibility insofar as it touches every aspect of our students' and the public's experiences with our system.

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[23] ASCCC. (2020) *Anti-Racism Education in California Community Colleges: Acknowledging Historical Context and Assessing and Addressing Effective Anti-Racism Practices for Faculty Professional Development.*

[24] ASCCC. (2022) *DEI in Curriculum Framework.*

[25] ASCCC. (2019) *Effective Practices in Online Tutoring.*

[26] CCCCO. (2018, June 19.) Memo: Information and Communication Technology and Instructional Material Accessibility Standard.

Although federal and state laws do require that online materials meet specific accessibility standards, local colleges and their respective faculty should understand and emphasize the importance of accessibility as the foundation of an equitable learning environment. Additionally, the delegates of the 2022 spring plenary agree that faculty and local senates should be at the center of institutional conversations regarding faculty responsibility in providing accessible instructional materials per adopted Resolution 13.02 (S22).

Recent changes in California Government Code §7405[27], further emphasize the responsibility of local colleges to work together to provide accessible learning environments and now specify that "accessible" means a person 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 and with equivalent ease of use. A person with a disability must be able to obtain the information as fully, equally, and independently as a person without a disability. Although this might not result in identical ease of use compared to that of students without disabilities, it still must ensure equal opportunity to the educational benefits and opportunities afforded by the technology and equal treatment in the use of such technology.[28]

To address the needs of individuals with disabilities, the federal government enacted the Rehabilitation Act of 1973. The Rehabilitation Act states that "no otherwise qualified individual with a disability shall, solely by reason of his or her disability, be excluded from participating in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving federal assistance."[7] As recipients of federal funding via Title IV, California's community colleges are subject to the provisions of the Rehabilitation Act and must be in compliance to ensure active participation in federal financial aid programs.[29]

In 1990, the federal government reinforced its commitment to individuals with disabilities by enacting the Americans with Disabilities Act (ADA). The ADA provides civil rights protection to individuals with disabilities and places emphasis on providing them with equal opportunity. Specific provisions of both the Rehabilitation Act and the ADA apply to programs and activities offered by public entities, including California's community colleges.[30]

In 1998, Congress enacted Section 508 of the Rehabilitation Act, which requires federal agencies to make electronic and information technology accessible to individuals with disabilities. The law applies to federal agencies when they develop, procure, maintain, or use information technology. Under Section 508, agencies must provide individuals with disabilities access to and use of information and data that are comparable to the access to and use of the information and data available to others. In 2002, the California

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[27] California Government Code §7405

[28] United States Department of Education, Office of Civil Rights: 504/508 Frequently Asked Questions.

[29] Ibid

[30] Ibid

Legislature amended state law to make the requirements of Section 508 applicable to public entities in California. Because California's community colleges are public entities, they must comply with the provisions of the Rehabilitation Act, the ADA, Section 504, and Section 508.

In conjunction with these laws, California Government Code §11135[31] requires that accessibility for individuals with disabilities also be ensured by a community college district using any source of state funds. CCR title 5 §55200 explicitly makes these requirements applicable to all distance education offerings, including courses taught online and those courses that are taught face-to-face but utilize an online platform to offer supplemental course content.

While efforts have been made by local colleges and the California Community Colleges system to increase compliance with sections 504 and 508 of the Rehabilitation Act and to meet the accessibility needs of students, there are some indications that some, and possibly many California community colleges have not yet mandates for compliance. A *2017 California State Auditor's Report* focusing on three community colleges' processes for replacing and upgrading information technology found that none of the colleges examined were at the time monitoring their accessibility compliance.[32] The report also found that the colleges did not have specific processes in place to review whether instructional materials used were in compliance, nor had the CCCCO provided these colleges with guidelines on how to develop accessibility monitoring procedures. According to the report, some students were continuing to be denied access to equal education.

The report concluded that community colleges must make accessibility a shared responsibility between faculty and their colleges, and this is where Sections 508 and Sections 504 of the Rehabilitation Act work in tandem to provide, as best as possible, uninterrupted educational access for students. Per Section 508 of the Rehabilitation Act, an instructor must make their online resource accessible; however, if for some reason, it is not possible to make a resource accessible, then per Section 504 of the Rehabilitation Act, the faculty member *must* work with its college's Disabled Student Programs and Services (DSPS) office to provide an accessible accommodation in a timely manner with minimal interruption to the student. Faculty are highly encouraged to develop a partnership with their local DSPS office to review third party (e.g., publisher) digital resources for accessibility and the development of online course content around the principles of universal design prior to the beginning of the term. An example of how to implement universal design course content and mandated accessibility can be found in the California Virtual Campus - Online Education Initiative (CVC-OEI)[33] Online Course

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[31] California Government Code §11135. Retrieved March 2023

[32] California State Auditor Report 2017-102: The Colleges Reviewed Are Not Adequately Monitoring Services for Technology Accessibility, and Districts and Colleges Should Formalize Procedures for Upgrading Technology: https://www.bsa. ca.gov/pdfs/reports/2017-102.pdf

[33] The California Virtual Campus – Online Education Initiative (CVC-OEI) is a collaborative effort among California Community Colleges (CCCs) to ensure that significantly more students are able to complete their educational goals by increasing both access to and success in high-quality online courses.

Design Rubric[34], which focuses on the development of inclusive course design and accessibility parameters.

Web Content Accessibility Guidelines

At the publication of this paper, the accessibility portion of the CVC-OEI Online Course Design Rubric utilizes the Web Content Accessibility Guidelines (WCAG); however, the US Department of Health and Human Services acknowledges that the World Wide Web Consortium has adopted WCAG 2 in June 2018. WCAG/WCAG 2 provide definitions and requirements essential to making web content accessible. Several layers of guidance are offered, including overall principles and general guidelines. The guidelines have three conformance levels in which each checkpoint is either a level A, AA, or AAA—from lowest to highest respectively—and were created around the following four foundations:

1. Perceivable
    a. Provide text alternatives for non-text content.
    b. Provide captions and other alternatives for multimedia.
    c. Create content that can be presented in different ways, including by assistive technologies, without losing meaning.
    d. Make it easier for users to see and hear content.
2. Operable
    a. Make all functionality available from a keyboard.
    b. Give users enough time to read and use content.
    c. Do not use content that causes seizures.[35]
    d. Help users navigate and find content.
    e. Make it easier to use inputs other than keyboard.
3. Understandable
    a. Make text readable and understandable.
    b. Make content appear and operate in predictable ways.
    c. Users avoid and correct mistakes.
4. Robust
    a. Maximize compatibility with current and future user tools.

WCAG/WCAG 2 provide guidance for instructors to provide equitable learning experiences for students with many different disabilities that can affect their learning in different classes (e.g., vision-impairment, hearing-impairment, use of hands, color blindness); however, it is important to note that WCAG and WCAG 2 guidelines are not just for visually or hearing impaired. These guidelines support universal design and benefit all students.

Meeting accessibility guidelines can be a challenge, and faculty understandably have questions about how best to provide accessible content to their students. Some of the challenges were answered in-depth in the Distance Education Accessibility Guidelines (DEAG) report published by the CCCCO in 2011.[36] Such questions include but are not

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[34] CVC-OEI Online Course Design Rubric

[35] Note: WCAG 2 Guidelines no longer include this statement.

[36] California Community Colleges Chancellor's Office Distance Education Accessibility Guidelines
http://extranet.cccco.edu/ Portals/1/AA/DE/2011DistanceEducationAccessibilityGuidelines%20FINAL.pdf

limited to the following:
- Do I really have to make my course accessible?
- I have a video I want to use in my distance education course that is not captioned, but I do not know of any deaf students currently enrolled in my course. Do I still have to caption the video?
- How much time will it take to make my course accessible?
- What if I teach a Math or Chemistry course? Is accessibility possible?
- If I have no disabled students in my course, do I still have to make it accessible?
- To whom do I go for help?
- Do I have to use alt tags for all my classes?

Answers to questions such as these are typically available to faculty through their distance education offices or faculty professional development/learning programs. As the DEAG report made clear, colleges must provide faculty resources to work towards compliance with accessibility regulations. California community college faculty can, in addition to using the resources available at their campuses, access resources available through the California Community Colleges Accessibility Center[37].

In order to effectively develop an equitable online learning environment, faculty should become familiar with applicable state and federal accessibility laws and with the definition of accessibility. While adherence to the law is crucial, learning and utilizing WCAG/WCAG 2 and DEAG guidelines to make continuous improvements is the best way to serve students and help them meet their academic goals. One hundred percent compliance may never fully be attainable, but that should never hinder a faculty member or a college to continue their active progress to increase and improve accessibility efforts. Colleges should provide faculty with resources on accessibility and ensure that accessibility training is part of the resources provided for faculty teaching online, whether included in the technological and pedagogical training or separately. Although slightly dated, information from the Chancellor's Office DEAG, which was last updated in 2012, can also be helpful in terms of what campuses need to provide.[38]

Ultimately, while the *2017 State Auditor's Report* was only an examination of three colleges, it made clear that the system may not be keeping up with the demands of the changing classroom setting, both in terms of accessibility to technology and in terms of the processes used to ensure compliance with accessibility regulations and statute. In order to ensure that students with disabilities have the greatest opportunities for success in courses offered online, faculty must learn how to make their courses accessible and ensure that their colleges have the tools and resources to do so. While this task might not seem to be a direct faculty responsibility or to fall directly under the 10+1 academic and professional matters, it should be something faculty and local academic senates are aware of and advocate for on a regular basis.

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[37] California Community Colleges Accessibility Center
[38] Ibid

Changes in Federal and State Distance Education Definitions

In September 2020, the US Department of Education's Distance Education and Innovation Committee made changes to the Higher Education Act of 1965 related to distance education and innovation[39]. Effective July 1, 2021, updates to the following terms have been finalized by the US Department of Education.

Academic Engagement

Active participation by a student in an instructional activity related to the student's course of study that—

1. Is defined by the institution in accordance with any applicable requirements of its State or accrediting agency;
2. Includes, but is not limited to—
    i. Attending a synchronous class, lecture, recitation, or field or laboratory activity, physically or online, where there is an opportunity for interaction between the instructor and students;
    ii. Submitting an academic assignment;
    iii. Taking an assessment or an exam;
    iv. Participating in an interactive tutorial, webinar, or other interactive computer-assisted instruction;
    v. Participating in a study group, group project, or an online discussion that is assigned by the institution; or
    vi. Interacting with an instructor about academic matters; and
3. Does not include, for example—
    i. Living in institutional housing;
    ii. Participating in the institution's meal plan;
    iii. Logging into an online class or tutorial without any further participation; or
    iv. Participating in academic counseling or advisement.

Credit Hour

Except as provided in 34 CFR 668.8(k) and (l), a credit hour is an amount of student work defined by an institution, as approved by the institution's accrediting agency or State approval agency, that is consistent with commonly accepted practice in postsecondary education and that—

1. Reasonably approximates not less than—
    i. One hour of classroom or direct faculty instruction and a minimum of two hours of out-of-class student work each week for approximately fifteen weeks for one semester or trimester hour of credit, or ten to twelve weeks for one quarter hour of credit, or the equivalent amount of work over a different period of time; or
    ii. At least an equivalent amount of work as required in paragraph (1)(i) of this definition for other academic activities as established by the institution, including laboratory work, internships, practica, studio work, and other academic work leading to the award of credit hours; and

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[39] US Department of Education. (2020, September 2) Federal Register, Vol 85, No. 171. 34 CFR Parts 600, 602, 668.

2. Permits an institution, in determining the amount of work associated with a credit hour, to take into account a variety of delivery methods, measurements of student work, academic calendars, disciplines, and degree levels.

Distance Education

Please note that the definitions of "instructor" and "regular and substantive interaction" all fall under the US Department of Education's general definition of "distance education" in the Code of Federal Regulations Title V. For clarity, emphasis, and ease of use, these terms have been given their own headers in this paper. The numbering, however, remains aligned with the federal definition.

1. Education that uses one or more of the technologies listed in paragraphs (2)(i) through (iv) of this definition to deliver instruction to students who are separated from the instructor or instructors and to support regular and substantive interaction between the students and the instructor or instructors, either synchronously or asynchronously.
2. The technologies that may be used to offer distance education include—
    i. The internet;
    ii. One-way and two-way transmissions through open broadcast, closed circuit, cable, microwave, broadband lines, fiber optics, satellite, or wireless communications devices;
    iii. Audio conference; or
    iv. Other media used in a course in conjunction with any of the technologies listed in paragraphs (2)(i) through (iii) of this definition.

Instructor

3. For purposes of this definition, an instructor is an individual responsible for delivering course content and who meets the qualifications for instruction established by an institution's accrediting agency.

Regular, Substantive Interaction

4. For purposes of this definition, substantive interaction is engaging students in teaching, learning, and assessment, consistent with the content under discussion, and also includes at least two of the following—
    i. Providing direct instruction;
    ii. Assessing or providing feedback on a student's coursework;
    iii. Providing information or responding to questions about the content of a course or competency;
    iv. Facilitating a group discussion regarding the content of a course or competency; or
    v. Other instructional activities approved by the institution's or program's accrediting agency.
5. An institution ensures regular interaction between a student and an instructor or instructors by, prior to the student's completion of a course or competency—
    i. Providing the opportunity for substantive interactions with the student on a predictable and scheduled basis commensurate with the length of time and the amount of content in the course or competency; and

ii. Monitoring the student's academic engagement and success and ensuring that an instructor is responsible for promptly and proactively engaging in substantive interaction with the student when needed on the basis of such monitoring, or upon request by the student.

Updates to California Code of Regulations § 55204[40] in 2022 now includes the language "substantive interaction" and specifies that "any portion of a course conducted through distance education includes regular and substantive interaction between the instructor(s) and students, (and among students, if described in the course outline of record or distance education addendum), either synchronously or asynchronously, through group or individual meetings, orientation and review sessions, supplemental seminar or study sessions, field trips, library workshops, telephone contact, voice mail, e-mail, or other activities." The same section mirrors the US Department of Education's definition that details regular, substantive interaction must be faculty-provided, scheduled and predictable, subject-matter related, include at least two of the four approved criteria all while monitoring students and engaging at the course level to ensure their success.

Accreditation and Regular Substantive Interaction

The laws and regulations that establish the requirement for regular and effective or substantive contact are intended to ensure that students receive their share of instructor-initiated contact and instruction from programs that receive federal support via student financial aid. The Accrediting Commission for Community and Junior Colleges (ACCJC) evaluative criteria for distance education, which is based primarily on federal criteria, but contains more details than the state or the federal criteria, is based on the premise of ensuring parity between traditional on-ground and distance learning modalities, including requirements around support services. The ACCJC language regarding distance education encompasses formats including interactive television as well as internet-based methods of delivering instruction such as correspondence education; however, at the time of this publication no specific standard asks colleges to report specifically on RSI.

In addition, the ACCJC's 2021 *Policy on Distance Education and on Correspondence Education* uses the federal and state terminology of "substantive interaction" and is clear that colleges should have policies that ensure the quality of distance education courses and programs. The ACCJC also requires that colleges ensure that their distance education students receive support comparable to in-person students, and that the institution has effective practices and policies that support student success in distance education. Currently, ACCJC is in the process of undergoing a standards review[41] effective for 2024, and changes in standards reflect colleges needing to align their local policies and procedures to reflect the ACCJC's 2021 *Policy on Distance Education and on Correspondence Education*.

Based on the California Code of Regulations, colleges should conclude that RSI is an academic and professional matter under the purview of the academic senate. Therefore, given the federal and state changes, any existing local definitions or policies created at

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[40] California Code of Regulations § 55204

[41] ACCJC Standards Review. 2022-2023. Proposed Standard 2.6.

colleges regarding these terms should be reviewed through the collegial consultation process and in a timely manner. Furthermore, the role of the academic senate in helping to create and shape these policies is paramount, especially at smaller colleges where the charges of information technology-related committees may include academic and professional matters related to distance education because the college lacks a separate distance education committee.

Student Authentication

The conversation of student authentication has been ongoing, and local district policies and practices regarding student authentication should be clear in their purpose to establish and maintain academic honesty, institutional integrity, and per Federal Code of Regulation § 602.17 (g), an accredited status to provide financial aid disbursements. Since before the pandemic began, many colleges began to increase security mechanisms to protect institutional and student data from malware or ransomware attacks, which resulted in the adoption of dual or multifactor authentication (MFA). Raval (2020)[42] argues that "institutions must do their due diligence because many grants and loans given to distance learners are based on an institution's promise that identities are managed correctly." This "due diligence" in the California Community Colleges is supported by ACCJC accreditation standards where the adoption of protocols for network and data security measures is required in both existing and future standards[43].

Although MFA implementation and student authentication practices vary from college to college, online education faculty can assist in student authentication efforts within their own courses. In the 2008 ASCCC *Rostrum* article, "Pedagogical and Other Approaches to Authenticate Student Identity,"[44] Pilati writes that, "while we may not see our students, the instructor who teaches at distance should have ample opportunity to come to 'know' [their] students." Perhaps the best way for online education faculty to come to know their students is through IDEAA-based pedagogical strategies. Some strategies for student authentication may include:

- Encouraging student participation in the construction of online class norms.
- Adopting (or maintaining) promising practices for regular, substantive interaction (RSI) such as:
    - Holding regular office hours and encouraging students to conference about assignments.
    - Sending personalized emails to check-in on students that have not logged in recently or have significantly less activity logged than their peers.
    - Scheduling opportunities for synchronous, small group direct instruction.
    - Providing opportunities to engage in group discussions.
    - Providing individualized feedback on assignments and activities on a regular basis.

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[42] Raval, T. (2020, April 21). How Student Authentication For Higher Ed, High-Stakes Exams Can Mitigate Fraud. *Forbes*.

[43] ACCJC. (2023) Review Standards. Standard 2.9.

[44] Pilati, M. (2008, December.) Pedagogical and Other Approaches to Authenticate Student Identity. ASCCC *Rostrum*.

- Developing service-learning or project-based assignments that encourage the use of student support services on campus such as library or tutoring services.
- Asking students to use a picture or "selfie" as their online avatar.
- Encouraging the use of free video software for students to respond to discussion posts with videos, particularly in discussion where students are asked to introduce themselves or to share their reactions to a given text or event.

Challenges and Opportunities of HyFlex Learning

Despite being around for over 15 years, the hybrid flexible, or "HyFlex," model has gained substantial attention as an online teaching modality in California community colleges since the pandemic began. First introduced by Brian Beatty at San Francisco State University in 2006, a true HyFlex class offers three different modalities simultaneously[45] – asynchronous or fully online, synchronous engagement via a mobile streaming platform like Zoom, and face-to-face in-person instruction – and allows a student to choose between those modalities on a session-by-session basis[46]. Beatty established four key principles to guide faculty in the use of these modalities:

1. Learner's choice: students have the option to choose the modality based on existing need, which may vary from session to session due to illness or other extenuating circumstances.
2. Equivalency: all content and activities in all modalities must lead to equivalent assessments and learning outcomes and faculty carry the responsibility to ensure that all students in all three modalities are not only taught the concepts and skills but are taught in a way that produces equal results.
3. Reusability: faculty ensure that all students have equal access to the course and course materials across modalities, regardless of the modality a student completed a particular session in to reinforce learning. For instance, a student who has attended class face-to-face would be able to go home and re-watch the video of the lecture and review concepts learned in class.
4. Accessibility: faculty design their courses so that any student can access any of the modalities at any time during the course. Faculty also equip their students with the necessary skills and access to all modalities.

Various popular HyFlex technologies that are in widespread use as of the writing of this paper include wireless speaker-microphone devices and many variations of classroom video recording and or broadcasting equipment. Campuses have also been experimenting with variations of HyFlex that only combine two modalities (e.g. synchronous teleconference and in-person instruction or asynchronous and in-person instruction) or that lock students into one of the three modalities because of COVID-related protocols.

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[45] Whalley, B., France, D., Park, J., Mauchline, A., & Welsh, K. (2021). Towards flexible personalized learning and the future educational system in the fourth industrial revolution in the wake of Covid-19. *Higher Education Pedagogies*, *6*(1), 79-99.

[46] Lohmann, M. J., Randolph, K. M., & Oh, J. H. (2021). Classroom management strategies for hyflex instruction: setting students up for success in the hybrid environment. *Early Childhood Education Journal*, *49*(5), 807-814.

Despite the promising outlook for HyFlex on closing equity gaps in access to education and improving success rates, there is a systemwide lack of consistency in the use of the term HyFlex. Recognizing this systemwide lack of consistency in definition and apportionment, the delegates at the fall 2021 plenary session passed resolution 7.02 *HyFlex Modality and Apportionment* (F21)[47] directing the ASCCC to work with the CCCCO to "establish a working definition and description of the modality as well as designated coding for HyFlex as a distance education modality," and to "work with appropriate system faculty, administrators, and student constituent groups to define apportionment models for HyFlex modality."

At this time, the ASCCC is still working with the CCCCO to develop HyFlex guidance for the California Community Colleges; however, three CCCCO memos, 21-09, 21-12, and 21-07, establish related accounting, video, and attendance-related protocols, respectively. In the meantime, local academic senates should work together with their respective collective bargaining units in joint purview to establish input and recommendations on HyFlex course offerings, student support needs, technology needs, professional learning needs, and faculty compensation for additional hours required for training and setup to maximize an equitable and accessible online learning environment for students.

Clinical, Laboratory, and Performance Based Courses

Though the COVID-19 pandemic forced all instruction to migrate into an online setting, perhaps the most significant impact was seen in those disciplines with clinicals, laboratory, and performance-based courses. Challenges with converting these courses included addressing student access to materials and laboratory equipment as well as the costs associated in doing so, determining whether students would be able to safely conduct experiments or project-based assignments in their homes or place of shelter, how to ensure accessible online learning environments, and how best to mitigate potential learning loss. An additional layer of complexity was the transferability of laboratory courses, particularly those in the STEM field, to the CSU and UC systems. At the height of the pandemic, the CSU and UC systems were accepting online laboratory courses for transfer; however, since 2022, there has been a scaling back of accepting online laboratory courses for transfer, especially in STEM. The CCCCO has noted that "course modality does matter, depending on the course articulation, the higher ed [sic] segment, and/or local campuses."[48] Therefore, colleges and discipline faculty should work together with their articulation officers and curriculum committees in developing future course offerings for online laboratory and performance-based courses.

At the time of this publication, there have been few comprehensive studies conducted on the impact of the pandemic on online clinical, laboratory, or performance-based courses in the California Community Colleges specifically; however, this should not deter discipline faculty from continuing conversations about potentially developing more hybrid or HyFlex modality options for these types of courses to promote student success and

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[47] Resolution 7.02 (F21): *HyFlex Modality and Apportionment*

[48] Lowe, A. (2022) "Three Layers of a Transfer Course." PowerPoint presentation to CCCDECO.

improve student attrition and completion in alignment with any existing local college teaching and learning goals.

Design and Review of Online Course Content

Many colleges have well-established online programs, in some cases dating back two decades or more, and faculty who have taught online for many years may contend that they do not need to review their courses or their course designs. However, given the extensive changes in state and federal regulations regarding distance education, the CCCCO's Vision for Success and Call to Action which both center on advancing student equity efforts and actively dismantling systemic racism through the evaluation of course climate and intentional creation of anti-racist, culturally responsive curriculum, faculty should review programmatic course content and course design with an IDEAA lens. Fortunately, the transition of many colleges to the Canvas learning management system (LMS) provided an opportunity for faculty to reevaluate their course content and course designs. With the systemwide adoption of the Canvas LMS, professional learning opportunities around the state in online teaching and learning pedagogy have increased substantially.

Locally, courses offered online require a separate approval, and faculty who wish to teach these courses, even if they have been teaching them for years, must be aware of universal course requirements, including the need for regular substantive interaction (RSI) and accessibility requirements. Once a course is approved for online instruction through local approval processes, course materials may be developed and evaluated.

As a point of clarification, the term "evaluation" in this section is not referencing the evaluation of the instructor. Rather, the review described here is focused on the instructional design of the course, which "involves the creation of educational experiences and materials based on accepted principles of human learning."

For any instructor developing an online course for the first time, the first type of review that usually takes place involves the course design itself. These reviews come in many different forms and with differing expectations and requirements. Colleges may opt to develop and use a locally approved peer review model where a review of the course design is conducted by members of a college's distance education committee or by faculty with considerable experience in teaching and learning online. Other colleges may use processes such as @ONE/CVC's Peer Online Course Review (POCR)[49] for self or peer reviews, allowing an online instructor an increased understanding of what should be developed for students to be successful when a course is offered online. Finally, some colleges require specific types of training, such as how to use Canvas LMS, with the faculty members having elements of their course design reviewed by the faculty and/or staff conducting the training.

The ultimate purpose of these reviews can vary significantly from one college to another. Depending on a college's collective bargaining agreement regarding online teaching, a

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[49] @ONE/CVC POCR Resources

poor result on a review can mean that the instructor in question is not allowed to teach the particular course in an online modality until specific areas are improved and efficacy is demonstrated. In other cases, these reviews may have no binding impact on whether or not an instructor can teach online; rather, they serve as a helpful review of course materials and class design. While title 5 §55202, Course Quality Standards, requires that college prepare faculty to teach online, what exactly that preparation looks like remains within local purview. For example, faculty at some colleges may only teach courses online after they have completed an instructional design course or other pedagogical or technical training, *regardless* of previous experience teaching online.

Adoption and Use of Course Design Rubrics

Ultimately, though, these evaluations should utilize online course design rubrics that are specifically aimed at guiding the evaluators through the various aspects of a course that the faculty and the college have determined to be crucial for successful online education and for RSI and that are separate from established faculty evaluations agreed upon by the local academic senate and collective bargaining unit. Since some online teaching tools and methods are more effective when applied to different disciplines and content, evaluation standards and processes should be informed by the standards and methods outlined in the local curriculum committee's process for approving a course to be offered online. Many different course design rubrics exist, just as many different colleges create and use such rubrics. Some rubrics are more extensive and require detailed responses; others are briefer and highlight the most important aspects of online teaching. In short, course design rubrics have been developed and deployed in a wide variety of ways, depending on the needs of the audience for whom they were developed.

Some colleges have begun adopting parts of the @ONE Online Course Design Rubric as their evaluative measurement for online course design. At the fall 2015 plenary session, the delegates adopted Resolution 9.01 (F15) *Creation of Local Online Education Rubrics*[50], which encourages "local senates to establish rubrics for online course standards." Though the resolution stops short of encouraging colleges to adopt the @ONE Course Design Rubric specifically, it does indicate that colleges should develop rubrics for courses taught online that, like the @ONE rubric, define RSI. For these reasons, colleges and districts must have both a clear definition of RSI that aligns with the federal, state, and ACCJC definitions as well as a rubric in place to assess how and where that contact is designed to take place in a course taught online. In addition to RSI, courses should be reviewed for accessibility. Although the review can vary in scope and content from college to college, the review itself needs to be thorough and comprehensive not only to ensure compliance with Sections 504 and 508 of the Rehabilitation Act of 1965, but so that the course is centered on IDEAA principles that equitably meet student needs. An individual knowledgeable about both accessibility and distance education can conduct the accessibility review, or it may be conducted by a group, such as a sub-committee of the distance education committee, which includes individuals skilled in either accessibility or distance education or both. Ideally, the actual evaluation should be

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[50] Resolution 9.01 (F15): *Creation of Local Online Education Rubrics*

completed by someone with accessibility and cultural humility training as well as extensive online teaching experience.

The Student's Role in Online Course Evaluation

The student evaluation process can be used to increase inclusion efforts. By giving online students an opportunity to assess the positive and negative qualities of their online learning experiences, instructors have the opportunity to improve their course over time. Many colleges adapt their traditional evaluation forms to include questions that focus specifically on aspects of the educational experience that are unique to students taking courses online who may never meet their instructors in person, including the elements of RSI. Colleges should take actions to ensure that these evaluations are conducted anonymously, as they are for in-person courses, to encourage honest feedback from the students in the course. The more times the evaluations are conducted, the better an instructor's understanding will be of what students find helpful and unhelpful in their online class experiences. As with self-evaluations, student evaluations can be part of the formal evaluation process or can be done by individuals seeking to improve the overall experience for students in their classes taught online.

The Need for Ongoing Evaluation in Online Courses

While instructor self-evaluations and student evaluations can help to improve the online education experience for both students and teachers, continuous evaluation does not need to stop at that point; classes taught online can also be evaluated periodically by faculty peers to gauge the courses' effectiveness over time. Just because a course is deemed to be effective when first developed does not mean that the course remains effective. Periodically allowing peers to review and evaluate a course taught online gives additional feedback to the instructor, and it also helps to reaffirm that RSI and culturally responsive curriculum design is prevalent in the course.

At some institutions, these types of continuous evaluations may be a repeat of the initial course design evaluation; the same forms and processes could be used periodically. In other cases, these ongoing reviews may focus only on the most important aspects of online student success, such as regular and effective contact. The key is the consistency of the administration of evaluations to promote continual course progress centered on IDEAA principles and student success. Since local processes vary, colleges must ensure that their collective bargaining agreements are honored while these evaluations take place.

Evaluation of Distance Education Departments

Another type of evaluation that can and should be conducted is a regular review of the college's distance education program as a whole. Most colleges and districts have numerous mechanisms in place to effectively evaluate the health of a program, such as the program review cycle, accreditation, and committee evaluations. Every college's distance education program should be subject to the same kinds of regular review as all other programs on campus and should have its own set of area outcomes that align to the college's mission, vision, and strategic initiatives. Given the recent focus on online courses and programs during ACCJC visits, consistent demonstration of ongoing

improvement and of evaluation and assessment is essential.

Finally, colleges and districts should seek to ensure the continued health and the continuous growth of distance education programs by developing and regularly revising college or district personnel needs (such as distance education faculty coordinators and instructional designers), master plans, and policies centered on distance education. Some institutions may have multiple relevant plans—an overarching district technology plan, for example, along with college technology and distance education plans—but these documents should all be developed with faculty involvement and leadership and should be revised regularly. In addition, a college's distance education committee should regularly review its own performance, identifying both successes and challenges and seeking out solutions to problems in order to ensure that the college's distance education offerings are the strongest and most successful they can be.

Professional Learning

Professional learning is critical to ensuring that students in online courses have high quality learning experiences. The online environment is distinct from a physical classroom with its own challenges and opportunites. While teaching online may, at first, feel like a barrier to faculty because the approach to building an equitable online learning environment is a unique teaching modality, teaching online can also be an avenue to transform the way faculty approach teaching to meet student needs. Professional learning for online instructors guides faculty in preparing to teach online and also provides ongoing opportunities for growth and development.

California Code of Regulations (CCR) title 5 (§55208) requires that "[i]nstructors of distance education […] be prepared to teach in a distance education delivery method consistent with local district policies and negotiated agreements." This baseline preparation for online teaching varies widely by college but may include developing proficiency in digital literacy, using the course management system, creating videos, demonstrating mastery of quality course design principles like backwards course design, applying active learning principles through discussions, authentic assessments, and cultivating instructor-student relationships at a distance. Decisions about what constitutes preparation to teach online are opportunities to raise the bar for our students' online education and are made collaboratively in consultation with local academic senates, online education committees, and collective bargaining units.

The pandemic has created an awareness of the need for all faculty to be prepared to teach online and to provide a variety of support to faculty as they are offering online classes. However, professional learning requires much more than the commitment of individual faculty; it requires an institutional investment. High quality, in-house professional learning in support of online teaching requires knowledgeable facilitators with ample time and support. As previously mentioned, institutions that need to augment their internal professional learning opportunities have access to CVC/@ONE online courses, webinars, workshops, and other resources that are offered through CVC.

Fortunately, faculty have many available options for receiving training to teach online. For those who are considering a first foray into the online teaching process or who want to

begin to design a class to be taught online, an initial step could be to actually take a course online. Faculty teaching online must understand the experience of being a student in an online class. Many training classes are designed specifically to introduce faculty to the basic concepts regarding teaching online and to take them through the process of developing IDEAA-centered online course content. Some colleges and districts have developed their own such courses, while others rely on existing courses conducted by organizations such as @ONE. Similarly, Instructure Canvas has self-paced courses that are available to any faculty member interested in learning about online teaching and andragogy.

The online training course experience is key for both beginning and experienced teachers, but just taking a course is typically not enough to produce a quality course for online instruction. The next step is usually local training, either in the form of one-on-one tutoring with a distance education expert such as an instructional media designer, group workshops, peer review sessions with a content expert, or a combination of all of these.

Furthermore, department-guided communities of practice can also help faculty who all share similar, discipline-specific challenges in teaching online. Once instructors have developed courses and begin teaching online, continued training and other forms of professional support remains beneficial. After all, no course and no instructor are perfect; all faculty can benefit from continued education and collegial support. This is particularly true for faculty teaching courses online, as online education changes rapidly and effective faculty remain informed of the latest changes in requirements, trends, and tools.

Professional learning opportunities are available from many sources. Online, faculty have access to various webinars and other presentations that focus on key online issues and professional learning. In addition, nearly every major ASCCC event includes breakouts on online education pedagogies or online education-related issues. These breakouts are especially helpful in providing a direct opportunity not only to hear from online education experts but also to network with others passionate about online education.

Faculty who aspire to be true online education champions might consider taking additional courses to receive certification in online teaching. This certification allows faculty to train and support others, either at their own campuses or elsewhere, and provide professional learning opportunities to their peers. Finally, many colleges, especially during the pandemic, successfully offered more informal collegial support opportunities led by experienced peer faculty. Mentoring programs, communities of practice, departmental online lead faculty, and other such programs enable faculty to receive ongoing support for online teaching, as needed, in more informal settings compared to traditional professional learning.

The Purview of Faculty and Their Role in Online Education

All academic and professional matters fall under the purview of faculty through the legal authority granted to local academic senates in California Education Code and California Code of Regulations (CCR) title 5. Specifically, California Education Code §70902(b)(7) gives local academic senates the right "to assume primary responsibility for making recommendations in the areas of curriculum and academic standards." CCR title 5 §53200 delineates the 10+1 academic and professional matters under the purview of local academic senates, including areas that have a direct impact on all distance education programs such as curriculum, educational program development, and policies for faculty professional development/learning. Furthermore, CCR title 5 §55204 specifically identifies regular and effective contact in distance education courses as an academic and professional matter.

CCR title 5 §55202 establishes the determination of distance education course quality standards as a curricular matter[51], with the process for determining course quality standards requiring collegial consultation with local academic senates, by reference to CCR title 5 §53200 and subsequent sections:

> 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 §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. Thus, the determination of the pedagogical implications of a course's instructional modality is a matter of local academic senate purview and should be addressed through existing local processes established by collegial consultation with local academic senates.

CCR title 5 §55204 stipulates the requirement that governing boards ensure Regular and Substantive Interaction (RSI)--formerly called Regular Effective Contact--between instructors and students in distance education courses and identifies regular effective contact as an academic and professional matter. Local RSI policies must be approved by local governing boards through collegial consultation by relying primarily upon or reaching mutual agreement with their local academic senates.[52] Additionally, RSI policies are also informed by federal Title IV regulations that require colleges to ensure certain standards are met so they can provide their students with federal financial aid. Because RSI policies are established through collegial consultation, if these policies are to be revised, the

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[51] With reference to Title 5 §55002

[52] Board policies vary in terms of whether boards will "rely primarily" or "mutually agree" regarding the 10+1 academic and professional matters purview of the academic senate; check local board policy to determine the requirements and agreements for any specific district.

revision must also be achieved through collegial consultation.

CCR title 5 §55206 requires separate local approval for courses to be offered through distance education in order to ensure that the proposed distance education courses meet the same course quality standards as in-person courses, and that RSI is ensured. The process described in this section of title 5 is a curricular review process that must be established through collegial consultation with the local academic senate. The creation of this process may be overseen by the academic senate, the curriculum committee, or another committee under the purview of the academic senate.

Roles of Committees

In addition to the local academic senate, other local committees may play significant roles regarding the development and implementation of a college's distance education program. Among the most important of such committees are the curriculum committee, distance education committee, and the professional development committee, all of which are in many districts sub-committees of the academic senate.

The Role of the Curriculum Committee

California Code of Regulations (CCR) title 5 §55202 establishes the requirement for distance education and in-person courses to have the same quality standards, while CCR title 5 §55206 establishes the requirement for separate review and approval for courses to be offered through distance education. These requirements apply to both existing and new courses that are offered through distance education. Because CCR title 5 §55202 specifically references CCR title 5 §55002, which establishes curriculum committees and the requirements for course quality standards, and CCR title 5 §55206 requires the use of local course approval processes, the required separate review is a curricular process which should be performed by the local curriculum committee and must be established through collegial consultation with the local academic senate.

While local processes vary, a common practice is the use of a distance education addendum or section to the course outline of record (COR) that describes how instruction for the course will be conducted in the distance education modality. The distance education addendum or section would then be reviewed through the local curriculum process to ensure that all course quality standards are met, including regular and substantive interaction (RSI). The curriculum committee should review and consider the course outline of record's methods of instruction to ensure that the course content is delivered to students with regular and substantive interaction and that students may successfully complete the objectives and meet the learning outcomes described. The curriculum committee also needs to ensure elements of the course such as accessibility, authentication of student identity, and strategies for ensuring academic integrity are evident in the Course Outline of Record (COR) being reviewed.

Recent changes in CCR title 5 §55205 also require that colleges provide information about their distance education (DE) courses before students enroll in their courses. Curriculum committees should work with their campuses to establish practices through which faculty can provide this information such as proctoring and technology

requirements and synchronous meeting times, so that students can make informed decisions about which courses meet their needs. Once the local curriculum process is completed, and any local course articulation procedures are complete, the course can then be offered via distance education. The time required to complete the curriculum approval process for distance education courses should be consistent with that for approving in-person courses.

The Role of the Distance or Online Education Committee

The ASCCC recommends that if a college does not have a local distance education or online education committee in place, a committee should be established and led by a distance education faculty coordinator to oversee the quality of the college's distance education programs. While the curriculum committee is responsible for ensuring that course quality standards are met for all courses and programs, including those proposed for offering through distance and online education, and that the methods of delivering instruction through regular and effective contact are described, the role of the distance or online education committee can be either more or less specific. Most distance education committees are under the auspices of the local academic senate, although colleges may also have broader technology committees that can be college – or district – wide and that might help support online education but often have other functions as well. The role of the distance education committee is often to oversee the quality and accessibility of the entire distance education program. This oversight may include, but is not limited to, the following responsibilities, per local collective bargaining agreements:

- Development of recommendations and acquisition of approval from appropriate faculty groups regarding instructional design standards for online courses;
- Review of course shells in the course management system (CMS) to ensure that the shells comply with the college's instructional design standards;
- Recommendations on the development of policies, including policies designed to help the college comply with federal, state, and accreditor expectations for distance education, as well as policies for the ongoing professional development/learning of distance education instructors, policies regarding training in the use of the Course Management System (CMS), and policies for ensuring that all courses and materials are accessible to people with disabilities;
- Establish short and long-term planning goals which enhance engagement and success of faculty, and of students, specific to online courses by:
  - Reviewing institutional and statewide data to make recommendations for goals and their related priorities;
  - Reviewing and responding to the goals of Board of Trustees, the Superintendent/President, the Strategic Plan, the Information Technology Plan, and the Strategic Enrollment Management Plan when formulating the priorities and planning activities;
  - Evaluating the progress and attainment of online education initiatives; and
  - Supporting programs and initiatives designed to promote student equity and success in online courses.
- Explore emerging and accessible technologies to support teaching and learning

- Train and engage Distance Learning faculty by:
    - Acting as an advisory group in establishing process and training recommendations.
    - Developing and implementing an annual review of local online teaching certification programs.
- Draft the college's distance education handbook.
- Processes for peer review and professional development/learning in the college's distance education program to ensure the program's overall quality, and all accreditation requirements are being met, and that students are being well-served.
- Make recommendations about the college's engagement with external online education programs and initiatives.

As well as the function/responsibilities, the membership of the distance education committee will vary from college to college. While no single structure is required in all cases, the composition should be primarily faculty. The ASCCC recommends that the local distance education committee members in positions such as the distance education coordinator, the curriculum committee chair, the primary distance education administrator, the faculty professional development/learning coordinator, a disabilities specialist, a counselor, information technology staff, faculty with distance education expertise from a broad scope of disciplines, and student representation. If the distance education committee is not established as an academic senate committee, all recommendations regarding academic and professional matters must still be considered by the local academic senate for review and action.

The Role of the Professional Development/Learning Committee
The professional development/learning committee is generally responsible for creating and monitoring the overall faculty professional development requirements for all faculty, regardless of the modality in which the faculty member teaches. This committee should work closely with the distance education or online education committee to ensure that faculty professional learning requirements include appropriate standards for professional development for distance education instructors, including flex requirements for colleges on flexible calendars, and that these recommendations are forwarded to the local academic senate for review and action. Depending on the local process, the professional development/learning committee may also work closely with a distance education coordinator or other individuals to ensure that adequate and relevant professional learning be provided in on-ground and online formats for faculty who teach online or hybrid sections.

Potential Roles of Other College Governance Groups
Discussions and any decisions to create policies and/or develop new evaluation instruments and tools for online courses, programs, teaching, and learning likely involve discussions, input, and approval by governance groups such as local and district Academic Senates, Student Senates, faculty union/ collective bargaining and administration. Creating and evaluating curriculum and programs are part of faculty purview.

Equity and/or Equitable Placement Committees

Discussions about potential online pre- or co-requisites for students can also occur, particularly if faculty have concerns about the performance of students in certain disciplines or modalities (i.e., courses offered fully online versus hybrid). Discussions about potential online pre- or co-requisites for students should also be faculty-led, as curriculum and programs are within the 10+1 academic and professional matters purview of the local academic senate. Faculty who develop the curriculum within the concerned discipline(s) should be the lead(s) in these discussions. A recent systemwide example would be any pre- or co-requisites developed as part of the AB705 implementation impacting English, Math, and English as a Second Language (ESL). Because AB705 implementation is being driven by scrutiny of student success throughput data, other entities and committees concerning institutional research, program review, course scheduling and enrollment management, student assessment, curriculum approval, and counseling/advising may also be involved in giving input on pre- or co-requisites. Some colleges have developed campus AB705 committees bringing together all the concerned entities/offices/departments to have these discussions. Again, these discussions would be under faculty purview and could happen in any number of committees. Once any online/hybrid pre- or co-requisites are developed, such as an online orientation, then online education support and professional development/learning offices should then be engaged in providing support to faculty and any others to ensure that the online/hybrid modalities are receiving all the support needed to help faculty help students succeed in these modalities to the best of their abilities. Determining how online pre- or co-requisites modalities are offered should also be guided by institutional equity goals to ensure equitable access and success for all student populations.

Enrollment Management Committees

As a majority of courses pivoted quickly to online modalities during the COVID-19 pandemic, and because enrollment decline has been an ongoing issue that many colleges have been dealing with even prior to the pandemic, enrollment management of online courses has become an increasingly larger task with significant implications for students and colleges. Ensuring adequate knowledge to inform decision making around enrollment management goes beyond just looking at course data showing numbers of students enrolled in past offerings of a course. Enrollment management committees with department faculty schedulers, students, and adjunct faculty participating in discussions and/or giving input can help contribute to more expansive understanding of current student needs and equity gaps that just looking at past enrollment data may not provide. Such input/information gathering for enrollment management decision making should include understanding aspects such as how divisions and departments make course assignments to faculty, how courses are being marketed, how new and returning students are outreached, and what courses students need in order to complete certificates and degrees in a timely manner. At many colleges, the enrollment management piece of online programs should be discussed as part of Guided Pathways or other institution-wide work to ensure that they are removing all barriers to students enrolling and succeeding in courses and attaining their educational goals. At a time when many colleges are trying to shore up lost enrollments and recalibrate what an emerging/post pandemic "new normal" requires, nimble colleges encourage innovation and creativity,

soliciting ideas from students, staff, and faculty who have fresh current "on the ground" perspectives to help colleges maximize their potential to reach and enroll students and help them persist. In addition, faculty should closely monitor the results of efforts such as CVC (California Virtual Campus) to make it easier for students to navigate the system of the California Community Colleges' course offerings and enroll in any participating colleges' online course offerings.

Consultation with Collective Bargaining Groups

CCR title 5 §55208 states that faculty selected to teach courses via distance education must meet the same minimum qualifications as faculty teaching in-person courses and that the selection process will be the same for both in-person and online faculty. This section further states that appropriate class sizes for distance education "shall be determined by and be consistent with other district procedures related to faculty assignment" and that these determinations can be reviewed by the curriculum committee. Furthermore, CCR title 5 §55208(c) states that "nothing in this section shall be construed to impinge upon or detract from any negotiations or negotiated agreements between exclusive representatives and district governing boards." Many local collective bargaining agreements contain language about the rights and responsibilities of distance education instructors. Such language can include parameters for training and professional development/learning standards for the portability of meeting professional development/learning requirements in multi-college districts, guidelines for instructor evaluation including separate evaluation tools, requirements for assigning faculty to distance education classes, and class size restrictions.

While pedagogical issues and academic and professional matters are implicit in many or all of these areas, these topics may also overlap with working condition issues. As such, the faculty bargaining agent should be consulted when developing policies for distance education in order to ensure compliance with the local collective bargaining agreement.

The Role of Student Support Services

Student services departments play an essential role in online courses and programs. The *Seymour-Campbell Student Success Act*[53] (2012) requires matriculated services to improve access and provide comprehensive student services in order to foster student success. The goal of the Student Equity and Achievement (SEA)[54] program is to increase student access and success by providing students with the support services necessary to achieve their educational goals through core functions including orientation, assessment and placement, counseling, and other educational planning assistance. These services are not dependent upon the location in which the course is offered nor on the modality of instruction since the services must be provided to all students. Student services departments must therefore provide support and assistance in all of these areas for online students to the same degree that they do so for in-person students.

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[53] *Seymour-Campbell Student Success Act*. 2012.

[54] US Department of Education. 2022. Student Support Services Program. (SEA)

Conclusion

Without question, the landscape of online education is changing, and arguably, for the better. Ultimately, only faculty can accurately determine and assess the pedagogical soundness of offering a course online, the assessments given to measure student achievement in the course, and the course elements most likely to support students to succeed. Kevin Gannon (2020) argues that faculty may not be able to control what happens to students outside the classroom; however, faculty have tremendous control over what happens within the classroom and therefore faculty should use this "power to make the types of decisions that create a welcome and inclusive climate."[55] Given the rapidly changing landscape of online education, intentional conversations that center on culturally relevant pedagogies and IDEAA framework as a whole are necessary in the design of online classroom environments. Furthermore, these IDEAA-centered conversations should inform the decisions that faculty make in order to ensure that online education meets the needs of all students and supports their academic success. As California community colleges continue to serve a diverse group of students with a diverse range of needs, faculty need to ensure that they provide online programs and courses that help students achieve their educational goals and that they create programs that are aligned with systemwide initiatives, informed by equity-mindedness and data-driven decision making, and assessed regularly to ensure equitable student learning and achievement.

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[55] Gannon, K. (2020). *Radical Hope: A Teaching Manifesto*. West Virginia University Press. Morgantown, West Virginia.

Recommendations

Faculty and Local Academic Senates

The following are recommendations for community colleges to consider when developing effective online programming and courses:

- Agendize IDEAA in every committee meeting that focus or relate to online education (e.g., online education, academic senate, and curriculum committee, etc.)
- Add IDEAA online strategies and outcomes to every strategic college initiative and campuswide plan.
- Work collaboratively with student support service areas, instructional designers, online administrators, and others to develop and use practices designed to bridge all equity gaps in courses offered online.
- Revise college or districtwide effective contact policies to reflect "regular, substantive interaction" (RSI) for courses that are taught online to maintain alignment with Code of Federal Regulations Title V and California Code of Regulations § 55204.
- Work collaboratively with Disabled Student Services and Support offices and other stakeholder groups to increase accessibility in online classrooms for compliance with sections 504 and 508 of the Rehabilitation Act.
- Ensure that all policies include discipline faculty responsibility in developing equitable and accessible courses and materials for all people with disabilities.
- Create college and district distance/online education committees that have plans in alignment in college/district technology plans and professional learning plans.
- Provide ongoing access for faculty to technical support, instructional design expertise, and collegial mentors and guides.
- Be aware of the digital divide and intentionally provide alternatives for high-cost software programs, materials, and other resources, including the use of open educational resources (OER).
- Work collaboratively with local collective bargaining units to review evaluation tools to ensure that online courses are properly and regularly evaluated and that student evaluations in courses offered online can be conducted anonymously for continuous improvement.

Local Trustees and Board of Governors

The following are recommendations for the Board of Governors and local trustees to consider for the support of online education:

- Support IDEAA online strategies and outcomes assessments for every strategic college initiative and campuswide plan.
- Provide support and funding for IDEAA in online practice and professional development.

- Be aware of the digital divide and intentionally provide support and funding for faculty to curate and create alternatives for high-cost software programs, materials, and other resources, including the use of open educational resources (OER).

Resources from the Academic Senate for California Community Colleges, the California Community Colleges Chancellor's Office, and Other Resources

The Academic Senate for California Community Colleges

ASCCC Cultural Humility Toolkit
https://asccc.org/sites/default/files/Cultural_Humility_Toolkit_2022.pdf

ASCCC DEI in Curriculum Framework
https://www.asccc.org/sites/default/files/CCC_DEI-in-Curriculum_Model_Principles_and_Practices_June_2022.pdf

ASCCC Online Education Committee
https://www.asccc.org/directory/online-education-committee

California Community Colleges Chancellor's Office

CCCCO Accessibility Center
https://cccaccessibility.org/

CCCCO Distance Education Report (2017)
https://www.cccco.edu/-/media/CCCCO-Website/About-Us/Reports/Files/2017-DE-Report-Final-ADA.pdf

CCCCO DEI Glossary of Terms
https://www.cccco.edu/-/media/CCCCO-Website/Files/dei/deia-glossay-of-terms-a11y.pdf?la=en&hash=1ED136C5076EA9921F4DEA61146A8495A2B0C74D

California Virtual College (CVC)
https://cvc.edu/

OEI Course Design Rubric

https://onlinenetworkofeducators.org/course-design-academy/online-course-rubric/

Other Resources

The Marconi Society Digital Inclusion Webpage
https://marconisociety.org/digital-inclusion/

Reauthorization of the Higher Education Act
https://edworkforce.house.gov/prosper/

United States Department of Education, Office of Civil Rights
https://www2.ed.gov/about/offices/list/ ocr/504faq.html

Web Content Accessibility Guidelines
https://www.w3.org/WAI/standards-guidelines/wcag/

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