



October 19, 2020

Legal Opinion 2020-11: Live Synchronous Online Classes and Real-time Captioning

The California Association for Postsecondary Education and Disability has asked the following question:

Is real-time captioning required in live synchronous online classes offered in California community colleges?

Answer:

An auxiliary aid or service is required if the class includes deaf or hearing impaired students. Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act, and relevant provisions of state law, require auxiliary aids or services to be provided to deaf and hearing impaired students to ensure they are able to participate in their educational program. In most cases, this requirement will be satisfied by the provision of real-time captioning in live, synchronous online classes. However, community colleges also must give “primary consideration” to the choice of aid or service requested by deaf or hearing impaired students, and weight such requests against the burdens they would impose upon the college program.

A. BACKGROUND

The COVID-19 Pandemic has caused California community colleges to move courses into an online format that often includes live, synchronous instruction. The California Association for Postsecondary Education and Disability (CAPEd) asks whether real-time captioning is required by law to ensure deaf or hard of

hearing students have an equal opportunity to participate in live synchronous classes.

There are a nu

B. ANALYSIS

The resolution of this question requires consideration of related provisions of federal and state law. Two federal laws are most relevant:

