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***Most metropolitan universities have been covered by federal disability legislation (Section 504) since 1977. Many institutions ignored or incompletely met their responsibilities. With the recent passage of the Americans With Disabilities Act (ADA), colleges must take the lead to plan for the inclusion and full participation of students with disabilities. An approach must be developed that meets the letter and the spirit of the law; one that not only provides for access, but for opportunity.***

# Disability Services

## *Challenges and Opportunities*

There are few areas that present as many challenges while presenting a plethora of community-enhancing opportunities as that of expanding access and opportunity for students with disabilities. The complexity of the issues brought about by the wide range of disability conditions is compounded by a general lack of understanding regarding disability and the attendant feelings of uneasiness that so many experience when in contact with persons with disabilities. Added to this are the very real concerns about what the costs of providing equal access will involve.

Traditionally, access has been considered simply providing physical entry into buildings primarily for those using wheelchairs. However, it must be viewed in the much wider context of providing access to all of an institution's programs and services. Providing accommodations to those who have learning disabilities, which is the fastest growing and potentially most challenging population, to those who are HIV positive, or to those who have an emotional or psychiatric illness, for instance, is a far greater challenge than the physical plant issues posed by those who are mobility-impaired. These considerations are of significant concern to metropolitan universities due to the fact that a higher aggregation of persons with disabilities reside in urban areas.

More than counterbalancing these concerns are the opportunities of truly enhancing and providing an inclusive campus. Often overlooked during discussion on diversity issues is the important

component that individuals with disabilities add to the student mix. Our graduates are increasingly entering into a more diverse world in which they will encounter persons with disabilities in the work force and in the neighborhood. Additionally, providing an "accessible" campus means that everybody benefits. There are few, if any, considerations executed for accessibility that aren't also helpful to everybody. Better acoustics, smoother building entrances, flexible and innovative teaching techniques, and technological access (such as voice-activated computers) are just a few examples of measures of importance to all students.

In addition to the positive aspects for ensuring access, there is now in place a very strong piece of legislation, the Americans With Disability Act (ADA), which speaks very clearly to our institutional responsibility. These specific obligations will be explicated in this article, which will contain, as well, some guidelines for both adherence to the law and to the spirit of inclusion. The article is not meant to be exhaustive, but merely to provide an outline of the basics accompanied by suggestions for effective implementation and operation.

Historically, postsecondary education has not involved great numbers of students with disabilities. This is probably reflective of several factors. First, this society, until very recently, practiced a system of institutionalizing or segregating individuals with disabilities. Often those with speech or hearing impairments were actually placed with those with mental or psychiatric illness. Individuals with orthopedic limitations were generally excluded by the architectural barriers of college and university buildings. Learning disabilities were simply not recognized. The one group for whom some access was granted, albeit in very small numbers, was the visually impaired. For the capable blind student, accommodations consisted only of reading and transcribing. After World War II, disabled veterans with G.I. Bill benefits returned to postsecondary education, motivating some institutions (most notably the University of Illinois at Urbana) to widen their doors.

In 1977, the "504" regulations implementing the nondiscrimination provisions of the 1973 Rehabilitation Act were issued. Section 504 has very specific guidelines for postsecondary institutions on the treatment of students facing handicaps in the areas of admissions, academics, housing, career counseling, transportation, and extracurricular activities. However, knowledge of this legislation was not widespread, and enforcement was very weak and sporadic. Now, with the passage of the Americans With Disability Act (ADA)—signed in July of 1990 and with key provisions operative as of January 1993—there is *strong, enforceable*, and meaningful legislation guaranteeing the civil rights of disabled persons.

### What the Law Says

The following is a summary of these two laws and what they mean to postsecondary administrators. The reader should keep in mind that both 504 and the ADA will be subject to a number of court tests.

Much of the basis and language of ADA come from the section 504 regulations. Because of this and because 504 contains a specific

postsecondary section, knowledge of both is essential. The basic language undergirding 504 reads as follows:

"No otherwise qualified handicapped individual in the United States shall solely by reason of his handicap be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance."

Many have summarized both 504 and ADA in postsecondary settings very simply: "What you do for or offer to any of your students, you must make available to all."

Who is defined as "handicapped"? (The ADA incorporates the more acceptable term, "disabled.") Mangrum and Strichart state: "A qualified handicapped person is defined as one who meets the academic and technical standards requisite to admission or participation in an education program or activity...who, with an auxiliary aid or reasonable program modification, can meet the academic requirements that an institution can demonstrate are essential to its educational programs." (p. xx)

It is not the intent of the law(s) to provide access merely because the individual has a disability. Rather, it is to ensure that individuals are not denied participation solely on the basis of disability. An institution must ensure that when its policies, procedures, and practices are viewed in their entirety, persons with disabilities are not denied an equal opportunity to apply, to participate, or to receive the full benefits of the school's offerings. It is necessary to conduct an audit not only of physical access but also of all other aspects bearing on disabled persons' use of the school.

The important point is that an institution has to be able to describe and defend its criteria for admissions, a degree, a major, or a course. This must be done in such a way that if persons with disabilities are turned away it is because of not meeting the "otherwise qualified" standard and not just because of having a disability.

An important Supreme Court case, *Southeastern Community College v. Davis* (442 U.S. 397), speaks to the issue of program content and standards. A student with a hearing impairment was denied admission to a nurse's training program because the school felt that the student could not participate safely in the clinical training program that was required. The court ruled in favor of the college, saying that the school was not required to alter the fundamental structure of the program. At the same time the court noted that other kinds of accommodations, adaptations, and assistance might be appropriate.

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The ADA, while incorporating much of the language and concepts of 504, is more extensive in its scope and has stronger enforcement power. Persons who allege discrimination have a much easier complaint and filing process than under 504. Penalties are much more severe. Its coverage is extended beyond those who receive federal money to cover nearly all public and private entities that may have contact with persons with disabilities. Although the ADA makes some distinction between public



and private institutions, there are few differences in its coverage. It is safe to say that all types of institutions need to be responsive to both the letter and the spirit of the law.

The effects of the ADA are broad in scope. However, for most colleges and universities already covered by 504, the major impact of the ADA is the publicity it brings to the issue of discrimination against persons with disabilities. This legislation serves as a wake-up call to those schools that might have been lax in their compliance with 504. Although all schools are covered by nearly all of the provisions of the ADA—employment, public accommodations, state and local governmental services, transportation, and telecommunications—primarily it is Titles II and III that guide us.

Before venturing into such specifics as admissions, housing, test accommodations, transportation, etc., it is pertinent to discuss the core issue of *reasonable accommodation*. Certainly in the context of education, this is a very broad and ill-defined term. Although some court tests have dealt with this construction, more undoubtedly lie ahead. In the realm of postsecondary education, there will likely never be an absolute, concise and clear definition of "reasonable accommodation." This is true because of the wide range of disabilities, individual differences, the nature of the particular institution or program, and the rapidly and ever-changing state of technology. Therefore, it is important to have a structure in place to provide reasonable accommodation in a timely and proactive fashion:

- Catalogue descriptions of courses, areas of study, degree, or certification requirements must be accurately spelled out. Essential components must be clearly identified. Essential components are those which are absolutely necessary to achieve course completion or mastery. Typing speed might be essential in a typing class, but not in a journalism class. Hand dexterity might be required in an industrial technology course, but not necessary in writing composition. Other requirements that can result in keeping students with disabilities from a course of study must be eliminated or accommodated. Many of these nonessential requirements have been in place for a long time without review and examination.

Although there is no requirement to alter a program or course of study in a fundamental way, it is necessary to be able to defend a requirement relative to the stated goals or objectives of a program.

- A system needs to be established for students with disabilities and instructional staff to work out reasonable accommodations. An office (most often the disabled student services office) should have the explicit authority to validate the disability condition and make recommendations regarding accommodations. There must be an appeal process. In the event there is disagreement, the accommodation in question should be administered during the period of appeal.
- It is important to make information regarding access, opportunities, services, and accommodations widely available. Since preadmissions inquiries regarding disability are prohibited,

information for disabled students should be clearly displayed in admissions materials, the catalogue, and all other relevant publications. Further, to make sure that appropriate classroom accommodations are provided, faculty should include the following statement on course syllabi, and also verbalize this message on the first day of class: "If you need course adaptations or accommodations because of a disability, if you have emergency medical information to share with me, or if you need special arrangements in case the building must be evacuated, please make an appointment with me as soon as possible. My office location and hours are...."

- A concerted effort must be made to learn of technical and other aids that are available to assist students with disabilities to fairly accomplish their academic work. There is a veritable flood of resource listings, conferences, and clearinghouses to assist in this task.

The two most comprehensive organizations providing information and advocacy for postsecondary disability issues are HEATH and AHEAD. Higher Education Access to the Handicapped (HEATH) is a national clearinghouse that produces a wide range of informative publications, has an 800 telephone number, and gives technical assistance. The Association on Higher Education and Disability (AHEAD) has more than 1,400 members. In addition to an annual conference and training programs, it produces helpful publications covering the entire spectrum of postsecondary disability issues.

### **Admissions: Don't Ask**

One cannot inquire about disability on a preadmission basis. However, it can be made very clear that the institution stands ready to answer questions, give assistance, and consider individual situations. This can be accomplished through admissions publications and the catalogue.

Because the usual admission procedure often includes the use of standardized tests, the school should have in place a mechanism to look beyond or supplement such tests that often are not valid predictors for some types of disabilities. The object of such tests should be to measure ability, not disability. It is appropriate to have a procedure that is flexible in gauging a student's potential for success.

### **Orientation/Registration**

While it is desirable to offer specialized orientation to the campus relative to a specific disability, it is very important that all students participate in any all-campus programs such as orientation. The message given by excusing or discouraging students with disabilities from full involvement is inappropriate.

Therefore, orientation staff must be made aware of issues and be sensitive to special needs. Many campuses incorporate some combination

of transition programs including mentoring arrangements and make available such specific resources as braille/tactile campus maps, independence manuals, and information phone lines. Some students have benefited from taking one or more courses during the summer before their first full term.

Regarding class registration, it is useful to have several academic advisors who have extensive knowledge regarding disability and factors that should be taken into consideration when building an academic schedule. Advisors should be sensitive to such issues as reading ability, stamina, travel skills, and computer competency.

A system for priority class registration, similar to that given to athletes, should be instituted. With this priority a student with a disability can be assured of accessible classrooms, course scheduling that allows for time and distance factors, and an appropriate balance of classes.

### Auxiliary Aids

Aids such as readers, writers, note takers, interpreters, taped textbooks, tutoring, etc., must be available. As with other aspects of the law, it is not always evident who provides and pays for such services. It is clear, however, that the college or university has the ultimate responsibility for ensuring that such assistance is attainable. The primary vehicle for such assistance outside of the institution is the Vocational Rehabilitation Services system, which exists in every state. This program is funded by federal and state money. For those disabled students who are clients of Vocational Rehabilitation Services, some or much of the cost for special services can be borne by this agency. It has not been determined how extensively a school can encourage students with disabilities to become clients of Vocational Rehabilitation. However, from a budgetary viewpoint, administrators have to consider shared resources and even volunteer help in some situations.

### Instruction and Testing Considerations

Authorities have been consistent in ruling that institutions have an obligation to present instruction and testing in a format useable by the individual. The instruction of students with disabilities is an excellent laboratory for exercising quality teaching traits including innovation, creativity, and flexibility. In fact, nearly all adaptive procedures that might be brought to bear to provide access are also good teaching strategies to employ. Carefully spelling out course objectives, speaking clearly, repeating key points, using well-designed visuals to emphasize ideas, verbally describing visuals, and spending time with individual students are helpful to all students. Instructors can also help ensure that disabled students obtain effective and accurate notes, perhaps as easily as having a classmate take notes on carbonless notepaper, thus producing two sets of notes. Further, the institution should provide information to its instructional staff on the ways and means of providing materials in

alternate formats. One of the simplest examples is enlarging the print of a syllabus or test on a copy machine. More sophisticated, but increasingly available, are software programs that translate print into Braille. Software is being developed to aid the writing and reading capabilities of learning-disabled students. Other inventions include voice-activated computers and real-time screen displays of lectures. This latter development could enable a deaf student to be reading a presentation at the same time other students are hearing it. Such innovations add real meaning to the public service advertisement: "Now is the best possible time to have cerebral palsy."

Several universities have a recognition program in place known as the Most Accessible Teacher Award. The award recognizes the key role of faculty members in providing meaningful content to the disabled student. It does not mean the lowering of standards, but rather the application of creativity and flexibility that allows the student to show his or her academic potential.

More complex are issues relative to potentially altering the fundamentals of a course, major, or degree. Questions relating to the matter of extended time, the use of assistive devices such as calculators, word processors, spell checkers, and course substitutions or waivers can all be vexing. Once again, the approach is back to the basics. Before deciding on issues related to time, course modifications, or auxiliary aids, an examination should be made of the written description of the goals and objectives. Of primary concern is whether modifications will affect the essential components or nature of the offering or simply make the course accessible through adapting the method of teaching or evaluation. It is important that a school set up a procedure including a well-informed committee to help decide some of the more complex issues. It does not suffice to simply quote the law. The professorate needs to be educated on the issues, and faculty representatives must play an integral role in policy making. They must be involved in setting up procedures for reviewing course substitutions, methods for alternate testing procedures, or degree requirement modifications. Substituting a music appreciation course for art appreciation as a general elective is a relatively easy judgment for a blind student. Waiving a general studies math requirement for a learning-disabled student who displays *discalculia* (inability to process mathematical concepts) is more of a challenge. There are many difficult decisions to make. Moreover, there are two general guidelines to keep in mind:

- Make sure that all methods to adapt a class be creative and innovative and have been tried before looking toward substitutions or a waiver.
- Look toward a substitution rather than a waiver. Although some might argue that a substitution in reality constitutes a waiver, there is a distinction. For instance, if the requirement is one year of foreign language, one or more solid cultural history courses might substitute and fulfill most of the objectives of the foreign language requirement.



## Test Accommodations

The length of the great majority of tests administered on college campuses is dictated by the defined classroom period. However, the length of a test seldom has any relationship to that which is being evaluated. There are certain courses for which completion time of a task is one of the factors being evaluated, but this is rare. Extended time for the completion of tests is the most common type of accommodation, but only one of many that might be employed. Section 504 states:

"In its course examinations or other procedures for evaluating students' academic achievements in its programs, a university shall provide such methods for evaluating the achievement of students who have disabilities as will best ensure that the results of the evaluation will represent the students' achievement in the course, rather than reflecting the students' impaired sensory, manual, or speaking skills (except where such skills are the factors which the test purports to measure)."

Testing accommodations present certain organizational and planning demands. Since the range of accommodations is so great, it is most efficient to have a particular unit charged with this responsibility. By doing this, an institution can provide test security and consistency in administration, as well as the application of technical aids and staffing. Most often, this service is located in the disabled student services office or the learning center.

Specific accommodations might include some combination of the following: extended time, use of a scribe, quiet location, tape recordings, modification of format, e.g., using Braille or tactile print, or large print, oral or signed instruction (written for oral, oral for written), spelling or grammar assistance, and use of a word processor. The goal of a test accommodation program is ultimately to minimize or eliminate the impact of disability and, therefore, measure ability.

## Housing Considerations

Housing types and options have proliferated in the last few years. Generally speaking, it is not necessary to have all of the housing accessible, but when looked upon as a whole, a reasonable selection based on location and type of program offered (i.e., graduate, wellness, co-ed, etc.) must be accessible. Many campus facilities were constructed at a time when physical accessibility was not a consideration. The ADA has very clearly defined guidelines for construction and renovation. However, it is important to consider the factors that are unique to the metropolitan campus and student population as well.

A difficult problem that arises on occasion is that of attendant care and/or roommate assignment. The issues include, but are not limited to, the following: if nursing or attendant care is required, should the attendant also serve as a roommate; if the attendant is not the roommate, should housing randomly assign a roommate; is offering a single room for the



same price as a double a reasonable accommodation; and does a single room satisfy social integration objectives? Additional circumstances might revolve around the random assignment of a roommate to a room with a dog guide. It is important to formulate policies that anticipate these questions.

## **Transportation**

The obligation to provide accessible transportation depends on whether a campus provides transportation to students who do not have disabilities. This includes a campus shuttle service, field trip transportation, or any other situation in which the school provides or contracts for this service. Effective in August of 1990, all new buses purchased must be accessible. Institutions have a responsibility to provide access whether or not their private bus contractors have the equipment.

The major dilemma faced by campuses that operate a fixed-route shuttle service is that of the near impossibility of maintaining a schedule if serving students who are wheelchair users. A practical solution may be establishment of a "demand-response" system with a lift-equipped vehicle that picks up students on demand at their campus residence and takes them to their respective academic buildings.

## **Student Employment, Career Planning and Placement**

Student employment (and volunteerism) is closely connected with career planning and vocational outcomes. All too often, students with disabilities come to college without previous work experiences at fast food places, babysitting, mowing lawns, etc. When degree completion time approaches, the preparation of resumes and interviewing skills are in order, but often students with disabilities are not prepared. While it cannot be argued that an affirmative program to promote job readiness for students is called for by ADA, it is, nevertheless, an important consideration. Career planning and placement offices need to become aware of programs and resources available to them in order to provide the needed assistance to move these students toward their vocational goals.

## **The Case for a Student Development Approach**

To administrators grappling with the intricacies of 504 and ADA, the suggestion of going beyond the letter of the law might not be welcome. However, just as we are working to increase our diversity on our campuses and reaching out to other underserved groups, students with disabilities deserve our best efforts.

We should not just be concerned with basic accessibility, but with truly including disabled students in the essence of our institutions. In particular, we should be most concerned about females with disabilities. This group has an unemployment rate of 85 percent and is greatly

underrepresented in postsecondary settings. There must be programs to involve our students in student organizations, recreation programs, leadership opportunities, work and volunteerism, and opportunities that enable them to interact with successful role models.

The media have not painted a very realistic picture of disability. Most often we see portrayals of one or the other extreme. Just as the dependent individual often seen in fund-raising efforts is not representative, neither is the super-achieving disabled athlete. The majority of students on our campuses needing accommodation have "hidden disabilities." The real difficulty in realigning our way of thinking regarding inclusion of disabled individuals is simply our lack of experience. The primarily negative condition as expressed in employment and education figures faced by many disabled persons in our society has been largely brought about by benign neglect rather than overt negative actions. We need to school ourselves in this new, but exciting, world of TDDs (Telecommunication Devices for the Deaf), scanners, helper dogs, closed captioning, and real-time screen displays of lectures and augmentative speech, as well as including an entire new group of people who might not previously have been part of our educational community. Metropolitan universities have a key role to play in the provision of access and opportunities to students with disabilities.

## Notes

AHEAD (Association on Higher Education and Disability), P.O. Box 21192, Columbus, Ohio 43221-0192. This organization is committed to full participation in higher education for persons with disabilities. In addition to membership and a national conference, AHEAD offers a comprehensive range of publications relative to postsecondary disability issues.

HEATH (Higher Education Access to Handicapped), One Dupont Circle, Suite 800, Washington DC 20036-1193. This is a resource center of the American Council on Education that serves as the national clearinghouse on postsecondary education and disability. It provides information on a wide range of relevant subjects as well as highlighting "best practices."

## Suggested Readings

- Harris, Richard W. "Musings From Twenty Years of Hard Earned Experience." *Rehabilitation Education* 6 (1992): 207-211.
- Jarrow, J., and W. King. *Testing Accommodations for Students with Disabilities*. Association on Handicapped Student Services in Postsecondary Education, P.O. Box 21192, Columbus, Ohio.
- Mangrum, Charles T., and Stephen Strichart. *College and the Learning Disabled Student*. Orlando: Grune and Stratton, 1984.
- Scheiber, Barbara, and Jeanne Talpers. *Unlocking Potential, College and Other Choices for Learning Disabled People*. Chevy Chase, MD: Adler and Adler, 1987.