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Disability Services: Easier Done Than Said

Responding to the complex issues presented by students with disabilities isn't all that difficult. A broad network of campus collaborators, combined with clearly articulated policies and procedures, establishes a firm foundation capable of handling most, if not all, situations. Integrating effective policies and procedures with a decisive mission statement, competent staff with specific responsibilities, and reasonable funding creates a process ensuring equal opportunity while upholding academic integrity. An inventory of ingredients and a formula for success are described in detail.

Providing services to students with disabilities is simpler than is often represented. Approaches emphasizing competent personnel, a well-conceived program structure, and collaboration with faculty, administration, staff, and students are the foundation of success. A viable process ensuring that multiple individuals thoroughly and thoughtfully analyze decisions prior to denying accommodations ensures effectiveness, equanimity, and compliance. This article attempts to demystify the aura of uncertainty and complexity that often plagues colleges as they struggle to understand and respond to the ever-changing issues presented by students with disabilities. Additionally, a recipe for designing an effective program is proffered. Whether you represent a large urban or a remote rural university, the concepts presented here are universally applicable.

I will assume reader familiarity with the basic principles of disability law, to wit, the federal law (Section 504 of the Vocational Rehabilitation Act of 1973 and the Americans with Disabilities Act [ADA]) covering the rights of qualified individuals with disabilities to participate in all activities, programs, and services affiliated with colleges and universities, and I will focus on methods and approaches of providing equal access while maintaining academic integrity.

A quick survey of institutions of higher education in the United States reveals an eclectic array of disabled student services (DSS) programs (a.k.a. disability resource centers, disability services programs). The vast majority of programs have emerged within the past 15 years. Condon and Lerner (1956) report that the

City College of New York first established a program in 1946, and many programs have existed for over twenty years. Nevertheless, the evolution of DSS programs has not been based upon an analysis of critical needs or on strategic planning. Instead, colleges responded to imposed federal regulations through delegating new responsibilities to existing staff, appointing interested or seemingly appropriate personnel or establishing a moldable office but without careful consideration to goals and objectives. A decade later many institutions are experiencing the consequences of insufficient blueprinting. Conducting a comprehensive program evaluation and participating in long-term strategic planning can assist those interested in revamping and simplifying disability services.

Ingredients of a Disabled Student Services Program

The primary ingredients of a DSS program are:
- A clearly articulated mission with specific goals and objectives
- A competent, appropriately trained staff
- Suitable organizational alignment (e.g., student services, academic services)
- Adequate and accessible facilities
- Reliable funding, including fixed and variable cost budget lines

Mission

The Council for Advancement of Standards in Higher Education's *Book of Professional Standards for Higher Education* chapter on guidelines for disabled student services (1997) states that "DSS programs must be (a) purposeful, (b) coherent, (c) based on or related to theories and knowledge of human development and learning characteristics, and (d) reflective of the demographic and developmental profiles of the student body." Mission statements tend to include items acknowledging the importance of faculty, staff, and students working collaboratively to assure that students with disabilities have equal access, while promoting independence and maintaining academic integrity. In developing a mission statement, the questions posed by Drucker (1993) should be asked and answered:

- What is our business? [Mission]
- Who are our customers?
- What do our customers consider valuable?
- What have been our results?
- What is our plan?

Three common objectives of DSS programs include:
- Providing direct support services (e.g., interpreting, notetaking, adaptive materials)
- Providing technical assistance to university departments
- Serving as a campus information and referral resource on disability issues

College administrators should recognize the role of DSS programs as advocates for *reasonable accommodation*, not merely as advocates for students. An inherent dichotomy exists for DSS programs: from one direction they make decisions or recommendations regarding appropriate services and accommodations for students; conversely, they advise departments on their rights and responsibilities. As we'll discuss later, collaborative, multilevel decision-making helps ensure intelligent and defensible decisions.

Staff (Human Resources)

The fundamental questions regarding staffing are: how many staff are necessary, what qualifications should staff have and what should staff do? There are neither empirical data describing ideal staffing structures nor formulas for calculating staff-to-student ratios. Depending on campus enrollment, numbers and types of disabilities, and administrative commitment, the number of staff varies greatly across DSS programs. The University of Minnesota has a professional-level FTE of 17.5 positions while the University of Indiana has two. At a minimum, every campus needs someone designated as responsible for assessing needs and facilitating accommodations.

Only recently has research surfaced on suitable professional standards for DSS personnel. Shaw, McGuire, and Madaus (1997) identified five primary standards of professional practice:

- managing the program (budget, personnel, policies, training, data collection, etc.)
- providing services directly to students (advocacy, auxiliary aids, information and referral)
- collaboration and consultation with campus and community agencies
- providing training and expertise on disability issues
- maintaining up-to-date professional knowledge and skill

A word of caution regarding the selection of a program director: perhaps the most critical skill of a DSS director is the ability to effect change through collaborative efforts respecting the rights and needs of the university faculty and staff as well as those of students. To this end, individuals trained only in counseling, or even rehabilitation, often are not prepared for the political and cultural realities of administering a student services program in higher education. Counselors make exceptional program staff; however, without training or experience with managing people and resources, they may be unprepared for the rigors of administration.

Organizational Alignment

Housing disability services under academic or student services isbest determined by the climate and culture of each individual campus. Most DSS programs tend to be structured under a traditional student services division. Nevertheless, valid arguments exist for placing programs in academic divisions. Many proposed accommodations, alternative testing and course substitutions, for example, directly impact the classroom, faculty, and educational mission of the college. Immediate links to faculty and

academic departments, therefore, are important for DSS programs. On the other hand, service units without a primary instructional mission tend to hold a low rung on the proverbial budget ladder and often see their priorities overshadowed by the needs of academic departments.

Facilities

Clearly, locating DSS programs in easily accessible facilities is highly recommended. Other considerations include adequate parking, privacy for confidential discussions, and a central location if possible.

Funding

Since passage of Section 504 and the ADA much fear has focused on the potential "black hole" created by disability services. In reality, costs are reasonable and rarely astronomical. Naturally, creating a program where none existed before has financial implications and the costs are not insignificant. However, beyond the fixed costs of appropriate staffing levels, the costs can be contained. The University of Wisconsin system has 13 four-year institutions. In the 1996-97 fiscal year the system served 3,673 students at a cost of $2.4 million (University of Wisconsin System, 1998). Average cost per student was $657. Half, or $1.2 million, was provided through university funding. The remaining half came from the Division of Vocational Rehabilitation, federal Department of Education grants, and private giving. Thus, the average per student cost to the institutions was less than $330 per year.

Costs for disability services can and should be separated into fixed and variable costs. Fixed costs are predictable items such as salaries for professional, clerical and student salaries, supplies and expenses, and capital expenditures. Variable costs are expenses associated with the delivery of direct auxiliary aid services. These services include interpreting, notetaking, adaptive materials, alternative testing, readers, and the like. Annual variable cost budgets can be created, but accurate predictions on total annual costs are nearly impossible. Due to the unpredictable nature of variable costs it is worthwhile to separate these costs from the predictable fixed-cost expenses. Sixty-two percent of the University of Wisconsin system's budget covered fixed costs and 38% was spent on variable costs (University of Wisconsin System, 1998). Of all the variable cost expenses, nearly 60% was expended on services to deaf students, who comprise less than 1% of all students served. Average cost for a full-time deaf student was close to $12,000. Thus, other than the deaf, the cost of serving students with disabilities is modest and sensible.

Formula for Response to Campus Disability

A practical and effective formula for responding to campus disability issues should contain (a) a campus-wide network of collaboration and (b) a clearly defined set of policies, procedures, and processes for responding to issues affecting faculty, staff, students, and guests.

Campus Network

At a minimum, a campus network must include:

A disability resource center. As described above, a program charged with evaluating student requests and making recommendations for services and accommodations is the fundamental ingredient.

Employee/department assistance. Designate either the DSS program, or a diversity/affirmative action office, to provide guidance to managers and employees about reasonable accommodation. Because employment issues vary greatly from academic accommodations, separating employee and student issues is the general trend among American universities. Small colleges may combine functions due to resource constraints; however, most large colleges disconnect departments for employee and student accommodation issues.

Facilities, planning, and management (physical plant). The facilities division, not the DSS program, has responsibility for assisting departments with barrier removal projects, reviewing renovation and new construction plans for ADA compliance, and serving as campus consultant on issues relating to physical access. Having a DSS director with training in educational administration, rehabilitation, or social work review blueprints for ADA compliance is irrational and frivolous. Including accessibility into the design process costs one-tenth the amount of retrofitting facilities. Integrating physical access as a primary function of the facilities division is a smart, cost-effective business practice.

Campus disability committee. A university committee should be appointed by the president or chancellor, and consist of faculty, staff, and students who identify and review issues pertaining to disability, instruction, and accommodations to extend authority and direction throughout the campus. Involving constituents in major decisions affecting instruction, student life, or the campus itself ultimately reduces antagonism and increases understanding. Since the ADA requires a self-evaluation and transition plan, and because the Office of Civil Rights defers to academic judgment when it is well-reasoned and thoroughly processed, a campus disability committee provides a vehicle for accomplishing numerous compliance and investigative requirements.

ADA/504 coordinator. The ADA Coordinator (ADAC) should be responsible for advising the president or chancellor on the university's compliance with the federal disability laws. Federal regulations require the appointment of such a coordinator. A difficult question is deciding whether the ADAC should serve as a campus resource and advisor on disability issues or as a compliance reviewer of alleged acts of discrimination. A conflict of interest arises if an ADAC attempts to accomplish both chores. It is not wise for one individual or office first to give advice and then investigate a grievance filed subsequent to implementing said advice.

In addition to the aforementioned pieces of a well-ordered disability services structure, campuses should consider creating a formal liaison network of faculty and staff. Their role is to provide information, assistance, and referrals to faculty and students on issues that are not easily resolvable. Persons who serve as liaisons must be trained and

provided adequate resources and support for fulfilling their roles. A formal liaison network is useful because of the inherent conflict of interest built into a DSS program. As previously stated, these programs are charged both with assisting students in obtaining reasonable accommodations and with upholding the academic standards and integrity of the college. When a faculty member receives a recommendation or injunction from the DSS program they may question the objectivity of its proposition. Faculty may also be reticent to question its legitimacy or lawfulness for fear of being accused of discrimination. Thus, a colleague trained in campus policy and practice that apply to nondiscrimination of students with disabilities may provide a better opportunity for concern sharing and candid discussion.

Policies, Procedures, and Processes

A far-reaching campus network is most effective when accompanied by a clearly defined set of university policies and procedures. Policies should complement and be consistent with existing state and federal laws and regulations, most notably Section 504 and the ADA. Many states have passed companion legislation intended to reinforce federal disability laws. Relevant state laws should be identified and made readily available to campus faculty and administrators. Significant attention to developing articulate, evenhanded, and intelligible campus policies is the primary prescription for assuring compliance, curbing chaos, and averting backlash.

Consequential policy territories include: disability documentation, requesting and reviewing accommodations, service eligibility and provision, and appeal/grievance procedures. Additionally, determining, through campus policy, the entity or individuals with authority to speak for the college about the appropriateness of accommodations is critical to avoiding inevitable power skirmishes. Frequently, a campus finds itself in the position of responding to a recalcitrant faculty member declaring his or her rights to refuse accommodations based upon (a) faculty autonomy and/or (b) lack of a campus policy clearly defining roles and responsibilities. Without a policy designating a decision-making process, individual faculty members, administrators, and staff can reasonably argue by default that they have unilateral rights to make decisions affecting their course or program. Since unilateral denials of requests for accommodations are dangerous and potential liabilities in defending against quarrelsome plaintiffs, colleges are advised to clearly identify a process for analyzing contentious accommodation requests. Many colleges delegate this authority to the DSS program; others ask the DSS to make recommendations and employ a thorough appeal process to review disputes.

Colleges and universities can develop a comprehensive and effective system for responding to campus disability issues through the collaborative efforts of individuals and departments and with the guidance of federal, state, system, and university laws, regulations, policies, procedures, and guidelines. As a result, a contemplative, thorough, and fair process empowering faculty, staff, and students to collectively share in the responsibility of upholding academic integrity, while fully including all individuals with disabilities, will endure.

Critical Issues Snapshot

The following is a brief synopsis of several critical issues facing colleges today:

Disability documentation. The ADA defines a disability as a physical or mental impairment that substantially limits a major life activity (Kincaid, 1994). Gordon and Kaiser (1998) point out that to be protected under the ADA, an individual must be disabled relative to the general population. Determining an "impairment" and "major life activity" are more readily achieved than knowing what "substantially limits." Merely having an impairment not does reflect having a disability. The DSS practitioner's role is to assess if the impairment substantially limits the individual in the major life activity of being a student, and having criteria for disability documentation is critical in making this assessment. Documentation criteria are the starting point in the accommodation review process, and guidelines for acceptable documentation regarding learning disabilities, Attention Deficit Disorder/Attention Deficit Hyperactivity Disorder, mental illnesses, physical and sensory impairments, and temporary disabilities must be developed. The Association on Higher Education and Disability has sample policies (http://www.ahead.org).

Essential requirements and fundamental alterations. One rationale for denying a reasonable accommodation is if it fundamentally alters an essential requirement of the program. In the recent much-heralded Guckenberger vs. Boston University case, the university's decision not to allow waivers for foreign language courses to students with learning disabilities because those requirements are inextricably linked to its liberal arts program was upheld by the U.S. District Court. What constitutes an essential requirement and whether accommodations fundamentally alter requirements will continue to be a prickly debate for the foreseeable future. Colleges are advised to engage in a thoughtful, collaborative process when considering these issues. Employing the collaborative approach based on solid policy, as advocated in this article, is recommended.

Responding to students with mental illness. Duffy (1994) reports that, as a result of legislation, deinstitutionalization, effective psychotropic medications, and supportive community and family environments, people with psychological disabilities now participate in postsecondary education in increasing numbers. Pavella (1989) suggests proactive responses to the following questions for responding to students with psychological disabilities:

- Is there a process for assessing, recommending, and implementing reasonable accommodations for students with psychological disabilities?
- Are university administrators aware that a mental disorder can be classified as a disability and therefore protected under anti-discrimination laws such as the Americans With Disabilities Act? Is there a grievance process?
- Are professional counseling services available to students and are students informed that services are available?
- Is there a process for responding to mental health crises?

- Do university personnel (i.e., counselors, dean of students) have a working relationship with local mental health agencies?
- Are faculty and staff provided in-service training in responding to students with psychological issues?
- Are faculty and staff aware of legal obligations pertaining to confidentiality and the provisions of the Family Educational Rights and Privacy Act (FERPA)?
- Is there a clearly stated student code of conduct and are students, faculty, and staff informed about it?
- Is there a clearly defined due-process system and is it communicated to students?
- Is there a policy for notifying parents in cases of mental health emergencies? Is there a policy for medical withdrawals that allows for a mental health crisis?

Occasionally, administrators feel handcuffed when responding to issues involving mental illness. However; clear policies and procedures, combined with trained personnel and the ability to respond as one would to any student without a mental illness, provide the necessary ingredients for successful responses.

Electronic access and information technology. Technological accommodations, often referred to as electronic curb cuts, refer to adaptations in software, hardware, or design with the potential of providing individuals with disabilities access to the information technology environment. Harris, Horn, and McCarthy (1994) describe how technological accommodations can provide access to individuals previously dependent on others, or denied the opportunity to engage in activities because of sensory or mobility impairments. Accommodations include voice synthesizers and screen readers, voice recognition systems, alternative keyboards, Braille embossers, print enlargers, word prediction programs, and numerous other adaptations. The most vulnerable areas in danger of creating electronic barriers could be learning technologies and distance education. As faculty members import web page design into the basic curriculum, students with disabilities are at risk of being left behind. It is critical for campus information technology administrators, academic deans, and DSS personnel to discuss and plan for the inevitable uncertainties the Worldwide Web presents.

Alternative testing. By far the most used accommodation by students with disabilities in higher education is alternative testing, the nonstandard administration of course exams. Additional time and a quiet space are the most common requested testing accommodations. Measuring knowledge is fundamental to the educational arena, and testing is the domain of the faculty. Thus conflict is unavoidable when DSS personnel attempt to prescribe how tests are administered because issues of faculty autonomy and fairness can clash with the student's right to receive reasonable accommodations. Since alternative testing, including additional (though not unlimited) time, and quiet spaces for taking exams are well-documented and affirmed as reasonable for qualifying disabled students, it is wise for campuses to adopt a policy position

on the process for requesting, receiving ,and appealing denials for alternative testing accommodations.

Resources. With web pages providing links to other relevant web pages, there are only a few degrees of separation between anyone and the information needed. Web sites worth bookmarking for future reference include:

- Association on Higher Education and Disability: http://www.ahead.org
- TRACE Research and Development Center (technology): http://www.trace.wisc.edu
- Family Village: (global community of disability-related resources): http://www.familyvillage.wisc.edu
- (DAIS) Disability Access Information and Support (resource to the higher education community): http://www.janejarrow.com
- U.S. Department of Justice ADA home page: http://www.usdoj.gov/crt/ada/adahom1.htm
- McBurney Disability Resource Center, University of Wisconsin-Madison (DSS program): http://www.dcs.wisc.edu/mcb

Conclusion

Issues about accommodating students with disabilities in higher education are debated ad infinitum. However, delivering services and accommodations may be easier done than said. Combining the primary ingredients with proven formulas ensures success. A clearly defined mission statement, competent staff with specific responsibilities, reliable funding, a widespread network of campus collaborators, and clearly articulated policies and procedures (including an appeal process) guarantee opulence, or at least sufficient well-being.

Suggested Readings

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