

Historical Issues in Higher Education for People with Disabilities in the United States

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Abstract: Because higher education in the United States is the principle force for training American professionals and for advancing American culture, Americans with disabilities must become well integrated into higher education if they are ever to become integrated into American society. As the twentieth century progressed, two trends diverged. A new, large class of Americans with disabilities emerged while infrastructure and management practices came to favor an image of the ideal body and mind. Progress in modern technologies in rehabilitation programs coupled with newly-won civil rights led to a self-awareness on the part of Americans with disabilities as being capable of living more meaningful, socially inclusive lives. Through higher education, hundreds of thousands of Americans with significant disabilities have now taken their place, working and living alongside their nondisabled peers. Though progress in the early stages of full integration of people with disabilities in higher education in the United States has been considerable, much work remains to be done to legitimize disability service programs as fully-functioning units within American colleges and universities. An educational paradigm is needed to foreground the legalistic disability dialogue, while professional training and development of service professionals in higher education must find an academic home.

Key Words: ADA, AHEAD, assistive technology, disability, higher education, integration, rehabilitation, section 504, special education, universal design

Thomas Jefferson, third president of the United States, taught that, in order to succeed, his new nation would need a literate citizenry, well educated in the principles of democracy and civic values. Though less than unanimously, Americans have historically supported a way of life that is compatible with Jefferson's hope in education which would inculcate a values consensus of: freedom of choice, equality of opportunity, rights and responsibilities of the individual, personal self-reliance, fairness, and competition. From kindergarten to postdoctoral research, countless students have responded to Jefferson's challenge while pursuing the American dream, a dream of personal success through hard work and achievement and the American way of life. Education as a social institution in all its forms and levels has become so relied upon to ensure the steady supply of capable, democracy-supporting citizens that it now holds the power to credential nearly every sanctioned profession, skilled trade, art, and

calling. Such a force is education in the United States, especially higher education (or considered in its less generic term “postsecondary education”), that American society can hope to become a little more inclusive and integrated than is education, itself. Hence, Americans with disabilities are coming to hold higher education responsible not only for educating them on a footing of equal opportunity with their nondisabled peers, but also to foster a more progressive public view of disability as a fundamental fact of life affecting everyone, as opposed to the more traditional view of disability as a personal tragedy affecting mainly those whom it afflicts.

The more progressive view is a logical outcome of an evolving historical trend which was advanced mainly in the Twentieth Century, beginning with the teachings of medical science that disability was the result of disease and tissue dysfunction — much of which could be cured, healed, or treated — not a measure of God’s wrath and punishment for wrongdoing. Compatible with medical treatment models of disability, the philosophy of pragmatism became popular in the public mind set, displacing more fatalistic views of life. The horrors of war in the mid twentieth century brought on a rapid acceleration of medical advancement, which returned scores of thousands of disabled veterans to their home communities. In turn, many would be returned to employment through government-sponsored vocational rehabilitation programs. Nonveteran Americans with disabilities were also invited into the vocational-rehabilitation system, which included postsecondary education and training in no small part. Rapid technological advancements yielded a broad array of disability-assistive technology, significantly enhancing the functions of mobility, daily living, education, and work. In the 1970s and 1980s many instances of academic failure and profound learning limitations were shown to be rooted in newly understood learning disabilities (LD) and attention deficit hyperactivity disorder (ADHD), rather than in mental inability. Many psychiatric disorders previously thought of as debilitating became better controlled through new medications and modern psychotherapy. Special education for children with disabilities became mandated by the Education of All Children Act, later renamed the Individuals with Disabilities Education Act (IDEA). Counter to that historically progressive trend, however, American civilization had erected an urban-suburban infrastructure which favors the nondisabled body and poses numerous architectural barriers to individuals with disabilities. Architectural designers, urban planners, civil engineers, etc., were not trained to anticipate the fact that, eventually, millions of people with disabilities would need to access that infrastructure. For the most part, popular literature, the film industry, and the mass media, held to the outmoded view of disability as abhorrent and worthy of exclusion from favorable outcomes. Policies and practices of government services, commerce, and education remained inflexible to alternative approaches made necessary in the case of disability.

Consequent to the progressive trend and countertrend, by the mid 1970s a minority class of capable and potentially mobile Americans (with disabilities) was well on its way to becoming a reality — physically isolated, vastly unemployed, economically disadvantaged, politically insular, and socially disenfranchised — less by the material limitations of their disabilities than by artificial and unnecessary physical and attitudinal barriers to their participation in the complex society forged by the American way of life so readily available to the “able” majority. They began to become aware that disabled environments were the principle cause of limitations, not

their disabilities. Scores of advocacy organizations of people with disabilities sprang up, many with nationwide ties. The social movement of Americans with disabilities had taken hold in the United States.

In 1973 a clause known as "Section 504," prohibiting discrimination against people with disabilities on the part of entities which received federal funds was added to the re-authorized Rehabilitation Act (a national law which created and which regulates state rehabilitation programs, among other services affecting people with disabilities). Leaders of the upstart social movement of Americans with disabilities were both surprised and elated. Now they would have not only a civil and moral clause for which to advocate; they would combat disability discrimination through regulatory agencies and federal courts. In 1990 a popular federal law, the Americans with Disabilities Act (ADA) extended government sanctions prohibiting disability discrimination to the areas of employment, services of state and local government, private postsecondary education, privately owned places of public accommodation and commerce, and (to a lesser extent) telecommunication and transportation. In the 1990s, the federal government began a grant program to provide funding for a network of centers of independent living, which fostered self-empowerment of individuals and groups with disabilities as educated self-advocates to live independently in their home communities and to make their own choices for their own benefit. Among many other services, these centers train Americans with disabilities in the subject of their legal rights under the ADA.

In 1978 new Federal regulations implementing Section 504 codified for higher education the nondiscrimination that Section 504 had required. Those postsecondary educational institutions receiving federal funds (virtually all of them) would be required to make academic adjustments, including: auxiliary aids for making print and aurally-delivered materials accessible to students with print and hearing impairments; testing accommodations such as extended time and alternate formats such as Braille, audio tape, and large print; and adjustments to degree requirements such as course substitutions. Reasonable modifications would have to be made to policies and procedures as needed to ensure nondiscrimination on the basis of disability. Architectural barriers would have to be removed. Alternatively to barrier removal, classes and other programs, services and activities which were being held in physically inaccessible places could be moved to accessible places, when needed. Or personal services could be provided to assist individuals in using campus facilities that would otherwise be inaccessible to them. The term "reasonable accommodations" has become the catchall designation for such services, because the regulations set reasonable limits to what must be provided. Postsecondary institutions would not be required to reduce academic standards; fundamentally alter the nature or purpose of a program, service, or activity; waive educational requirements necessary to prepare students for licensure examinations; provide services which would cause undue financial and administrative burdens; provide aids for personal care or study; or permit individuals to engage in activities which would pose a direct threat to the health or safety of others. The regulations further required that grievance procedures be developed, and at least one employee of the institution would have to be appointed to coordinate implementation of the Section 504 regulations on campus and assist qualified individuals with disabilities in obtaining their right to participate in and benefit from all programs, services, and

activities of the institution to the same extent as other individuals without disabilities.

As government-sponsored special education programs in primary and secondary school began graduating hundreds of thousands of young adults with disabilities, many of whom aspired to higher education, the numbers of postsecondary students with disabilities on campus began to swell, and institutions of postsecondary education — public and private, large and small — prepared the way by setting up disability-service programs which would coordinate campus compliance efforts and, in some cases, provide adjunct educational support services. According to research by HEATH, a Washington, DC-based organization which provides a clearinghouse of information about disability in higher education today, approximately one in 11 fulltime freshmen students in higher education report that they have disabilities. But Section 504 and its implementing regulations were not solely responsible for improvement of opportunities for individuals with disabilities in higher education. Albeit in small numbers, as indicated earlier in this article, individuals with various kinds of physical disabilities — visual, hearing, and mobility, for example — were already being competitively educated on campuses across the country, before Section 504 regulations took effect. A few campuses had established well-resourced disability support service programs for 10 years or more. In 1973 a federal-government grant program became available to scores of campuses, later to become known as Student Support Services. The program identified students with disabilities as part of an academically high-risk student population which could be effectively assisted through counseling, tutoring, and other interventional services. While educational discrimination against these students did occur and many programs and campuses remained difficult or impossible for many to access, American colleges and universities were by and large amenable to the capable mind, regardless of disability — and many Americans with disabilities could in fact compete in the unmodified higher-educational setting and had for decades taken their place among well-educated Americans in support of a progressive, democratic society.

In 1977, 16 postsecondary institutions sent representatives to a meeting in Columbus, Ohio to discuss and explore ways in which services on campus for students with disabilities could be improved. They formed a membership organization named the Association on Handicapped Student Service Provision in Postsecondary Education (AHSSPPE), Which Would Rename Itself in 1992 As the Association on Higher Education and Disability (*AHEAD*). Starting in 1978 through the present, *AHEAD* has held professional conferences, published literature, and provided additional training opportunities for the professional growth and development of its members. The association quickly grew to several hundred members, including some from other nations, primarily Canada, but also from Japan and some nations of the British Commonwealth. Though, in the United States, *AHEAD* has had much to do with advancing knowledge about disability-law compliance in higher education, numerous other topical areas have been professionally advanced as well, such as provision of adjunct services for academic and social development. *AHEAD* publishes training materials as well as a regular newsletter and a refereed journal. By the mid 1990s, membership in *AHEAD* surpassed the 2,000 mark.

Despite the many gains made in the latter half of the Twentieth Century toward the full integration of individuals with disabilities in American higher education, however, significant barriers remain, and in the best of circumstances, much progress

awaits the future. Disability service programs still tend to be administratively isolated from academic decision-making and budgeting processes. Too many of these programs tend to be underresourced and so they scarcely possess the capability to provide individualized services and adequate access to advanced curricula and learning technologies, in order to ensure the equality of opportunity, guaranteed by law and promised by the American dream. The underresourced disability services office, then, remains so called upon for the high-priority work of meeting service demand that disability-awareness programming, cultivation of disability culture, and educational policy development related to disability remain almost fully neglected on many if not the majority of American campuses of higher education. This type of historical inertia halts progress in its tracks, because ongoing outreach and informed civil dialog are essential to disability integration. The quality and availability of auxiliary aids necessary to access the curriculum and classroom activities is commonly too poor to be effective, at least to the extent of routine frustration of the good efforts of many students with disabilities to excel among their peers. Worse, students with disabilities attending such institutions have to struggle, not only with difficult subject matter (as is of course the case for all students) but struggle also with physical and attitudinal barriers to their full participation, distracting them from their educational pursuits.

For their part, too few students with disabilities, when they enter the halls of higher education, are academically and rehabilitatively prepared to meet high academic standards. Too few know how to adjust their lifestyle to the real limitations of their disabilities and to the marginal physical and program accessibility that confronts them on many university and college campuses. In higher education they face a legalistic disability dialog in which they do not know how to participate. Those who received special education or disability accommodation in primary and secondary schools had relied upon a system which was required to identify them as students with disabilities and take deliberate steps to insure them an appropriate education. Once in postsecondary education, however, students with disabilities who desire reasonable accommodations must identify themselves to the institution they are attending, usually through the disability services office, and present qualified medical or psychological documentation that in fact they are individuals with disabilities as defined by the ADA, which provides an abstract, technical, counterintuitive definition of disability, upon which there is considerable debate among disability support professionals, disability scholars, and the federal courts. Furthermore, the institution has the legal right to require that the student's disability documentation must further demonstrate that the services and accommodations the student requests are in fact made necessary by the functional limitations of the disability. While disability documentation is generally a rather simple matter for people with significant physical disabilities such as visual and hearing impairments, it can be very difficult for students with less directly observable disabilities such as learning disabilities and other mental impairments like ADHD to prove that they are in truth eligible to receive the services and accommodations they request. Furthermore, because each institution is permitted to develop its own policies and practices for disability documentation and review of eligibility for reasonable accommodations, variability occurs from campus to campus, a fact which strongly suggests that a student with a disability who is shopping for a postsecondary educational institution to attend would be well advised to find out if he or she would

be considered eligible for the services and accommodations needed, prior to entering the institution.

Assuming the student is able to pass the service-eligibility review of the disability services office, he or she routinely faces course instructors who are relatively unaware of the requirements under federal regulations ensuring nondiscrimination against people with disabilities. While on most campuses, most faculty are at least aware that the institution does provide services and accommodations for students with disabilities, and they willingly cooperate in allowing these services and accommodations to take place. Others, however, are less willing. Two of the more frequent objections presented to students with disabilities by instructors are that 1) allowing the service or accommodation for the student with a disability would be unfair to students without disabilities, giving the former an undue competitive advantage and 2) that reasonable accommodations for accessing the curriculum is likely to fail to prepare students adequately for the world of work.

Disability support professionals in higher education routinely work with students to learn self-advocacy skills of explaining their accommodation needs and responding to inappropriate instructor resistance. All involved should be aware that equal treatment of all individuals does not necessarily indicate fair treatment. To state an absurd example for the sake of clarity, let us say that the school soccer team has a rule that only students who are at least six feet in height will be accepted onto the soccer team. Applying this rule to all students would be equal treatment, but it would not be fair treatment, because applying the rule would allow some taller, poorer players onto the team while excluding some shorter, better players. The same holds true with a rule that all students in a class must complete a mid-term examination, for example, within ninety minutes. Applying this rule to all students, regardless of disability, would be equal treatment but not fair treatment. Just as there can be no assurance that athletes who are less than six feet in height are not as capable of playing soccer as those who are over six feet in height, we have no way to determine that a student with a disability who needs two hours to finish a test that other students are required to finish within ninety minutes is less capable of demonstrating adequate knowledge for passing a test than are other students. Though allowance of the extended-time accommodation is unequal treatment, it is fair treatment to all involved. Furthermore, if it can be shown that the student needs extended time to complete a test because of the known limitations of disability, what is the undue advantage over other students?

With regard to the second accommodation objection, that reasonable accommodations would fail to prepare students for what awaits them in the world of work, no instructor posing this objection to this author has ever pointed to any research to indicate that students with disabilities who receive reasonable accommodations in college are any less capable of work than are students without disabilities. Furthermore, there is no reason to assume that a student who tests more slowly will also need to work more slowly, once the individual in question has learned the profession or skill for which he or she is employed.

Students are not the only ones who face difficult issues with regard to support services and accommodation of disability in higher education. The disability support professional (DSP) is too challenged to acquire sufficient knowledge and skills to perform the duties of his or her profession competently. While there are graduate and

undergraduate educational programs for virtually all the professions, from accountant to personnel officer, from attorney to physician, only a couple of institutions in the United States offer comprehensive educational training to the disability support professional in higher education. Though a variety of professional experience is appropriate to this line of work — special education, rehabilitation counseling, social work, psychology, law, etc. — none of these programs provides comprehensive professional training and subject matter in the DSP field. These professionals can and do turn to *AHEAD* for professional growth and development; however, no professional association can hope to be the sole provider of educational training programs for its members. Since the work of the disability support professional is not highly valued by many institutions, salaries for this line of work are often low, working conditions are often poor, and the workload is routinely extreme — leaving the professional too little time to devote to finding factual answers to the thousands of different disability-related questions and issues, any of which may present themselves on a given day. Consequently, turnover in the field is known to be very high, as indicated by the high turnover of membership in *AHEAD*.

The principles of “universal design,” an approach to the design professions which advocates for design that meets the user needs for the greatest number of consumers may prove useful. Researchers and trainers, including several *AHEAD* members, are exploring the potential of universal design to inform the design practices for classrooms, curricula, teaching methods, and educational media in order to develop educational environments and processes which are naturally more accessible and less in need of specialized adaptation in order to accommodate individual student disability-access need. New knowledge from that field of research will be presented at *AHEAD*’s 26th annual professional conference in July 2003. For more information, visit the World Wide Web site of the association at <http://ahead.org>.

Failure of the higher-education community to address affirmatively the issues surrounding disability participation and benefit in higher education, as education redefines itself, forever changing teaching and learning circumstances, will extend the relative socioeconomic inequality of Americans with disabilities over the next several decades, at least. Furthermore, given the work that remains to be done in the mammoth task of improving special education for children, in preparation for higher education and work, Americans with disabilities, as a social class, are at significant risk of not achieving their human potential and rightful place in society any time in this new century, an un-American historical tragedy. However, addressing these issues will substantially improve higher education’s ability to educate a broader diversity of students and extend the American way of life to more Americans, improving national productivity while lessening the burden of needless dependence on unearned government handouts in the forms of welfare and Social Security disability payments.