Professional and Legal Challenges of Teaching Students with Disabilities in Postsecondary Education

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Abstract

With the passage of The Americans with Disabilities Act (ADA), students with disabilities have legal supports for 'reasonable accommodation' with respect to physical accessibility, programs, and services. As a result, the number of students with disabilities who are enrolling at the postsecondary level has increased dramatically. The paper focuses on the challenges that faculty and administration have to face in meeting the needs of students with disabilities in postsecondary education and the reasonable accommodations that they could adapt to make education more meaningful to students with disabilities.

Introduction

In the United States, not too long ago, college education was beyond any consideration for individuals with disabilities. In recent years, however, prospects for a postsecondary education for individuals with disabilities have brightened considerably, and there are many opportunities now for young disabled adults to acquire college level education. With the passage of Public Law 100-336, Americans with Disabilities Act, in 1990, individuals with disabilities have the legal assurance for 'reasonable accommodation' with respect to physical accessibility, programs, and services. The 'inclusion' of all school-aged children with disabilities into the least restrictive environment (LRE) and the services provided students with disabilities under the Individuals with Disabilities Education Act (PL 94-142), has contributed greatly to a higher rate of graduation for students with disabilities at the Secondary level (US Department of Education, 2000). As a result, every year an increasing number of students with disabilities enter postsecondary education (NCES, 1999). But many of these students fail to successfully complete academically or simply leave before they complete their programs of study (Fairweather & Shaver, 1991; Wagner, 1989). Accommodating their learning needs in the regular education curriculum poses a challenge to the faculty and administrators of postsecondary education. The educational reform movement has spotlighted the need to improve teacher training at the pre-service level, charging institutions of higher education with training teacher educators in specific strategies for educating students with disabilities, including "how to assist students with disabilities in becoming involved in the school's social network, and the development of effective pedagogy" (National Council on Disability, 1989, p.57).

In view of the challenges posed by the increase in the enrollment of students with disabilities in higher education, the mandates of the legal stipulations, and the varied learning needs of students with disabilities, this paper attempts to review the recent studies and findings concerning (i) the trends in enrollment of students with disabilities in different categories, (ii) the current support services and accommodation provided by the institutions, (iii) the professional responsibilities of faculty and administration of institutions of higher learning as required by the legal stipulations, and finally, (iv) to

identify strategies that faculty and administration in post secondary education may adopt to better serve the needs of students with disabilities for completion of their planned program of study.

Trends in the Enrollment of Students with Disabilities

The number of students with disabilities enrolled in postsecondary institutions varies depending on the source of data since supplying the information is purely voluntary (West, et al., 1993). However, the National Postsecondary Student Aid Study (NPSAS: 1996) reported that nearly 6 percent of all undergraduates were having a disability. Among the cohort of 1995-96 undergraduates with a disability, about 29 percent reported having a learning disability, 23 percent having an orthopedic impairment, about 16 percent in each category of visual impairment and hearing impairment, and about 3 percent having speech impairment. Additionally, one in five undergraduates with disabilities (about 21 percent) reported having another “health-related” disability or limitation. According to the findings of the above study, the average age of students with disabilities was 30, compared to that of 26 among students without disabilities. About one in every four students (25 percent) with disabilities were 40 or over, compared to that of 12 percent students without disabilities. The students with disabilities were more likely to attend either 2-year public institutions or other institutions including for-profit vocational institutions, and chances for students with disabilities were less to be enrolled in 4-year public colleges and universities than their non-disabled peers, which is 25:32 percent. The trend in the enrollment of students with disabilities to attend private not-for-profit 4-year institutions was similar as that of students without disabilities, 14 percent and 15 percent, respectively.

Support Services and Accommodations

According to the findings of a survey conducted by the Postsecondary Quick Information system (PEQIS) in 1998, nearly three-quarters (72 percent) of 2-year and 4-year post secondary institutions of higher education in the USA enrolled students with disabilities during 1997-98 academic year. However, nearly all (about 98 percent) 2-year and 4-year public institutions enrolled students with disabilities compared with 63 percent of private 4-year and 47 percent of private 2-year institutions. During the 1997-98 academic year nearly 98 percent of the institutions that enrolled students with disabilities had provided at least one support service or accommodation. The services or accommodations that institutions provided students with disabilities could be summarized as follows:

<u>Type of service/accommodation provided</u>	<u>% of institutions</u>
Alternative exam formats/additional time	88 %
Tutors to assist with ongoing course work	77 %
Readers/note takers/scribes	69 %
Assistance with registration	62 %
Textbooks on tape	55 %
Adaptive/assistive equipment/technology	58 %
Sign language interpreters	45 %
Course substitutions/waivers	42 %

The provision of support services or accommodations made by the institutions varied mostly by size and type of the institution. In general, public 2-year and 4-year institutions are more likely to have provided the services or accommodations than 2-year and 4-year private institutions. Again, large institutions are more likely to provide many of the services than smaller institutions. However, programs and services provided by institutions also vary by category. Most colleges and universities do organize programs and services for learning disabled (LD) students. But students with disabilities in categories

such as visual impaired, hearing impaired, and multiple disabilities have limited services or accommodations, and offered at selected institutions only.

According to the findings of West et al., (1993) the largest primary disability group was specific learning disabilities, as such most colleges and universities do organize programs and services for learning disabled (LD) students. Typical support services for learning disabled students include remediation of basic skills, courses in specific study skills, special advising, diagnostic testing, tutoring, special aids (e.g., type writers or word processors, tape recorders, and dictating machines), readers, special testing conditions, and various forms of counseling. The goal at the college of Ozarks is academic and social integration, with emphasis on teaching coping strategies rather than remediation. Metropolitan State College in Denver, Colorado, uses compensatory strategies and remediation. Kingsborough College in Brooklyn, N.Y., focuses on changing a students' negative self- image. At Penn State, graduate student teams assist LD students in designing behaviorally based, individualized intervention programs of composition, remediation, and independent living (Gajar, Murphy, & Hunt, 1982).

More than 150 institutions of higher learning have developed special programs of supportive services for students with hearing impairments. The specialized needs of the students with severe hearing impairments make special services necessary in virtually all classes. The special services for the hearing impaired students in an integrated classroom may include the following:

- smaller class size
- regular speech, language, and auditory training instruction from specialist
- amplification systems
- services of an interpreter if the child uses manual communication
- special seating in the classroom to promote speech reading
- captioned films
- good acoustics and reduction of background noise
- special tutoring or review sessions
- someone to take notes in class so that the student can pay constant attention
- instruction for teachers and non-handicapped students in sign language or other communication methods used by the hearing impaired student
- counseling

Most visual impairment students use the braille system. Recent technological developments are making more efficient, enabling many blind students to function more independently in regular classrooms, universities and employment settings. One system, known as Versa Braille II+ (Telesensory System, Inc.) is a portable laptop computer on which the blind students can take notes and tests in class and prepare assignments and papers at home. The Optacon (optical-to-tactile converter) is a small electronic device that converts regular print into a readable vibrating form for blind students. New technological and biomedical developments will continue to aid visually impaired students, particularly in the areas of mobility, communication, and use of low vision.

Legal and Professional Responsibilities of Faculty and Institutions:

The main legal imperative requiring colleges and universities offering support services for students with disabilities is Section 504 of the Rehabilitation Act of 1973, which applies to all post secondary educational programs and activities that receive federal financial assistance (Cartwright,G., Cartwright,C., & Ward,M.; 1995). It's provisions state that the universities and colleges may not limit the number of disabled students admitted, make pre-admission inquiries as to whether applicants are disabled, use admission tests or criteria that inadequately measure the academic level of students, exclude students from a course of study, counsel disabled students toward more restrictive careers, measure students

achievement using modes that adversely discriminate against disabled students, or institute prohibitive rules that might adversely affect learning disabled adults.

With the passage of the Americans with Disabilities Act (ADA) of 1990, the mandate of section 504 is being reinforced, and includes within its jurisdiction all institutions of higher learning, regardless of whether they receive federal financial assistance or not. The ADA prohibits colleges and universities from discriminating against qualified persons with disabilities, persons with a history of disability and persons who are perceived to be disabled. In addition, the act protects anyone associated with disabled persons who are discriminated on the basis of association. The ADA does not seek to change fundamental methods of sound education and successful completion of an academic program. Rather, the intention is to ensure that students with disabilities have an equal opportunity to access the academic programs and successfully complete their studies. The ADA does not require that we should lower our criteria of admission or course requirements. However, once they have decided to pursue a certain course of study, the disabled students are entitled, under section 504 and the ADA, to reasonable accommodations, placement in the most integrated setting and the enjoyment of all campus activities to the extent appropriate. The underlying assumption is that individuals with disabilities have unique needs and the ADA requires institutions to make accommodations, or modifications, on case-by-case basis.

Thus, ADA requires that each institution review all current curriculum requirements in each academic department, each school of the college or university, and each degree offered. The institutions may review current curriculum requirements in the following areas with respect to the reasonable accommodations of the disabled students:

- Do any programs require the completion of course(s) in a foreign language?
- Which one require physical education course(s)?
- Which require use of computers?
- Are there any courses that require oral presentations?
- Are there any courses which require field work or trips?
- Are there any courses that require extensive written thesis?
- Are there any courses offered at a location other than the main campus?
- Are there any courses requiring the use of laboratory equipment?

The ADA is not designed to ensure equal results but to provide equal opportunities of access. Some obstacles to access programs and services may be the academic standards established within each course. For instance, some courses require concise and accurate note-taking, for which student receives a portion of the full course grade. Students with auditory processing problems, and students with hearing impairments may not be able to meet this standard. Similarly, they, along with students with speech impairments, may be unable to make oral presentations. In such situations, it is our professional responsibility as faculty, that we make reasonable accommodations for academic modifications and support services. Below are some of the most frequent modifications and support services that individual faculty may have to make to his/her academic program:

- Oral presentations
- Extended timed exams
- Tape recorded classes
- Additional instruction time
- Note-takers
- Readers (for the visually impaired and those with learning disabilities)
- Sign language interpreters

Student Barriers and Strategies for Eliminating Barriers

Based on the study conducted by Lehmann, et.al., (2001) the following major barriers to successfully completing the program of study may be identified, as expressed by the disabled students in postsecondary education, these are:

A. Lack of understanding and acceptance concerning disabilities by fellow students, staff, and faculty. These may be related to small-mindedness of peers, disability viewed as incompetence by peers and faculty, frustration of instructors which may lead to damage to the learners.

B. Lack of adequate services to assist in tackling academic and non-academic responsibilities.

Teachers and support staff need information, training, and ongoing support for themselves to effectively teach with disabilities. Communication gap to receive documentation of disability, medical and dental services, as well as the need for increased access to transportation, buildings, and adaptive computers.

C. Lack of sufficient financial resources and the knowledge of how to acquire them to be self sufficient. The disabled students need to have a reliable income to move out on their own and become more self-sufficient. They felt insecure in their knowledge of time and money management. Also, there were less on-campus opportunity to work compared to other students.

D. Lack of self-advocacy skills and training to live independently. The disabled students need to gain respect from the college community. In order to achieve this, the disabled students need to learn to advocate for themselves. They need to be more assertive in gaining knowledge of their disability.

Vision for the Future: Tips for Eliminating the Barriers

Although there are frustrations and barriers encountered by the students with disabilities in pursuing a program of study in post-secondary education, one could observe an abundance of enthusiasm and optimism in their outlook, “The dream begins as soon as you open the door”, as expressed by one of the participants in Lehmann’s study (op. cit., 2001). The following strategies may be adopted to channel student’s enthusiasm to make a barrierless educational atmosphere for them:

xxxxxxxxxxxxxxxxxxxxxxxxxxx) Workshops may be conducted by the students that describe the nature of various disabilities to faculty and staff.

yyyyyyyyyyyyyyyyyyyyyyyyyy) Staff development facilities for postsecondary faculty for adaptations and accommodations they can implement.

zzzzzzzzzzzzzzzzzzzzzzzzzz) Reward faculty who are willing to adapt instruction to address the learning needs of disabled students.

aaaaaaaaaaaaaaaaaaaaaaaaaaa) Evaluate transportation availability to campus and on campus.

bbbbbbbbbbbbbbbbbbbbbbbbbb) Inform students about the documentation requirements of local postsecondary institutions before their senior year at high school.

ccccccccccccccccccccccccc) Identify potential financial resources for students entering postsecondary settings.

ddddddddddddddddddddddddd) Teach high school students time and money management skills.

eeeeeeeeeeeeeeeeeeeeeee) Tour the college campus with interested students during transition planning.

i) Provide summer classes addressing compensatory strategies on college campuses for high school students interested in obtaining a postsecondary education.

j) Role-play with student’s ways of communicating to college faculty about student’s disability and learning needs.

Concluding Remarks

In view of the federal regulations, many universities and colleges have modified their programs of studies and course requirements to provide opportunities to disabled individuals that were not available to them only a few years ago. The federal mandates made it known to the public the problems encountered by the disabled students desiring to pursue higher education. However, effective implementation of the regulations in their true spirits depends on the very attitude of the people responsible for implementing them. The ADA, therefore, reiterates a positive and accepting attitude towards disabled students as a sine-qua-non if their educational needs are to be met at the institutions of higher learning and classrooms. Also, the impact of postsecondary programs, no matter how exemplary, will be largely determined, in addition to attitudinal component, the early intervention provided during elementary and secondary education. The transition planning, which is being reiterated in the amendments of IDEA(1997) can be a very effective planning guide for students interested in postsecondary education. The Secondary schools must play an effective role in this regard, as Kirk, Ghallagher, and Anastasiow (1997) have rightly remarked that, “The impact of new educational opportunities is yet to be determined, but much depend on the quality of early education”.

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