# Higher Education and the ADA

## An ADA Knowledge Translation Center Research Brief

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# What is the ADA?

Passed in 1990, the Americans with Disabilities Act (ADA) is a landmark civil rights law that addresses discrimination based on disability. The ADA represents bipartisan support for disability inclusion in multiple aspects of public life by allowing individuals with disabilities to challenge discrimination in the realms of employment, public services, and places of public use. Through the ADA disability is a recognized source of discrimination, similar to "race, color, religion, sex, or national origin" within the Civil Rights Act of 1964. The overarching goal of the ADA is to promote equal opportunity, full participation, independent living, and economic self-sufficiency for Americans with disabilities.

# Background of Higher Education and the ADA

With the ADA in effect for almost three decades, there is a growing number of students with disabilities going to college. In fact, estimates show that 19% of undergraduate students and 12% of graduate students have disabilities.[1] Access to higher education is a vital part of the ADA's broader social promise to promote equal access and full participation in all aspects of US society; especially considering that postsecondary education is often a pre-requisite for many jobs in the U.S.[2] The U.S. legislature has responded by creating policies to enhance the accessibility of higher education.[3]

Institutions of higher education are responsible for fulfilling the social and legal promise of disability rights laws. The promises

entail providing accommodations, creating accessible learning environments, and complying with laws such as the ADA and Section 504 of the Rehabilitation Act of 1973 (Section 504).[4, 5] Both the ADA and Section 504 prohibit universities from discriminating against students and staff/faculty with disabilities, and requires institutions to provide accommodations and auxiliary aids, which are devices or services that assist with communication.[6]

The following brief is intended to provide an overview of the current state of research regarding the ADA and higher education for students with disabilities. It also includes real-life examples from the ADA National Network about technical assistance related to access in higher education. The review of the research is intended to provide a snapshot of the recent research landscape on the topic.

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**HIGHLIGHTS OF FINDINGS**

- Transition between K-12 and postsecondary systems can be a significant barrier to accessing higher education for students with disabilities.
- Disability service offices provide a way for universities to comply with legal obligations as well enhance access to higher educations for students with disabilities.
- Universal design and providing accommodations are two approaches to increasing the overall accessibility of higher education.
- Technology and diversity within the disability student population are two emerging considerations for access in postsecondary institutions.

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# Research About the ADA and Higher Education

Students with disabilities face unique barriers to accessing and being included in higher education. Sometimes these barriers are programmatic, which means that they are related to the overall structure of academic programs and coursework. Other barriers may be structural referring to aspects like documentation required to obtain accommodations and physical access to classrooms. Sometimes, barriers may be more social, such as feelings of acceptance and inclusion while at college. Both structural and social barriers act as deterrents for students with disabilities from participating in postsecondary education.

Much of the research for this brief relates to structural barriers and the systems in place to address them on campus. The following section outlines four key areas related to experiences of students with disabilities in higher education: transitioning from high school to college, disability services, accommodations and Universal Design strategies, and the changing landscape of technology. These topics are discussed as well as ways that university settings meet the social and legal goals of the ADA.

## Transitioning From High School to College

Transitioning from high school to college can be a barrier for students with disabilities. One issue is the noted disconnect between documentation requirements between the K-12 and higher education systems.[7] In fact, students with disabilities may be required to obtain new "proof" of a disability through

additional psychometric testing or evaluation, which can be costly and difficult to obtain.[7,8] Documentation concerns can create difficulties in accessing needed services, such as accommodations within the classroom.[7] Some of these issues have been alleviated through the ADA Amendments Act passed in 2008, which reaffirms a broader definition of disability,[6,9] and supports other case law that prevents universities from requiring overly burdensome documentation.[3]

Another noted difference between high school and college disability services is that responsibility for seeking out services and accessibility considerations falls onto students at the college/university level rather than on the school system.[10] This shift in responsibility may be difficult for students with disabilities who exit high school without needed self-advocacy skills or knowledge of their rights to obtain and maintain educational accommodations and supports.[3, 10]

As more students with disabilities access higher education, there is a need for stronger and more intentional transition programming between high school and postsecondary institutions.[3, 11, 12] Students with disabilities have expressed significantly lower expectations of graduating from 4-year institutions compared to students without disabilities.[13] Most transition programs and policies focus almost exclusively on preparing students with disabilities for employment. However, there has been a gradual shift to expand these activities to better prepare students for postsecondary school learning opportunities.[2,6] Existing research on transition usually highlights various demographics, federal policy, and differences between secondary and postsecondary expectations.[2] Recommendations to enhance transition planning for students

with disabilities include: peer to peer mentoring programs, academic coaching, better understanding of accommodations, and collaboration between different programs across campuses.[11]

## Disability Services

Another key barrier identified in the research is related to connecting students to appropriate campus resources. Universities have developed disability service offices to fulfill both legal and ethical obligations of supporting students with disabilities through offering protection from discrimination and providing accommodations as part of compliance with related laws. The primary purpose of disability services is to act as a resource to enhance access to campus.[15] Using disability services is usually completed through a process where students with disabilities consult with disability service specialists to obtain documentation highlighting accommodation and access needs, which is then shared with faculty during a particular course.[15]

Students are referred to disability services through a variety of ways. One study looked at how students with psychiatric disabilities become connected to university disability services. Findings show the most common way students with psychiatric disabilities found disability services was through other students (50%), followed by counseling services (18%), faculty members (12%), and student services (9%).[16]

While disability services are different across various campus settings, there are essential services that all disability services offices can and should provide.[2] The Association on Higher Education and Disability (AHEAD) details standards of the

primary purposes of disability services as raising awareness, disseminating information, counseling and advocacy, fostering collaboration across campus, providing academic adjustments and instructional interventions, developing and evaluating programs, and offering training and professional development opportunities.[2] Recommendations for disability services to move beyond compliance with the law to building an inclusive environment, include: 1) learning about universal design, 2) including input from students receiving services, 3) increasing and supporting collaborations across campus, 4) and reviewing and/or updating policies to reflect the social model of disability (i.e. improving accessibility will enhance inclusion of students across the institution).[17]

## Accommodations and Universal Design

The makeup of services and strategies used to promote access and accessibility is another challenge for students with disabilities' overall inclusion in higher education. The literature details two primary approaches for increasing or facilitating access in higher education for students with disabilities: the provision of accommodations to students and the use of universal design (UD) to structure campus environments, policies, and practices.

Accommodation strategies are more commonly provided within higher education and are often completed by disability service offices, as reasonable accommodations are covered by the ADA and Section 504. Accommodations are individualized and intended to respond to specific contexts and individual circumstances.[15] Though there are an many different kinds of accommodations, the most common instructional

accommodations in postsecondary education for students with learning disabilities include: specialized tutoring, recorded/audiobooks, class notetakers, preferential seating, and lecture notes or study guides to prepare for exams.[18]

Research in access to higher education has noted several barriers to the provision of accommodations. For example, many accommodations are based on physician recommendations and are often not evidence-based nor are they responsive to the individual contexts of students with disabilities.[18] Other barriers include a lack of faculty knowledge regarding federal regulations, "ambivalent attitudes" about supporting students with disabilities, as well as perceived ethical implications of accommodations.[4] Some faculty cite ethical concerns, where there is a perceived dilemma between providing the same experience for students while also equalizing opportunities, or levelling the playing field, for students who may need accommodations.[4] The misperception of accommodations as special treatment rather than equal access is a common educational barrier for students with disabilities.

Instead of individual accommodations, a universal design (UD) perspective suggests that changes should be made to the overall environment to increase access for everyone, which includes addressing the potential inaccessibility of many campus programs.[17] Access through a UD lens is described as proactive, inclusive, and sustainable.[17] Whereas an accommodation approach on the other hand is individualized, where access may be viewed as retroactive or specialized on case-by-case basis.[17]

Universal design has many different names, such as universal

design in instruction or learning, and is based on tenants of universal design in physical access. UD intends to create access to as many students as possible by limiting barriers throughout the learning process. Research expands the understanding of UD in higher education by exploring faculty attitudes. For the most part, all faculty in the study report favorable attitudes toward UD.[19] However, 42% of faculty indicate they do not fully understand UD, and 16% report that they do not consider UD in their lessons. In fact, a different study shows that only 13.8% of participating faculty report having awareness of UD and change their instruction to reflect these principles.[20] Despite the limited use by faculty, UD has been shown to have a positive "spillover" effect on other students, such as English language learners and students from various socioeconomic backgrounds.[4]

Some tension exists between models for UD and accommodations in theory and in practice. The accommodation provision process has been critiqued as reactionary and contributing to the stigma and segregation of students with disabilities.[10] Others note that UD in its purest form is not realistic as access needs vary, and it may not be possible to preempt all student needs.[21] However, researchers conclude that using UD and accommodation strategies together can be used to adapt learning environments and supplement each other in order to enhance access to higher education for students with disabilities.[21]

## Changing Landscape of Technology

The last barrier to advancing disability inclusion in higher education is the changing landscape of technology. Current

issues related to access include technology, such as assistive technology or distance learning, and increasing diversity within the disability population.[15] Technology is also increasingly looked to as a way to address various access barriers. However, emerging technology is accompanied by its own unique accessibility challenges. Online or distance learning can enhance accessibility for some students, but only 8.8% of faculty report receiving training in accommodations for students with disabilities in distance learning environments, and a majority (66.3%) report having no knowledge of how to provide disability related accommodations in online classrooms.[20]

Technology can also be extremely advantageous for creating more accessible campus experiences. For example, assistive technology can help address print-related disabilities such as enlarging text, having text read aloud, or through dictation.[15] These technologies may take time to learn and should be accompanied by related training for both students and instructors.[21] Ensuring students have equal access to course materials require thinking about the technical aspects of access as well as the context of where the learning is taking place. Academic programs may need to adapt course materials as needed for students, and access may require the modification of course practices, policies, and procedures.

## Additional Considerations

There are other considerations for promoting full inclusion of disability in higher education. For example, it has been suggested that disability inclusion in higher education should address instructional, physical, and social barriers to inclusion.[5]

Social inclusion is often a missing component of the college experience, and students with disabilities report a lack of acceptance while at college.[11] This is especially noteworthy as having a "sense of belonging" is a noted predictor of student success.[5] Relatedly, disclosing a disability status, or telling others about a disability, is a complex decision that is often associated with stigma yet required in order to gain access to accommodations.[15,16] Fear of disclosure and stigma is reported as major barrier to accessing needed accommodations for students with psychiatric disabilities.[15] These complex interactions and experiences of students with disabilities have only been sporadically studied.

Another notable consideration for access in higher education is the increasing diversity within the disability community. In recent years, there are more students with Autism, intellectual disabilities, and veterans with post-traumatic stress disorder on campus than there were in the years immediately following the ADA's passage.[15] As more people with disabilities receive services in K-12 systems, there will be more students with disabilities entering postsecondary institutions. Universities may need consider disability as a facet of diversity and incorporate disability in discussions regarding broader campus diversity.

# Examples from the ADA National Network

Below are a few examples of how the ADA national network are addressing the issues raised in this brief. For further information on how the ADA Centers can help with issues

related to the ADA, please contact the [ADA National Network here](#).

- **Reasonable policy changes**: One ADA center was contacted by a disability services office at a community college that had received a request related to a culinary class being taken by a student with a disability. The student provided documentation indicating that due to their seizure condition they were not able to use knives or operate equipment required in the course. The College administration wanted the student to take an incomplete for course and submit an application for tuition reimbursement, which included a potentially lengthy administrative process. The technical assistant discussed the obligation for reasonable modification of policy and procedure and how the student should be allowed to withdraw from the course and receive tuition reimbursement without having to go through the administrative process of petitioning for it. The College took this course of action and allowed the student to enroll in the course once having additional supports and documentation permitting use of the equipment.

- **Providing in class supports**: Another ADA center was contacted after a college student with a learning disability was denied access to copies of class lecture and slideshow notes. The professor argued that such items were intellectual property and had a legal right not to share. The Technical Assistant provided state level information regarding core services that specifically addressed instructor-produced materials as well as rights and responsibilities under the ADA and Section 504 to the

student, disability services office, and the professor. An agreement was then made where the professor provided course materials after the student signed a document stating they would not share the materials with others and would return the products at the end of the quarter.

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