



Employment, Higher Education, COVID-19, and the ADA

An ADA Knowledge Translation Center Research Brief

Olivia Condon

Mariana Garcia Torres

Rob Gould

Sarah Parker Harris

Department of Disability and Human Development

University of Illinois at Chicago

2023

What is the ADA?

The Americans with Disabilities Act (ADA) is a federal civil rights law passed in 1990 with the purpose to address discrimination on the basis of disability. The ADA protects the civil rights of individuals with disabilities, similar to protections provided for individuals based on race, color, sex, national origin, age, or religion. The ADA ensures that people with disabilities have the same opportunity as anyone else, including equal access to all areas of public life. The ADA is composed of five titles that encompass protections for public life and private entities open to the public, including within employment and higher education policy areas.

Background

Employment and the ADA

Title I of the ADA protects individuals with disabilities from discrimination in employment. Unique to the ADA, this law ensures employers establish reasonable accommodations for employees with disabilities.¹ This means that an employer must modify an aspect of the job, the work environment, or the way the job is usually done. Although the ADA has been in use for over 30 years, employment rates for individuals with disabilities are still disproportionately low compared to the general population.² Previous research has explored both barriers and supports to successful employment for individuals with disabilities. For example, a previous ADA National Network research brief on the [Experience of Discrimination and the ADA](#) reported that people with disabilities experience common barriers of stigmatization, inaccessibility of physical spaces, and lack of reasonable accommodations.³ Reasonable accommodations such as telework options can help facilitate participation in employment and reduce discrimination from disclosing one's disability.⁴

Higher Education and the ADA

Under both Titles II and III, individuals with disabilities may not be discriminated against in higher education institutions.⁵ In conjunction with Section 504 of the Rehabilitation Act, the ADA ensures higher education institutions provide equal opportunity for individuals with disabilities, such as through educational accommodations.⁶ Similar to the employment domain, previous research has explored both barriers and facilitators to access in higher education. For example, disability resource centers, universal design strategies, and educational accommodations all support equal opportunity in higher education.⁷ Although institutions are required to provide accommodations, such as auxiliary aids and services for communication, reports find they are often difficult to obtain and are misunderstood by faculty.^{8,9,10} Lastly, the changing use of technology in higher education provides flexibility and convenience for some students with disabilities.^{11,12} At the same time, this has created new challenges such as ineffectively designed school websites or technology access challenges in a virtual learning environment.^{13,14,15} Further information can be found in the ADA National Network Research Brief on [Higher Education and the ADA](#).⁷

COVID-19

The COVID-19 pandemic has been impacting Americans, including those with disabilities, since 2020. The pandemic has in turn impacted both the employment and higher education policy domains. For example, research finds an increase in the employment gap between people with and without disabilities.² Further, there has been an increase in remote work across the country, but fewer people with disabilities hold jobs suitable for this opportunity.¹⁶ In terms of higher education, there has been a rapid shift to virtual and hybrid learning environments.¹⁷

Highlights of Findings

- The pandemic has brought more remote work opportunities to people with disabilities and hope for future accommodations.
- Students with disabilities have faced challenges accessing new or previous educational accommodations and difficulty communicating in the online environment.
- Virtual learning environments may facilitate access in higher education, but current barriers include poor institutional guidance and web inaccessibility.

Research about the ADA, Employment, and Higher Education during the COVID-19 Pandemic

The current research highlights three key themes related to employment, higher education, COVID, and the ADA – web accessibility, communication, and reasonable accommodations. The following sections synthesize the existing research in these areas.

Web Accessibility

The first area of current research is regarding web accessibility in higher education. Studies show reports of web accessibility challenges and changes since the onset of the pandemic. One study reported web accessibility issues in library homepage for the top ranked 100 post-secondary institutions in the United States.¹⁸ Contrast errors were the most common issue. However, this study also found fewer web accessibility errors overall since the onset of the pandemic. Another study interviewed directors of digital accessibility at three universities.¹⁹ The directors reported more requests and complaints to their disability student services concerning web accessibility during the pandemic. On the other hand, this study also found an increased awareness of the need for accessible web content since the pandemic. There were more professors asking for online course accessibility options and more concern for university website access.

There has been an increase in virtual or hybrid learning environments for students in higher education since the onset of the pandemic. With this change has come challenges in accessible

web-based class content. One study interviewed students with disabilities who reported new barriers with online learning in the context of their disability, including in access to course materials.²⁰ Similarly, national interviews of students with disabilities revealed mixed feelings on accessibility of online learning materials and institutional guidance during pandemic remote learning.²¹ However, most of this sample also reported that their online learning platforms were accessible. Through interviews, students with disabilities in another study reported more flexibility and increased access in online learning as compared to traditional learning pre-pandemic.²² Students in this study with learning disabilities, ADHD, and psychological disorders were more likely to report that the online environment negatively impacted learning. This suggests that a student's type of disability may impact the accessibility of online learning.

Effective Communication

Another key ADA theme found in the current research is effective communication. This theme refers to one's ability to receive information from and communicate with covered entities under the ADA. The research in this theme concerns both higher education and employment.

Within higher education, research points to poor information availability from university disability resource centers during the pandemic.^{20,23,24} Through student surveys and interviews, two studies reported delayed responses to student requests at university disability resource centers.^{20,23} Another study found that only 20% of disability or accessibility webpages from universities in the New York Metropolitan area had information about helping these students during the pandemic.²⁴ Research also points to new challenges communicating in the online class environment. Students with hearing impairments in one study reported feeling disconnected due to frequently breaking eye contact during video meetings to read captions.²⁵ Students with learning disabilities in another study reported it was more difficult to gather nonverbal cues in the online environment.²²

Educational accommodations often support effective communication for students with disabilities in higher education. Studies have revealed how the pandemic has brought new challenges for universities to provide proper accommodations. Some students with disabilities report difficulty receiving previously held accommodations and not feeling properly accommodated in current classes.^{20,23} These barriers include video proctoring challenges and difficulty accessing reduced distraction testing, extended time for tests or assignments, peer note-takers, and speech to text devices. In other studies, students with disabilities report an increased need for educational accommodations such as online captioning services.^{19,21} Lastly, some students reported professors were not willing to make new accommodations or made assumptions about which were necessary.²³

In terms of effective communication in employment during the pandemic, one study interviewed workers with disabilities who were already teleworking prior to COVID.^{19,26} With more and more people working from home, some participants reported an increased strain on their internet service. In turn, this disrupted video quality important for those who are deaf or hard of hearing to communicate virtually with sign language interpreters.

Reasonable Accommodations

Reasonable accommodations is the last major theme found in the research. All of the findings are relevant to COVID-19's impact on telework. A study using U.S. population data found

that telework has increased more for people without disabilities during the pandemic, which is opposite of pre-pandemic findings.²⁷ Authors find this is most likely due to occupational distribution, meaning individuals with disabilities are less likely to hold jobs fitting to telework accommodations.

Employees with disabilities that did remote work during the pandemic overall reported positive outcomes and a hope for telework accommodations in the future.^{28,29} Surveyed adults with disabilities and chronic health conditions reported that new work from home accommodations during the pandemic led to improved quality of life and more time for self care.²⁹ Workers with disabilities in another study saw the general increase in telework as a potential culture shift surrounding remote work accommodations, hoping they would be more widely accepted.²⁶

Although many people with disabilities were satisfied with new telework opportunities, some reported frustration that this was only due to the pandemic and were fearful remote work accommodations would not last.²⁸ Similarly, individuals with disabilities already teleworking to some extent before the pandemic shared that they would have liked to telework more in the past, but were limited by company policy or preference.²⁶ In interviews, this group expressed frustrations that furthered telework opportunities were only granted when “everybody else” was teleworking with COVID-19. Several of these participants noted an increase in virtual video meetings, which quickly drained the headphone battery for voice command software used by some workers with disabilities. This finding reveals how work culture changes with the pandemic may prompt new challenges and the need for adjusted work accommodations.

Conclusion

Since the COVID-19 pandemic, research has been exploring the impact on ADA implementation, including within key policy areas like employment and higher education. The current research discusses this topic in terms of three key ADA areas: web accessibility, effective communication, and reasonable accommodations. This research confirms new challenges for individuals with disabilities during the pandemic in higher education and employment. However, there are also new opportunities for understanding and facilitating equal opportunity in these domains.

References

1. Blanck, P. (2021). On the importance of the Americans with Disabilities Act at 30. *Journal of Disability Policy Studies*. <https://doi.org/10.1177/10442073211036900>
2. Smith, S. M., & Edwards, R. (2021). Unemployment rises in 2020, as the country battles the COVID-19 pandemic. *Monthly Labor Review*, 1-45. <https://doi.org/10.21916/mlr.2021.12>
3. Parker Harris, S., Gould, R. & Mullin, C. (2019). ADA research brief: Experience of discrimination and the ADA. ADA National Network Knowledge Translation Center. https://adata.org/research_brief/experience-discrimination-and-ada
4. Linden, M., & Milchus, K. (2014). Teleworkers with disabilities: Characteristics and accommodation use. *Work*, 47(4), 473-483. <https://doi.org/10.3233/WOR-141834>
5. ADA National Network. (2022). What is the Americans with Disabilities Act (ADA)? ADA National Network: Information, Guidance, and Training on the Americans with Disabilities Act. <https://adata.org/learn-about-ada>

6. U.S. Department of Education. (2022, January 10). Protecting students with disabilities. <https://www.ed.gov/laws-and-policy/individuals-disabilities/auxiliary-aids-and-services-for-postsecondary-students-with-disabilities>
7. Parker Harris, S., Gould, R., & Mullin, C. (2019). ADA research brief: Higher education and the ADA. ADA National Network Knowledge Translation Center. https://adata.org/research_brief/higher-education-and-ada
8. Weis, R., Dean, E. L., & Osborne, K. J. (2016). Accommodation decision making for postsecondary students with learning disabilities: Individually tailored or one size fits all? *Journal of Learning Disabilities*, 49(5), 484-498. <https://doi.org/10.1177/0022219414559648>
9. Ketterlin-Geller, L. R., & Johnstone, C. (2006). Accommodations and universal design: Supporting access to assessments in higher education. *Journal of Postsecondary Education and Disability*, 19(2), 163-172. <https://files.eric.ed.gov/fulltext/EJ844632.pdf>
10. Toutain, C. (2019). Barriers to accommodations for students with disabilities in higher education: A literature review. *Journal of Postsecondary Education and Disability*, 23(3), 297-310. <https://files.eric.ed.gov/fulltext/EJ1236832.pdf>
11. Murphy, A., Malenczak, D., & Ghajar, M. (2019). Identifying challenges and benefits of online education for students with a psychiatric disability. *Journal of Postsecondary Education and Disability*, 32(4), 395-409. <https://files.eric.ed.gov/fulltext/EJ1247112.pdf>
12. Verdinelli, S., & Kutner, D. (2016). Persistence factors among online graduate students with disabilities. *Journal of Diversity in Higher Education*, 9(4), 353-368. <https://doi.org/10.1037/a0039791>
13. Oswal, S. K. (2014). Access to digital library databases in higher education: Design problems and infrastructural gaps. *Work*, 48(3), 307-317. <https://doi.org/10.3233/WOR-131791>
14. Taylor, Z. W. (2020). Clicking in the dark: Are student financial aid websites accessible for students with disabilities? *Journal of Student Financial Aid*, 49(2), 1-17. <https://doi.org/10.55504/0884-9153.1687>
15. Quinn, S., Belmonte, A., Davis, E., Gardewine, A., & Madewell, G. (2019). Access [dis]abled: Interrogating standard design practices of higher education writing center websites. *Disability Studies Quarterly*, 39(4). <https://doi.org/10.18061/dsq.v39i4.6603>
16. Schur, L. A., Ameri, M., & Kruse, D. (2020). Telework after COVID: A “silver lining” for workers with disabilities? *Journal of Occupational Rehabilitation*, 30(4), 521-536. <https://doi.org/10.1007/s10926-020-09936-5>
17. Ives, B. (2021). University students experience the COVID-19 induced shift to remote instruction. *International Journal of Educational Technology in Higher Education*, 18(1), 59. <https://doi.org/10.1186/s41239-021-00296-5>
18. Bielefield, A., Liu, Y. Q., & Waimon, V. (2021). Private post-secondary library websites and the ADA: Compliance and COVID-19. *Universal Access in the Information Society*, 1-16. <https://doi.org/10.1007/s10209-021-00831-1>
19. Lazar, J. (2022). Managing digital accessibility at universities during the COVID-19 pandemic. *Universal Access in the Information Society*, 21(3), 749-765. <https://doi.org/10.1007/s10209-021-00792-5>
20. Gin, L. E., Pais, D. C., Parrish, K. D., Brownell, S. E., & Cooper, K. M. (2022). New online accommodations are not enough: The mismatch between student needs and supports given for students with disabilities during the COVID-19 pandemic. *Journal of Microbiology & Biology Education*, 23(1), Article e00280-21. <https://doi.org/10.1128/jmbe.00280-21>
21. Madaus, J. W., Gelbar, N., Faggella-Luby, M., & Dukes III, L. L. (2021). Experiences of students with disabilities during the COVID-19 interruption of in-person instruction. *Journal of Postsecondary Education and Disability*, 34(1), 5-18. <https://files.eric.ed.gov/fulltext/EJ1308647.pdf>
22. Terras, K., Anderson, S., & Grave, S. (2020). Comparing disability accommodations in online courses: A cross-classification. *Journal of Educators Online*, 17(2). <https://files.eric.ed.gov/fulltext/EJ1268737.pdf>
23. Gin, L. E., Guerrero, F. A., Brownell, S. E., & Cooper, K. M. (2021). COVID-19 and undergraduates with disabilities: Challenges resulting from the rapid transition to online course delivery for students with disabilities in undergraduate STEM at large-enrollment institutions. *CBE Life Sciences Education*, 20(3), Article 36. <https://doi.org/10.1187/cbe.21-02-0028>
24. Meleo-Erwin, Z., Kollia, B., Fera, J., Jahren, A., & Basch, C. (2021). Online support information for students with disabilities in colleges and universities during the COVID-19 pandemic. *Disability and Health Journal*, 14(1), Article 101013. <https://doi.org/10.1016/j.dhjo.2020.101013>
25. Long, E., Vijaykumar, S., Gyi, S., & Hamidi, F. (2021). Rapid transitions: Experiences with accessibility and special education during the COVID-19 crisis. *Frontiers in Computer Science*, 2, Article 617006. <https://doi.org/10.3389/fcomp.2020.617006>
26. Tang, J. (2021). Understanding the telework experience of people with disabilities. *Proceedings of the ACM on Human-Computer Interaction*, 5, 1-27. <https://doi.org/10.1145/3449104>

27. Kruse, D., Park, S. R., van der Meulen Rodgers, Y., & Schur, L. (2022). Disability and remote work during the pandemic with implications for cancer survivors. *Journal of Cancer Survivorship: Research and Practice*, 16(1), 183–199. <https://doi.org/10.1007/s11764-021-01146-z>
28. Epstein, S., Campanile, J., Cerilli, C., Gajwani, P., Varadaraj, V., & Swenor, B. K. (2021). New obstacles and widening gaps: A qualitative study of the effects of the COVID-19 pandemic on U.S. adults with disabilities. *Disability and Health Journal*, 14(3), Article 101103. <https://doi.org/10.1016/j.dhjo.2021.101103> (29)
29. Schwartz, A. E., Munsell, E., Schmidt, E. K., Colón-Semenza, C., Carolan, K., & Gassner, D. L. (2021). Impact of COVID-19 on services for people with disabilities and chronic health conditions. *Disability and Health Journal*, 14(3), Article 101090. <https://doi.org/10.1016/j.dhjo.2021.101090> (28)

Suggested Citation: Condon, O., Garcia, M. T., Gould, R. & Parker Harris, S. (2023). Employment, Higher Education, COVID-19, and the ADA (pp.1-7). Chicago, IL: ADA National Network Knowledge Translation Center.

This content was developed by the ADA Knowledge Translation Center.



<https://adata.org/ADAKTC>

This information was developed under a grant from the Administration for Community Living (ACL) NIDILRR grant number 90DPAD0004. However, the contents do not necessarily represent the policy of ACL, and you should not assume endorsement by the Federal Government.

© Copyright 2023 ADA National Network. All Rights Reserved.
May be reproduced and distributed freely with attribution to ADA National Network (www.adata.org).