Advocates for students with learning disabilities: Student affairs responsibilities

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Abstract
During the past ten years, access to higher education for students with disabilities has brought diversity to campuses and challenges to college and university personnel who must ensure equal opportunity in compliance with Section 504 of the Rehabilitation Act of 1973. Furthermore, passage of the Americans with Disabilities Act (ADA) on July 26, 1990, rekindled debate about the responsibilities of higher education to students with disabilities. Increasing numbers of students with learning disabilities are attending colleges and universities. According to the Higher Education And The Handicapped Resource Center (HEATH, 1995), the percentage of students with learning disabilities doubled from 15 to 32 percent since 1985 among first-time, full-time freshmen who reported having a disability.
ADVOCATES FOR STUDENTS WITH LEARNING DISABILITIES:
STUDENT AFFAIRS RESPONSIBILITIES

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During the past ten years, access to higher education for students with disabilities has brought diversity to campuses and challenges to college and university personnel who must ensure equal opportunity in compliance with Section 504 of the Rehabilitation Act of 1973. Furthermore, passage of the Americans with Disabilities Act (ADA) on July 26, 1990, rekindled debate about the responsibilities of higher education to students with disabilities. Increasing numbers of students with learning disabilities are attending colleges and universities. According to the Higher Education And The Handicapped Resource Center (HEATH, 1995), the percentage of students with learning disabilities doubled from 15 to 32 percent since 1985 among first-time, full-time freshmen who reported having a disability.

Many factors have contributed to the rapid growth in students with learning disabilities seeking postsecondary opportunities. As parents, students, and advocates have become more informed about college options and their legal rights, they have put increased pressure on college and university personnel to provide services and accommodations. Student affairs professionals are integral to providing college support services for students with learning disabilities. They value specific precepts such as: each student is unique; personal circumstances affect learning; and student involvement enhances learning (Lyons, 1990). Additionally, the Student Personnel Point of View (American Council on Education, 1937) offers several other basic assumptions:

- Intellectual development is just one aspect of the growth of a student; others include social, emotional, interpersonal, moral, and vocational development
- the education process is interactive not linear
- the education process involves not only knowledge but also skills and attitudes (Upcraft & Moore, 1990, p.45).
Consequently, because of these underlying essential values and assumptions, professionals within the student affairs division of a college or university would make a good choice to coordinate services for students with disabilities.

The purpose of this paper is to examine issues related to undergraduate students with learning disabilities. Specifically, this paper will focus on defining learning disabilities, characteristics of students with learning disabilities, and accommodations for students with learning disabilities. Finally, implications for student affairs professionals will be addressed.

Defining Learning Disabilities

Learning disabilities is defined in Section 504 and the ADA as a disabling condition that substantially limits one or more major life activities (e.g., walking, seeing, hearing, speaking, learning, working). Section 504 and the ADA impose similar requirements on colleges and universities, but differ in certain aspects. Section 504 refers to “handicapped” persons, while the ADA uses the term “disabled.” While a major difference between these pieces of legislation is that Section 504 applies only to institutions receiving federal financial assistance, the ADA extended responsibility for accommodations to the private sector. A second major difference affecting colleges and universities is the ADA’s enforcement mechanism. Under Section 504, the penalty for discrimination is loss of federal funds, but the ADA extended the right to individuals to initiate litigation against discriminatory practices. Since Section 504 and the ADA ensure that all “otherwise qualified” individuals with disabilities are entitled to the right to pursue higher education, then colleges and universities must be free of discrimination in their recruitment, admissions, and treatment of students. Reasonable accommodations in an academic program must be made by the educational institution to ensure maximal participation by all students with disabilities (Brinckerhoff, 1985).
Students having a learning disability (disabling condition) are entitled to be accommodated by institutions if they are "otherwise qualified" and have provided appropriate documentation (Kincaid, 1996). The former refers to an individual who meets the eligibility requirements for receipt of services or participation in a public entity’s programs, activities, or services with or without: a) reasonable modifications to a public entity’s rules, policies, or practices; b) removal of architectural, communication, or transportation barriers; or c) provision of auxiliary aids and services (ADA, 1992). The criteria become more vague with learning disabilities and requests for accommodations must be handled in a case-by-case manner, balancing individual capabilities/strengths with essential program requirements.

The latter eligibility criterion refers to currency of documentation. Generally, institutions request that documentation be no older than three years. To date, the U.S. Department of Education’s Office for Civil Rights (OCR) has not taken issue with this policy (Kincaid, 1995). In addition, Federal law imposes no obligation upon colleges and universities to pay for the required documentation for students with disabilities (Kincaid, 1995).

Documentation that verifies a student has a learning disability (LD) usually includes diagnostic testing and assessment performed by a licensed psychologist or a neurologist. A widely used and accepted assessment instrument is the Wechsler Adult Intelligence Scale Revised (WAIS-R; Wechsler, 1981). Additionally, the Rating Scale of Functional Limitations (Dowdy, 1994) is one device that has been used nationally to document the range of behaviors manifested by individuals with learning disabilities.

By definition a LD affects the manner in which individuals with normal to above average intelligence take in, retain, and express information (Brinckerhoff, 1991). Students with learning disabilities may also have difficulty sustaining attention, time management, or social skills (Dowdy, 1996). Because a learning disability is hidden from the casual observer, students...
experience credibility problems when seeking assistance and find themselves in awkward
situations. As a result, many persons with learning disabilities are emotionally bruised due to the
negative experiences they encounter along their educational journey (Fisher, 1985).

There is not one universal definition of learning disabilities. However, the definition put forth
by the National Joint Committee on Learning Disabilities (NJCLD) is the definition of choice at
the postsecondary level (Brinckerhoff, Shaw, and McGuire, 1993). It was developed and
ultimately endorsed by nine member organizations with a major interest in learning disabilities,
including the Association of Higher Education and Disability (AHEAD). The definition is as
follows:

Learning disabilities (is) a general term that refers to a heterogeneous group of disorders
manifested by significant difficulties in the acquisition and use of listening, speaking,
reading, writing, reasoning, or mathematical abilities. These disorders are intrinsic to the
individual, presumed to be due to a central nervous system dysfunction, and may occur across
the life span. Problems in self-regulatory behaviors, social perception, and social interaction
may exist with learning disabilities but do not themselves constitute a learning disability.
Although learning disabilities may occur concomitantly with other handicapping conditions
(for example, sensory impairment, mental retardation, serious emotional disturbance) or with
extrinsic influences (such as cultural differences, insufficient or inappropriate instruction),
they are not the result of those influences (NJCLD, 1988, p.1).

Most professionals agree that learning disability refers to perceptual handicaps present at birth or
from early childhood due to causes other than impairment of vision, hearing, mobility, mental
retardation, emotional disturbance, or environmental disadvantage. A learning disabled person is
not mentally retarded (HEATH, 1987).
Characteristics of Students with Learning Disabilities

To reiterate, previously students with learning disabilities are characterized by having average to above average intelligence. These students, however, will often display a significant deficit in one or more of the following intellectual areas: oral expression, listening comprehension, written expression, basic reading skills, reading comprehension, mathematical calculation, and problem solving. Additional problem areas may arise including difficulty with sustaining attention, managing time and/or demonstrating appropriate social skills (Brinckerhoff and McGuire, 1994).

Psychosocial development may also be affected by a student's learning disability. Many postsecondary students with learning disabilities have poor self-concepts, high levels of stress, and interpersonal difficulties (Sarcuoglu, Mindin, & Wilchesky, 1989). Three examples of the preceding characteristics are as follows:

1. Repeated failure to achieve success in school and with friends may lead to low self esteem;
2. Stresses of covering up the disability may diffuse energies better spent in searching for and using learning styles; and
3. Inability to sustain interpersonal relationships may lead to social isolation and/or poor judgment in selecting friends (HEATH, 1987).

Other students are quite motivated and persistent in pursuing specific goals, but lack positive attitudes regarding their own competence.

One of the biggest obstacles that professionals encounter in working with the learning disabled is dealing with negative self-images. Many postsecondary students with learning disabilities have experienced ridicule all of their lives. Consequently, they may not be comfortable with themselves, even when they succeed (Smith, 1994), thus exemplifying a proverbial self-fulfilling prophecy; children who feel like failures may turn into adults obsessed with failing- even if they are successful.
To build self-esteem a student must know his/her own strengths and interests, at the same time knowing what he/she has the most trouble with and what strategies help. Students at the postsecondary level are expected to be their own advocates. In high school, the school and the parents usually work out what should happen. Students entering postsecondary institutions from high school, particularly learning disabled students, need to make successful transitions from being dependent to becoming independent, and eventually, interdependent (Chickering, 1969).

Finally, many LD students have not accepted their learning disabilities. In high school, they worked hard to hide their disabilities from peers so that they would not appear different from other students. In the process of hiding their LD’s from others, these students have denied the existence of their learning disabilities to themselves. At the postsecondary level, students will need to accept and acknowledge their disabilities if they are to become successful (HEATH, 1995).

**Accommodations**

Attaining an accommodation in a college or university is a two-way street between the student and the institution (Scott, 1991). It is the responsibility of the student to self-identify and seek specific, timely accommodations. Thus, an institution becomes obligated to accommodate the student only after the student makes a request for accommodation and identifies his/her disability. Further, if a student is being evaluated to determine his/her eligibility under Section 504 or the ADA, an institution must provide academic adjustments in the interim (Kincaid, 1995). Section 504 obligates postsecondary institutions to make necessary modifications to their academic requirements and provide auxiliary aids and services to accommodate a student’s disability unless such accommodations cause an undue burden to the institution or fundamentally alters the nature of a program (Frank & Wade, 1993). When determining whether the cost of an accommodation will create an undue burden for the institution, the entire institutional budget is considered, not the
specific departmental budget (W. Burt, personal communication, November 3, 1994). Moreover, the courts have noted that cost alone is not an acceptable defense for denying an accommodation (Scott, 1994).

Not every recommendation contained in a student's documentation must be implemented, unless it is supported by diagnostic data. A reasonable accommodation is not necessarily the best accommodation available, but one that will best meet the student's needs. For example, an institution may provide an equally effective, less costly accommodation than that requested by the student (Millner, 1993).

Postsecondary institutions are not required under Section 504 or the ADA to have written policies and procedures for the provision of services for students with disabilities. Many institutions, however, have developed them. Furthermore, an institution is obligated to ensure that students are informed how and where to access services and accommodations (Kincaid, 1995). Both Gephart (1996) and Scott (1995) have stated that postsecondary institutions need to have procedures to respond to accommodation requests. Additionally, all aspects of the accommodation procedure (e.g., providing medical documentation, where to apply and meeting the accommodations in a timely manner) must be publicized and widely known to students. Lack of stated procedures leaves the institution vulnerable to legal sanctions if formal litigation or grievance charges are filed by a student. Case law and findings by the Department of Education's Office for Civil Rights (OCR) support the necessity for postsecondary institutions to establish an office to coordinate dispensing and receiving disability-related information. An additional piece of legislation affecting services to students with disabilities is the Family Educational Rights and Privacy Act (FERPA) of 1974. FERPA protects the confidentiality of students' records, which is important for students with learning disabilities to understand. A student's records, including
specific disability documentation, may not be shared with faculty, administration, or other individuals without the student’s permission.

Faculty members do not have a right or a need to access diagnostic or other information regarding a student’s disability. They only need to know what accommodations are necessary, appropriate to meet the student’s disability-related needs, and then only with permission of the student. Documentation should be held by a single source within the institution in order to protect the confidentiality of persons with disabilities by assuring limited access (Jarrow, 1992, p.37).

Determining reasonable accommodations for students with learning disabilities involves the complex task of distinguishing between thinking and learning processes that are affected by the disability and thinking and learning processes that are essential to an successful completion of an academic program. Thinking and learning processes that are deemed essential to an academic course or program do not have to be accommodated by law (Scott, 1994).

Jarrow (1992) provided a comprehensive overview of postsecondary institutions’ obligations to students with disabilities, under Section 504. In her article, Jarrow offered a list of three questions to guide service providers through the general reasoning process required in considering accommodation requests. Service providers are asked to consider: a) if the individual is “otherwise qualified,” b) if the accommodation request is an “appropriate academic adjustment,” and c) if the accommodation would require a substantial modification in an “essential” element of the program.

Federal law mandates that postsecondary institutions refrain from discriminating against students with disabilities, but offers little guidance in how to assess accommodation requests for students with learning disabilities. Kincaid (1995) and Scott (1994) have written about the growing body of case law which is creating a comprehensive set of legal tenets addressing the
policies and procedures of academic accommodations. Service providers must be cognizant of these legal tenets if they are to make responsible professional judgments regarding accommodation requests.

While the law mandates that academic adjustments and auxiliary aids be provided to qualified students, it dies not require that these students achieve the same results or equal levels of achievement as non-disabled students (Frank and Wade, 1993). The focus of such services is to level the playing field, allowing LD students to gain equal access to educational programs. Even with accommodations, students fail. Moreover, they have the right to do so.

Students with a LD are provided accommodations to compensate for functional limitations as they relate to a specific course. Receiving accommodations for one course does not mean the same accommodations will be given for all courses. Accommodations need to be requested specifically for individual courses. If a student shows no functional limitations in a particular course, it is entirely appropriate for that student to receive no academic adjustments in that course (Scott, 1994).

Academic adjustments for students with learning disabilities can involve program and instructional modifications. Possible program modifications might include: alternative admission requirements, priority registration, special financial aid arrangements, substituting one course for another (e.g., foreign language or math), part-time rather than full-time study. To fulfill the requirements set forth by Section 504 and the ADA, a basic core of services must be available. Examples of common accommodations specifically delineated in federal law include: notetakers, scribes, taped texts, readers, test accommodations, taped lectures, assistance with registration, and interpreters. Tutors and study skill intervention programs are not required by law. OCR has long held that tutorial services are personal services, which an institution of higher education is not required to provide. However, if an institution provides tutorial services to its non-disabled
students, it must provide equal tutorial access to students with disabilities. Some institutions have offered specialized tutorial services (e.g., professional tutors, volunteer tutors, peer tutors, mentors). These services allow students to receive one-on-one assistance. Because these services exceed the minimum accommodations required by law, students may be assessed additional fees for using them.

Two controversial academic accommodations are course substitutions and program waivers. While federal law addresses substitutions and waivers as potential accommodations, it does not require institutions to waive academic requirements deemed essential to a particular program or directly related to a licensing requirement (Kincaid, 1995). Further, colleges and universities are not required to provide accommodations that fundamentally alter the nature of a course. In a review of the literature, substitutions are deemed the more accepted practice as compared to waivers.

Heyward (1993) stated that the question is not whether the program requirement should be waived, but rather, whether there is an acceptable alternative or substitute for the requirement. Addressing a student’s request in this manner forces the parties to analyze the request from the proper perspective; is there a way to provide meaningful access to the individual while protecting the integrity of the program? An educational institution has the right to determine what requirements are essential. However, each requirement must have a rational relationship to the program (Frank and Wade, 1993). Administrators and faculty must be able to identify the essential criteria of a course and substantiate why it is essential to a program (Kincaid, 1995).

The following questions help clarify when to substitute. As Scott (1991) questioned, “Is foreign language essential to the nature of the program, or can comparable goals be accomplished through alternative means?” (p. 461). Additionally, OCR has questioned whether algebra requirements are discriminatory to students with calculation difficulties. They suggested that if a
college's reason for requiring algebra is do demonstrate the ability to analyze, perhaps it could be met by another course that would test analytical skills (Kincaid, 1995). In summary, the literature suggests that institutions have the right to determine "essential" course requirements. However, they must use flexibility in meeting these requirements.

Implications

A current issue regarding postsecondary services for students with learning disabilities involves the recent controversial registration of Loring Brinckerhoff at Boston University. Brinckerhoff was the coordinator of Boston University's learning disabilities support services, which many disability service providers considered to be the model postsecondary program for students with LD (Gephart [Ed.], 1996). Brinckerhoff resigned in protest after Provost John Westling instituted more stringent accommodation policies. Further, he took over Brinckerhoff's position of reviewing accommodation requests. Westling's action was the most recent in a series of events that illustrated his lack of support in promoting services to students with learning disabilities. Last May, in a speech at the Heritage Foundation, a conservative Washington think tank, Westling stated: "The Americans with Disabilities Act and Section 504 are being used—perhaps contrary to legislative intention, but nonetheless—to force colleges and universities to lower academic standards." (Gephart [Ed.], 1996, p. 10).

Boston University has begun to search for Brinckerhoff's replacement, whose title will be clinical director. In addition to providing services to students with learning disabilities, a new emphasis of the program will include clinical research on learning disabilities. The minimum qualifications for director will require that the person is a licensed psychologist with a health care provider status; has at least five years experience in neuropsychology diagnosing learning disabilities; and has completed a one year residency in neuropsychology (Gephart [Ed.], 1996,
The director will work closely with the school's department of psychiatry, which is already conducting research on learning disabilities (Gephart [Ed.]).

Both the Association on Higher Education and Disability (AHEAD) and Jeanne Kincaid, an attorney who specialized in disability law, have expressed concern regarding Boston University's reorganization (Gephart [Ed.], 1996). Dr. Dianne Perreira, director of the University of Arizona's student disability services and president of AHEAD, stated, "I think Boston University is seeking to define learning disabilities according to a definition they feel is acceptable to them." (Gephart [Ed.], 1996, p. 9).

To help prevent having the administration take control of their programs, service providers should first review their documentation policies (Gephart [Ed.], 1996). Providers are advised to close up any loopholes that may allow for potential abuse. Learning disability offices must establish credibility. Coordinators should increase their efforts to educate the faculty and administration about issues relating to learning disabilities. Pat Anderson, Coordinator of Disabilities Services at the University of Connecticut, stated, "If (faculty and administration) don't understand why they're doing something, they will have a feeling they're being told to do it without any rational or logic behind it." (Gephart [Ed.], 1996, p. 10). The preceding illustrates the importance of a collaborative approach when serving students with learning disabilities.

Student affairs, perhaps more than any other area of an institution, depends on cooperation and collaboration with others. If programs and policies are to achieve success, student affairs professionals will need to develop effective campus relationships, thus reducing attitudinal barriers that often impede the process of serving students with learning disabilities in a timely manner. Professionals in postsecondary education, who assist students with learning disabilities, must develop compensatory strategies, identify needed accommodations, and develop self-sufficiency skills necessary for the success of students with learning disabilities. To accomplish
these tasks, student affairs professionals will need to collaborate with college or university administrators, faculty and staff. Additionally, they will need to collaborate with learning disability specialists, vocational and career experts, mental health professionals and state department of vocational rehabilitation counselors.

In conclusion, many students with learning disabilities have the capacity to succeed in an educational environment. However, it is imperative to recognize that learning disabilities are a heterogeneous group of disorders, that when diagnosed will identify specific deficits that must be carefully evaluated to determine individual, appropriate accommodations. First, it is critical to accurately diagnose a learning disability. Secondly, the intellectual and psychosocial deficits must be defined to establish a suitable educational prescription. Finally, and perhaps most importantly, the student services professional must advocate for students with learning disabilities, within the institution, to ensure that the environment is conducive to equitable access to the educational experience.
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