

EDUCATIONAL ACCOMMODATIONS AVAILABLE TO STUDENTS WITH
DISABILITIES ATTENDING THE WISCONSIN TECHNICAL COLLEGE SYSTEM

by

Jerold W. Moldenhauer

A Research Paper
Submitted in Partial Fulfillment of the
Requirements for the
Master of Science Degree in

Vocational Rehabilitation-Counseling

Approved: 2 Semester Credits

Investigation Advisor

The Graduate College
University of Wisconsin-Stout
December, 2000

ACKNOWLEDGEMENTS

The author would like to express deep and sincere appreciation to:

Dr. Robert Peters – for his time, effort and patience in helping me through this paper.

Dr. Peters provide me with the time and space needed to finish the paper. Most importantly, I would like to thank him for his belief in me that this paper would get done.

Amy Moldenhauer – my loving wife, who was with me at the start of this journey seven years ago, and is still with me now.

Table of Contents

ABSTRACT.....	i
ACKNOWLEDGEMENTS.....	ii
CHAPTER ONE	
Introduction.....	1
Statement of the Problem.....	2
Definition of Terms.....	2
CHAPTER TWO	
Review of Literature.....	4
History.....	5
Reasonable Accommodation.....	6
The Wisconsin Technical College System (WTCS).....	9
Summary.....	10
CHAPTER THREE	
Methodology.....	12
Subjects.....	12
Instrument and Procedure.....	12
Data Analysis.....	13
CHAPTER FOUR	
Findings.....	14
CHAPTER FIVE	
Conclusions.....	17
Recommendations for Further Study.....	19

REFERENCES.....20

APPENDICES

Survey Instrument.....23

Chapter 1

Introduction

The federal government has long played a role in the issue of access to higher education for students with disabilities. In 1857, the establishment of the Columbia Institution for the Instruction of the Deaf and Blind (later changed to the National Deaf and Mute College in 1864, to Gallaudet College in 1954 and its current name of Gallaudet University in 1986) is perhaps the most noteworthy and recognizable beginning of federal government involvement in regards to students with disabilities accessing higher education (Ryan, 1993). It wasn't until the twentieth century that significant numbers of students with disabilities attended post-secondary institutions. Although comprehensive source material is rare, early in the century few numbers of students with disabilities attended institutions of higher learning (Ryan, 1993). Two early federal initiatives started to impact those numbers. The Disabled Veterans Vocational Rehabilitation Act (P. L. 78-16) and what is commonly referred to as The G. I. Bill of Rights (Serviceman's Readjustment Act of 1944, P. L. 78-346) increased the presence of students with disabilities on college campuses (Ryan, 1993).

In the course of the last 27 years, federal legislation has greatly opened the availability of post-secondary education to students with disabilities. Legislation such as the Rehabilitation Act of 1973, specifically Section 504, the Individuals with Disabilities Education Act (IDEA), and the Americans with Disabilities Act of 1990 are all major landmarks that have impacted post-secondary education in regards to serving students with disabilities. The Wisconsin Technical College System (WTCS) is one to the post – secondary entities that has been working to meet the needs of students who are disabled.

As the number of disabled students attending the Wisconsin Technical College System grows, the individual colleges that make up the WTCS must adapt and meet the needs of these students.

Statement of the Problem

While the physical numbers of disabled students attending the Wisconsin Technical College System has remained fairly constant during the period of fiscal year 1993-1999, these students are composing a larger percentage of the overall student body (Wisconsin Technical College System Board, Client Reporting System VE214406). To better gauge the availability of accommodations to students with disabilities in the Wisconsin Technical College System, further research was needed to compile the accommodations used by students with disabilities.

Purpose of the Study

The purpose of this informational survey was to attempt to compile a general list of the educational accommodations available to students with disabilities attending any college in the Wisconsin Technical College System.

Definition of Terms

Wisconsin Technical College System (WTCS) – a post-secondary educational system consisting of sixteen college districts in the state of Wisconsin.

Rehabilitation Act of 1973 – landmark federal legislation that contained Section 504.

Section 504 (of the Rehabilitation Act of 1973) – legislation that prohibited entities that received funds from the United States Department of Education from discriminating against persons with disabilities (Fossey and Hosie, 1995).

Individuals with Disabilities Education Act of 1990 (IDEA) – legislation that incorporated the concept of the Individualized Education Plan (IEP) (Fleischer and Zames, 1998).

1990 Americans with Disability Act (ADA) – extended provisions of Section 504 to employers with 15 or more employees.

Student with a disability – a student who is eligible to receive educational accommodations under Section 504, IDEA or ADA.

Limitations

Educational accommodations for students with disabilities are often highly individualized. It would be very difficult to completely detail every accommodation given to every student at the 16 colleges that make up the WTCS. As a result, a list of common accommodations was compiled to determine the extent of availability of these accommodations.

Summary

There is a need to evaluate disability service programs not only for exemplary practices, but also for improvement and training (Heath Resource Center, 1993) This survey will set a baseline of services for students with disabilities attending the Wisconsin Technical College System.

Chapter 2

Review of Literature

The number of students with disabilities attending colleges and universities has exploded. Today there are more students with disabilities attending higher education than ever before (Pagels, C. F., 1998). In 1996, 140,142 freshmen reported a disability, representing over 9% of all college freshmen that year. That percentage has grown considerably, compared to 2.6% in 1978 (Thomas, 2000). There are different reasons for the increase. The passage of the 1990 Americans With Disabilities Act certainly raised the awareness of disability issues with the general public. The procedure of obtaining services has also changed. Under the 1973 Rehabilitation Act, people notified federal agencies which in turn investigate the claims while under the 1990 law, people can sue the institutions directly (Jaschik, 1993). Students have also accessed these accommodations throughout their educational experience. “The greater demand for accommodation can be attributed primarily to the fact that many current college students received either an Individualized Education Program ...or a service plan...while in elementary and secondary schools, and have become increasingly aware of their rights to accommodation while in higher education” (Thomas, 2000, p. 248). “Today’s generation of students is the first to have benefited from the Individuals with Disabilities Education Act [IDEA]...during both primary and secondary education” (McCusker, 1995, p.620). The students entering post-secondary educational systems are accustomed to the lawful accommodations that they are entitled to receive.

It is not likely that students who already rightfully have benefited from reasonable accommodations would be willing to forego them once they

graduate from high school. This expectation on the part of the students, coupled with the legal force of the ADA, make it likely that the population of students with disabilities at institutions of higher education will continue to grow, as will the awareness of the needs of these students (McCusker, 1995, p. 620).

What is the history of this “new awareness?” What were the landmark dates and legislation that started the process? What are the parameters of “reasonable accommodations?” How does the Wisconsin Technical College System history affect its compliance with the legislation?

History

It has been over 25 years since the Rehabilitation Act of 1973 was passed. Specifically, Section 504 of the Rehabilitation Act states “[n]o otherwise qualified individual with handicaps...shall, solely based by reason of her or his handicap, be excluded from the participation in...any program or activity receiving Federal financial assistance” (Hill, 1992, p. 389). This law first established federal policy of attempting to eliminate discrimination based upon disabilities, at least within institutions that received federal funds. Several amendments; The Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments, were added by Congress in 1978. These acts affected colleges in two ways. First, it created state controlled comprehensive rehabilitation centers which became “a valuable resource to obtain auxiliary aids and other assistance to help accommodate the handicapped enrolled in their institutions”(Hill, 1992, p. 390). Second, it included Section 505(a)(2) which allowed remedies established in Title VI of the Civil Rights Act of 1964 made available to victims of 504

discrimination (Hill, 1992). These remedies include “payment of attorney’s fees, payment of expert-witness fees, injunctions...and other equitable remedies at the sound discretion of the trial court” (Hill, 1992, p. 390). In 1987, Congress enacted the Civil Rights Restoration Act (CRRA). Essentially, the act addressed the Supreme Courts narrow interpretation of “program or activity” which was limited to financial aid regulations at a college. The CRRA addressed universities by providing that “(b) For the purposes of this section, the term program or activity means all of the operations of *****(2)(a) a college, university or other postsecondary institution, or a public system of higher education” (Hill, 1992, p. 391). Finally, The Americans With Disabilities Act of 1990 (ADA) was passed on July 26th of that year. While the ADA addresses discrimination mainly in the private sector, its effect on higher education did not break new ground. Section 504 remains the law by which disabled students obtain access and accommodations in post-secondary institutions (Hill, 1992).

Reasonable Accommodation

Congress passed the laws, but it was up to the courts to decide what was meant by reasonable accommodation. There were two court cases that shaped the concept of reasonable accommodation. The first case, *Southeastern Community College v. Davis*, involved a hearing impaired student seeking admission into a nursing program but was denied when the school determined “it would be impossible for (her) to participate safely in the normal clinical training program” (McCusker, 1995, p. 630). The Supreme Court overruled a lower courts decision that had ordered the school to consider her for admission without regard for the disability. The Court held “An otherwise qualified person is one who is able to meet all of a program’s requirements in spite of his

handicap” and concluded “affirmative action mandated by the regulations could not amount to fundamental alterations in the school’s program” (McCusker, 1995, p. 630). This decision led courts to an “absolutist” view that potential students with a disability must be able to meet all the requirements of a college, and there is no affirmative action obligation on an institution (McCusker, 1995). In this ruling, the Supreme Court essentially destroyed the affirmative action intent of Section 504, as no accommodations would be needed if the student could meet the program requirements as is.

The Supreme Court addressed this awkward situation in the following case, *Alexander v. Choate*. Surprisingly the case was a class action suit by Medicaid recipients challenging state imposed caps on hospital days covered by Medicaid. It is in footnote 20 of the ruling that the Supreme Court reversed the *Davis* decision of equating “affirmative action” with the concept of “reasonable accommodation” (McCusker, 1995). The Court wrote:

Regardless of the aptness of our choice of words in *Davis*, it is clear from the context of *Davis* that the term ‘affirmative action’ referred to those ‘changes,’ ‘adjustments,’ or ‘modifications’ to existing programs that would be ‘substantial,’ [citations omitted] or that would constitute ‘fundamental alteration(s) in the nature of the program...,’ [citations omitted] rather than to those changes that would be reasonable accommodations (McCusker, 1995, p. 631).

The result of the two court decisions require that colleges and universities balance the program needs versus the needs of the student. It is no longer acceptable for colleges and universities to open the doors of the institution to students with disabilities but close them on individual programs. It would be the “equivalent of saying that persons who use

wheelchairs are welcome but then surrounding the school with stairs” (McCusker, 1995, p. 631). The rulings set up a standard that is “demanding: colleges are required to make reasonable accommodations unless doing so would alter fundamentally the academic program” (McCusker, 1995, p. 632).

Where do these reasonable accommodations take place? “The DOE’s Section 504 regulations suggest three types of accommodations that may be made to assist a student with a disability in obtaining a postsecondary education: academic adjustments, modification or alteration of course examinations, and the provision of auxiliary aids” (Tucker, 1996, p. 15).

In regards to academic adjustments a college or university: “shall make such modifications to its academic requirements as are necessary to ensure that such requirements do not discriminate or have the effect of discriminating, on the basis of handicap, against a qualified handicapped applicant or student. Academic requirements that the recipient can demonstrate are essential to the program of instruction being pursued by such student or to any directly related licensing requirement will not be regarded as discriminatory within the meaning of this section. Modifications may include changes in the length of time permitted for the completion of degree requirements, substitution of specific courses required for the completion of degree requirements, and adaptation of the manner in which specific courses are conducted (Tucker, 1996, p. 16).

The DOE confirms the Supreme Court intentions of not fundamentally changing an educational program for a reasonable accommodation.

With regard to course examinations, colleges and universities:

shall provide such methods for evaluating the achievement of students who have a handicap that impairs sensory, manual, or speaking skills as will best ensure that the results of the evaluation represent the student's achievement in the course, rather than reflecting the student's impaired sensory, manual or speaking skills (except where such skills are the factors that the test purports to measure) (Tucker, 1996, p. 16).

In regards to auxiliary aids, the regulations state:

Auxiliary aids may include taped texts, interpreters or other effective methods of making orally delivered materials available to students with hearing impairments, readers in libraries for students with visual impairments, classroom equipment adapted for use by students with manual impairments, and other similar services and actions. [Colleges and Universities] need not provide attendants (Tucker, 1996, pp. 16-17).

The last question remains. Who is responsible for the cost of the reasonable accommodations? The regulations are clear. The burden lies with the college or university. "If an aid is necessary for classroom or other appropriate (non-personal) use, the institution must make it available, unless provision of the aid would cause undue burden. A student with a disability may not be required to pay part or all of the costs of that aid or service" (Auxiliary Aids and Services for Postsecondary Students with Disabilities: Higher Education's Obligations under Section 504 and Title II of the ADA, 1998, p. 7).

The Wisconsin Technical College System (WTCS)

The Wisconsin Technical College System (WTCS) has a unique status in the educational system in Wisconsin. The WTCS consists of 16 districts, 46 outreach campuses, and over 1000 outreach centers. The primary focus of the WTCS is to provide occupationally related technical education (Chin, 1999).

The WTCS has a long history of helping at-risk students before “at-risk students” were an educationally defined entity. The precursor to the current WTCS was created by the Wisconsin state legislature in 1911 to provide schooling for 14 to 16 year olds who had left high school without a diploma (Chin, 1999 and Lehrman, 1984). The education included trade schools, evening classes for adults and apprenticeship related instruction (Chin, 1999 and Paris, 1985). The pre-WTCS underwent more change in 1965, when Governor Warren Knowles and the state legislature divided the entire state into vocational, technical and adult education districts, allowing all state residents the opportunity to access vocational education (Chin, 1999 and Lehrman, 1984). In 1993 the pre-WTCS was renamed from District Technical Institute to its current title, the Wisconsin Technical College System (Larson, 1999).

Summary

With several federal legislative initiatives, two landmark court cases and the Department of Education's support of affirmative action, students with disabilities have been accessing postsecondary education in ever increasing numbers. The reasons for this are not singular. They include the aforementioned reasons as well as increased student awareness of their rights and increases in medical technology. Students with disabilities are met with varying levels of acceptance on college campuses nationwide (Jaschik, 1993). The Wisconsin Technical College System has a long and unique history of

serving a similar, if not the same in some instances, population. Does this history translate into service for students with disabilities?

Chapter 3

Methodology

The purpose of this descriptive survey is to compile a list of the educational accommodations available to students with disabilities attending the Wisconsin Technical College System. This survey used informational material published and available to the general public by individual technical colleges within the WTCS.

Subjects

The subjects for this informational survey were people identified as persons who worked with students with disabilities at the 16 independent colleges that make up the WTCS. The subjects were contacted by either phone or email and asked to send their colleges educational accommodation information that is published and distributed to students with disabilities who may enter any of the colleges that make up the WTCS. Twelve subjects responded with printed material, two directed the researcher to the respective college website and two did not send material to the researcher.

Instrument and Procedure

An email was sent to each identified person who works with students with disabilities at each college. The email indicated the researcher's goal and requested the person send published and distributed material of accommodations available to students with disabilities. There were no consequences for not sending information to the researcher, and each individual contacted was not identified in the research. In this regard, there was virtually no risk to the participants.

Data Analysis

Received documents were reviewed and numerically tallied to indicate the number of colleges that listed the different accommodations and services available to students with disabilities. A simple frequency analysis was used to determine the percentage of colleges that offered the indicated accommodation or service.

Chapter 4

Findings

Employees from the 16 technical colleges that make up the Wisconsin Technical College System were identified as those that work with students with disabilities. They were asked to send published and distributed material indicating the accommodations available to students with disabilities at their college. This chapter will present the results of this study in frequency counts and percentages.

Seventeen different accommodation topics were identified from the published material. The categories are as follows (in no particular order); tutoring, alternative test taking procedures, taped textbooks, note takers/interpreters, coordination with teachers, coordination of support services with outside agencies, adaptation of coursework/programs, modification of environment/facilities, advance registration, special services labs, adaptive equipment, transition assistance, academic advising, assessment of academic skills, schedule modifications, TTY/TTD phone availability and career testing. There was a range of frequency of the different accommodations. Each of the responding colleges (100%) indicated alternative testing procedures while only one college (7%) indicated career testing services. The top three listed accommodations are: alternative test taking procedures, tutoring (93%), and notetakers/interpreters (86%). The lowest frequency accommodations listed include: career testing services, adaptation of coursework/program, assessment of academic skills, and schedule modifications (21%) and TTY/TTD access on campus (29%).

Table 1:

Accommodation Frequency Listing	
Alternative test taking	14/14 (100%)
Tutoring	13/14 (93%)
Notetakers/Interpreters	12/14 (86%)
Taped textbooks	10/14 (71%)
Transition Assistance	10/14 (71%)
Adaptive Equipment	9/14 (64%)
Academic Advising	8/14 (57%)
Coordination of support services	7/14 (50%)
Coordination with instructors	5/14 (36%)
Modification of environment/facilities	5/14 (36%)
TTY/TTD phone availability	4/14 (29%)
Special Services Lab	4/14 (29%)
Advance Registration	4/14 (29%)
Adaptation of coursework/program	3/14 (21%)
Assessment of academic skills	3/14 (21%)
Schedule modifications	3/14 (21%)
Career testing	1/14 (7%)

In all, the technical colleges that responded listed some accommodations available to students with disabilities. In addition to the specifically mentioned accommodations, all of the participating colleges had a similar statement of other accommodations

available based on a disability. This statement encompassed accommodations that were not listed but legally available to students with disabilities.

Chapter 5

Conclusions

The purpose of this descriptive survey is to compile a list of the educational accommodations available to students with disabilities attending the Wisconsin Technical College System. It is important for students with disabilities, their parents, and community resource employees to know what accommodations are available at individual colleges. Choosing a career and training program is often a daunting task, and it is more so for students with disabilities. Not only are they concerned with making an informed choice, but they must also choose colleges that support any accommodations that they may need.

Every responding technical college reported educational accommodations of some type. The most common published accommodations (alternative testing procedures, tutoring, and taped textbooks) are generally associated with students with learning disabilities. This should come as no surprise. From 1993-1999 of the 102,707 students who attended the Wisconsin Technical College System and identified themselves as a student with a disability, 30,612 (29.9%) were considered learning disabled (Client Reporting System, 1993-1999). Of the least published accommodations (TTY/TTD phones and modification of environment/facilities), only 4763 (5%) students were deaf or hard of hearing and 4404 (4%) students were blind/visually impaired (Client Reporting System, 1993-1999). These would be students who would typically use those accommodations. However, this is not to suggest that any particular disability lines up exactly with only one accommodation. This illustrates one of the limitations of this study. Accommodations for disabilities are generally highly individualized to meet that

student's particular situation and disability. While two people may have the exact same disability, the accommodation(s) may be entirely different for the two students. Another limitation is that program specialties were not taken into consideration. Northcentral Technical College offers an associate degree program, Educational Interpreter Technician. Deaf and hard of hearing students comprise 11% of NTC's disabled student population, compared to 5% state-wide.

Of the fourteen accommodations listed, some may serve a specific disabled population, while others may be used for several types of disabilities or be used with all the students with disabilities. TTY/TTD phones, modification of environment/facilities, and adaptive equipment would be examples of accommodations that are generally used by a student with a specific disability. For example, a learning disabled student would not necessarily require adaptive equipment, an orthopedic disabled student would not necessarily use a TTY/TTD phone nor would a deaf hard of hearing student require modifications in the classroom environment. The remaining accommodations would be generally considered as being used across disabilities. Students with disabilities may utilize multiple or overlapping accommodations. A learning disabled student may use tutoring, a note taker and have extended time on tests with a reader. A visually impaired student may use environmental modifications, a scribe and taped textbooks. Finally, every student registered with the college's special needs department may be offered the accommodation of early or special registration. Assuming each disability has its own set of accommodations would be an erroneous position to take. As mentioned earlier, accommodations are highly individualized for each student.

The review of literature clearly displays the legal responsibility of post-secondary institutions in regards to educational accommodations. Perhaps a more uniform and clear communication of types of accommodations offered would facilitate the enrollment of students with disabilities and perhaps hedge against possible costly lawsuits.

Recommendations for further study

Further research needs to be done to assess the level of need for various accommodations at the colleges that comprise the Wisconsin Technical College System. Is there a disparity in the kinds of accommodations offered at each WTCS campus? Or is the disparity more a function of the highly individualized nature of educational accommodations than a college not offering the accommodation? While all of the colleges included a statement in effect covering the possibility of educational accommodations that are not listed, does this deter a student with a disability that does not see the needed accommodation in print? Where is the boundary between information overload and usable information? These questions are probably to be answered at the campus level, not necessarily at the state level.

The colleges of the WTCS present enough usable information for students with disabilities to at least have some idea of accommodations available. By reviewing the needs of students, the colleges of the WTCS can improve upon their service of students with disabilities.

References

Auxillary aids and services for post-secondary students with disabilities: Higher education's obligations under Section 504 and Title II of the ADA. (1998). Washington, D. C.: Office for Civil Rights. (ERIC Reproduction Service No. ED 425 687).

Chin, E. (1999). Wisconsin. Madison: The Wisconsin Technical College System Board.

Client Reporting System. (Fiscal Year 1993-1999). Total Student Headcount, Disadvantaged & Disabled Students. Wisconsin Technical College System.

Fleischer, D. Z. & Zames, F. (1998). Disability Rights. Social Policy, 28, pp, 52-56.

Fossey, R. & Hosie, T. (1995). Section 504 and "Frontline" Educators: An expanded obligation to serve children with disabilities. Preventing School Failure, 39, pp. 10-15.

Heath Resource Center. (Fall, 1993). Study spreads the word about successful Practices for students with disabilities. Educational Records, pp 56-57.

Hill, W. A. (1992). Americans with Disabilities Act of 1990: Significant overlap with Section 504 for colleges and universities. Journal of College and University Law, 18, pp. 389-417.

Jaschik, S. (1993). Backed by 1990 law, people with disabilities press demands on colleges. The Chronicle of Higher Education, 39, A26.

Lehrman, G. (1984). Focus on the seventies: Gene Lehrman looks at vocational, Technical & adult education in Wisconsin. Wisconsin: University of Wisconsin-Stout And Gateway Vocational, Technical and Adult Education District.

McCusker, C. (1995). The Americans with Disabilities Act: Its potential for expanding the scope of reasonable academic accommodations. Journal of College and University Law, 21, pp. 619-641.

Milani, A. (1996). Disabled students in higher education: Administrative and judicial enforcement of disability law. Journal of College and University Law, 22, pp. 989-1043.

Pagels, C. (1998, April). Transitioning high school students with learning Disabilities to the college environment: Avoiding common pitfalls. Paper presented at the Annual Convention of the National Association of School Psychologists, Orlando, FL.

Paratte, H. Jr. & Hourcade, J. (1995). Disability etiquette and school counselors: A common sense approach toward compliance with the Americans With Disabilities Act. The School Counselor, 42, pp. 224-232.

Paris, K. A. (1985). A political history of vocational, technical and adult Education in Wisconsin. Madison, Wisconsin: Wisconsin Board of Vocational, Technical, and Adult Education.

Recruitment, admissions, and students with disabilities: A guide for compliance with Section 504 of the Rehabilitation Act of 1973, and Amendments of 1992, and the Americans With Disabilities Act of 1990. (1994). (Report No. ISBN-0-929851-25-0). Washington, D. C.: American Association of Collegiate Registrars and Admission Officers, Council on Education, Heath Resource Center. (ERIC Document Reproduction Service No. ED 385 963).

Roberts, R. & Mather, N. (1995). Legal protections for individuals with learning

disabilities: The IDEA, Section 504, and the ADA. Learning Disabilities Research & Practice, 10 (3), pp. 160-168.

Ryan, D. (1993). The federal government and higher education for students with disabilities. Unpublished manuscript, Gallaudet University.

Thomas, S. (2000). College students and disability law. Journal of Special Educaiton, 33, pp. 248-258.

Tucker, B. (1996). Application of the Americans with Disabilities Act (ADA) and Section 504 to colleges and universities: An overview and discussion of special issues relating to students. Journal of College and University Law, 23, pp. 1-41.

Appendix A

Copy of sent email.

Greetings:

My name is Jerry Moldenhauer and I am a counselor at Wisconsin Indianhead Technical College at New Richmond. I am currently finishing my masters at UW-Stout. For my thesis, I am conducting an informational survey of educational accommodations provided to students with disabilities in the Wisconsin Technical College System.

It would be of great help if you could send me the following information:

A disability brochure/handout and procedures that students follow to receive disability services. Also, any further disability information that your college distributes would be of great value for my study.

My mailing address is:

Jerry Moldenhauer
Counselor
1019 South Knowles Avenue
New Richmond, WI 54017

If I have contacted the wrong person, I apologize in advance. If you could email me the appropriate contact.