

Running Head: Legal Aspects of Accessibility in Higher Education and the ADA

**Legal Aspects of Accessibility in Higher Education and the ADA**

Kenneth M. Burke

Graduate Student

University of Missouri, St. Louis

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**Abstract:** In providing needed services to individuals that claim a disability and meeting legal standards, issues linger in grey areas for institutions of higher education in the United States. While postsecondary schools are legally obligated to provide mobility access for physical disabilities, given the questions over defining disability, service provisions do depend much on the policy of the university to meet the needs of students that report a disability. Research thus narrows on the topic of mobility and accessibility issues for physically disabled students in higher education and then discusses the general implications of the ADA for higher education. However, with discriminating practices a matter of civil rights under the Americans with Disabilities Act of 1990 (ADA), institutions need be prepared to address problems that might arise and ensure policy addresses the needs. World Health Organization (WHO) proves valuable in addressing vague legal requirements in order to provide stronger policy initiatives.

## Introduction

The landmark decision granting rights to Americans regardless of race, color, or creed with the Civil Rights Act of 1964 did become a legal voice for individuals with disabilities in the United States. However, as with other previous legislation that sought to provide vocational support, rehabilitation and work training for disabled individuals, it was not until the Rehabilitation Act of 1973 and the Disabilities Act of 1990 that law passed to ensure civil rights and freedom from discrimination and obligated public and private institutions to provide accessibility and adhere to federal standards. In 1975, legislation ensured the educational rights of children with the All Handicapped Children Act, eventually followed by the Individuals with Disabilities Education Act (IDEA) of 1997 to protect educational rights. Only with the 1973 legislation did higher education become legally required to improve disability access.

The 1990 Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 requires postsecondary institutions to provide opportunity and services for students with disabilities. Section 504 of the act states the disabled are not to be discriminated from participation in federally funded programs (Rehabilitation Act, 1973). The original 1973 legislation has itself been amended throughout the years. However, as legislative definitions are interpretive, the legal areas do remain grey for higher education. The ADA does not adhere to a medical standard in defining disability and the types of disability for which postsecondary institutions are obliged to provide services. Much depends on institutional policy.

The ADA is explicit concerning mobility and accessibility free from architectural barriers, public and private transportation. In addition, for higher education, certain course-related testing procedures must provide accommodations for individuals that report a disability. The law assures civil rights with clear definitions of discriminatory practices based on the denial

of participation, unequal and separate benefit that are considered segregation of the individual from integrated social life, public and private services. By way of comparison, not until the mid-1980s did the United Kingdom begin to pass any disability legislation and not until the turn of the century did the law begin to approach access to higher education. Nevertheless, both in the United States and in the UK, disabled individuals continue to face obstacles.

The ADA in the United States aimed to “provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities,” and establish consistent standards to ensure the protection of rights based upon the fourteenth amendment for equal protection under the law, as noted in Sec. 2 (Americans with Disabilities Act, 1990). Beyond accessibility and mobility free from architectural barriers for physical disabilities, provisions for specific course related testing, and freedom from discrimination, the implication for higher education often suggests a measure of uncertainty. In actuality, even with issues outside of the subject of the disabled in higher education, “we know surprisingly little about the law’s effect upon higher education” (Olivas, 2005, pp. 226). Disability in particular suggest an unknown as postsecondary institutions are not required to adhere to the same legal standards as elementary and secondary schools, nor are they obligated to lower learning standards in order to accommodate them. The fact remains that much depends on the policy of the individual institution, even independent state legislation, in determining limitations and the status of students that report a disability to determine what services are in need of provision.

While the ADA designates civil rights to employment, there also remains few disabled faculty members in postsecondary education. The ADA “has not been a source of much successful litigation for instructors who find themselves losing their jobs because of their disabilities” (Abram, 2003, p. 19). Needless to say, the example of the 2002 student case of

Bowers vs. the National Collegiate Athletic Association suggests that institutions might need reconsider their autonomy in matters of civil rights as protected by the ADA. Much the challenge to postsecondary institution is service policy for disabled students and solving problems in the midst of the fuzzy legal standing for higher education in the United States. The legislation is clear with concerns to the right for the opportunity to participate in integrated settings free from nondiscriminatory administrative methods and procedures. University administrators, the institutions disability service administrator (DSA) as well as instructors need problem-based skills and informed judgment when faced with decisions related to freedom from discrimination as disabled individuals seek opportunities with access to the university.

### **Summary of Analysis**

Research investigates the legal obligations of public and private institutions of higher education with the Americans Disabilities Act (ADA) and previous legislation, to develop awareness of the implications for administrative policy as institutions aim to provide services for students that report a disability. Research provides information in three areas:

1. A general overview of the legislation and the legal requirements for higher education in providing services for the disabled.

With limited research, the incomplete legal definitions of disability and grey areas for institutions of higher education, research focuses on apparent issues related to accessibility and mobility for physically disabled. A perspective for higher education specifically aims to:

2. Provide detail on the issues and implications for accessibility and mobility in higher education, and the issues in need of problem solving by administration, the disability service administrators and instructors.

Issues related to accessibility are detailed with examples of how institutions have dealt with and failed to deal with the issue of accessibility for individuals to illustrate the complexities that administration faces in meeting the needs of students that report physical disabilities. Where there is little research for even physical access, articles from *Disability Compliance for Higher Education* and other sources are important in understanding the issues for improving access. Additional information regarding the ADA is then provided to develop research directions:

3. To provide analysis of the ADA for institutions of higher education, including the more general legal issues for which administrators, the disability service administrator and instructors need developed problem-solving skills and preparedness.

From this major emphasis, additional issues to include other special needs that disabled students with mobility problems may face are then detailed. Research concludes with suggestions for future research in providing universal access to higher education for all free from discrimination, based on the same rights and freedoms ensured by the Civil Rights Act of 1964.

### **Research Findings**

The Americans with Disabilities Act is civil rights legislation that addresses discrimination against persons with disabilities. The Rehabilitation act of 1973 aimed to develop and implement similar measures after evaluating vocational services for the disabled. The 1973 legislation intended to promote and expand opportunities and services, including within institutions of higher education. The legislation also set aims to conduct studies and develop methods for providing services. As noted in Sec 2.7 of the law, the 1973 legislature aims to “conduct various studies and experiments to focus on long neglected problem areas” (Rehabilitation Act, 1973). In 1990, congress presented its findings that discrimination against the disabled persisted in “employment, housing, public accommodations, education,

transportation, communication, recreation, institutionalization, health services, voting, and access to public services,” noting that the disabled often had no legal recourse (ADA, 1990, Sec 2.3-4). The Act approached issues from employment, public services, public accommodations and services from private entities, telecommunications and a number of miscellaneous issues related to equal opportunities beyond the accessibility service standards of previous legislation.

While the 1973 legislation was the first legislation that obligated higher education to provide services to the disabled, the 2003 study prepared by SRI International for the Education Department’s Office of Special Education Programs surveyed individuals that were finishing high school in 2001 and their situation two years later. Twenty percent of those students attended a postsecondary institution, which is “under half of the proportion for the general population” (Lederman, 2005). Five percent of those students would attend a postsecondary vocational, business, or technical school. Fewer disabled students would pursue higher educational opportunities than had expected to do so. When the survey was conducted, 77 percent of the students expressed hopes to pursue higher education; however, students with disabilities were “less likely than their peers to be expected to go to college” (Lederman, 2005). While the underlying reasons for these outcomes are not explored in the research, it is important to note that though legislation does require that all individuals are provided opportunity in elementary and secondary education under IDEA and the All Handicapped Children Act of 1975, postsecondary education is not held accountable to the same legal requirements.

The language of the ADA does not define disability well for policy makers in higher education to determine for which disabilities they are required to provide services, and to what extent they are required to provide them in order to ensure integrated settings free from discriminatory practices. Physical disabilities are often the simplest to verify and the

accommodations that institutions are required to provide for physical disabilities in postsecondary education are clearly established by the ADA and previous legislation for mobility and accessibility free from barriers and obstacles. While the later legislation was defined as it provided for the civil rights of the physically disabled, the legislation for physical disabilities does have a history based on previous rehabilitation and architectural barriers acts.

### *Legislative History*

The Rehabilitation Act of 1973 established an Architectural and Transportation Barrier Compliance Board to ensure compliance with legal standards established in 1968 and 1970. As early as 1959, a President's Committee on Employment of the Physically Handicapped was established with the National Society for Crippled Children to sponsor the development of the American National Standards Institute (ANSI), which published accessibility standards in 1961. The Vocational Rehabilitation Amendment of 1965 sought to encourage public facilities to comply. At the same time, the 1965 legislation established the National Commission on Architectural Barriers to Rehabilitation. The Architectural Barriers Act of 1968 (ABA) legally required facilities to comply with ANSI. Sec. 502 of the 1973 legislation set a specific plan to investigate architectural and transportation barriers that impede the mobility of disabled individuals (Rehabilitation Act, 1973). In 1978, an amendment to the Rehabilitation Act made it the responsibility of the ATBCB experts to set minimum standards for accessibility and consult. Noting the challenges of isolation and segregation, the ADA found that individuals with disabilities continued to encounter discrimination, for even the most obvious and longstanding issue of mobility. The ADA discusses the problem of continued discrimination:

Individuals with disabilities continually encounter various forms of discrimination, including outright intentional exclusion, the discriminatory effects



of architectural, transportation, and communications barriers, overprotective rules and policies, failure to make modifications to existing facilities and practices, exclusionary qualification standards and criteria, segregation, and regulation to lesser services, programs, activities, benefits, jobs, or other opportunities. (ADA, 1990, Sec. 2.5)

With the attempt for solutions to discrimination, Title I approaches the issue of employment for those that claim some sort of disability; the purpose of the ADA “was to eradicate barriers for the disabled without relieving a disabled employee from the obligation to perform the essential functions of his or her job” (Abram, 2003, p. 3). Title II of the ADA details the rights of the disabled to public services, including transportation with guidelines to provide for accessibility and mobility issues that remain obstacles to individuals with physical disabilities, including a detailed section on public transportation by intercity and commuter rail. In Sec. 223, discrimination is itself defined as a “failure of such entity to provide paratransit or other special transportation services” for eligible recipients reporting a disability (ADA, 1990). Title III, Sec. 504 details the obligations for private entities that operate public services “to ensure that buildings, facilities, rail passenger cars, and vehicles are accessible, in terms of architecture and design, transportation, and communication, to individuals with disabilities” (ADA, 1990). The provisions do obligate postsecondary institutions to federal standards.

The legislation also calls for a demand responsive system for any transportation that is not fixed route. Both fixed route and demand responsive initiatives are detailed in Sec. 302 as part of the prohibition of discrimination that: “No individual shall be discriminated against on the basis of disability in the full and equal enjoyment of goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation” (ADA, 1990). The

requirements to ensure access from fixed routes and other transportation are the most significant issues for mobility discussed in the Americans with Disabilities Act, expanding upon previous standards. With services “which prevents such individual from traveling to a boarding location or from a disembarking location on such system;” (ADA, 1990) Sec. 223 do remain indefinite over the responsibilities of the transport service and accessibility from the point of disembarkment for a hypothetical institution serviced by a public commuter rail.

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**TABLE 1:** Legislative history

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1920 Smith-Fess Act  
 1936 Randolph-Sheppard Act  
 1943 Vocational Rehabilitation Amendments  
 1954 Vocational rehabilitation Act Amendments  
 1959 President’s Committee on Employment of the Physically Handicapped  
 1965 Vocational Rehabilitation Act Amendments

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**1973 Rehabilitation Act**

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1975 All Handicapped Children Educational Act  
 1978 Rehabilitation Act Amendments  
 1980 Uniform Federal Accessibility Standards  
 1986 Rehabilitation Act Amendments

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**1990 Americans with Disabilities Act**

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1992 Amendments to the Rehabilitation Act  
 1997 Individuals with Disabilities Education Act

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The Uniform Federal Accessibility Standards (UFAS), revised in 1980, and 1986, accompanied ANSI in 1984 as the ADA enforced the guidelines as civil rights legislation, including the Fair Housing Amendment Act of 1988. The ADA published its own Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities in 1991 as ANSI revised again in 1992 and 1998. As a general rule, no individual is to be denied equal service and any service from a fixed route system must provide it without discrimination. Beyond accessibility issues, the only specific section that directly relates to the higher education concerns

examinations and courses for trade and education (ADA, 1990, Sec. 309). While legal areas do remain grey, for even accessibility it is often difficult to know the troubled areas for mobility in and around the campus based on minimum standards. Moreover, to provide for integrated settings without the denial of participation, barriers and obstacles to accessibility are subject to legal recourse based on discrimination of civil right to equal enjoyment of services.

### *Accessibility and Mobility in Higher Education*

An article for the publication *Disability Compliance for Higher Education* notes five major fallacies regarding accessibility. The report consults an attorney, Gregory S. Fehribach, who has consulted a number of projects to meet ADA standards. The first fallacy is that the disability act is often viewed as a compliance code like ANSI or the Minimum Guidelines and Requirements for Accessible Design (MGRAD) published by UFAS. Many architects, engineers and building owners even fail to recognize that the ADA is civil rights law, and the publication suggests it is time for professionals to “take time to meet the space needs of people with disabilities” (DCHE, 2002). The report also notes the fallacy that if a space remains the same, or if improvements are minimal or cosmetic, there is no need to reassess compliance when the “only wrong answer for access is to do nothing” (DCHE, 2002). In another article, the publication makes an example of the University of Berkeley in California, which faced a civil rights case that resulted in “sweeping access improvements” (DCHE, 2005). Because of the case against them, the university will approach to providing universal access for mobility.

As suggested, the challenge to higher education is to determine where, how and why services are not being received when needed. The U.S. Department of Education and the National Center for Education Statistics (NCES) conducted a National Postsecondary Student Aid Study, 1999-2000. The study found that of the students that report a disability, 29.4%

reported orthopedic or mobility impairment with only 19.0% reporting that they receive services for the disability and 22.0% reporting that they were in need of, but did not receive the services they needed. For the most easily recognized and serviced of disabilities, a significant percent of individuals that report a disability, but continue to report they do not receive services.

**TABLE 2:** *U.S. Department of Education, NCES, 1999-2000 National Postsecondary Student Aid Study*

Percentage distribution of students reporting disabilities according to type of disability, and among students reporting disabilities, their service receipt status, by type of disability: 1999-2000

<i>Type of Disability</i>	<i>Percent of disabled students</i>	<i>Percent receiving services</i>	<i>Percent in need of services, but not receiving them</i>
All disabilities	100.0	26.0	22.0
Orthopedic or mobility impairment	29.4	19.0	20.5
<b><i>Standard errors</i></b>			
All disabilities	†	1.20	1.13
Orthopedic or mobility impairment	1.04	1.77	1.90

†Not applicable.

Again, the issue is one of an individual's civil right to integrated settings without the denial of participation. Historical properties and buildings are not entirely exempt. Sec. 504 of the Americans with Disabilities Act sets guidelines, procedures and requirements for qualified historic properties, as established by UFAS for historic sites eligible for listing in the national register (ADA, 1990). While the ADA still does not require physical access to every building, many complexities will still arise as the ADA does require assurance to physical access and right to not be excluded from programs and services. Disability Compliance dismisses the fallacy that minimal compliance standards are the answer, suggesting that universal design and inclusive access is the theory of everything to ensure equal opportunity and participation for all.

While minimum accessibility standards do not always ensure the rights of the individual are free from discrimination – the prohibition of denial of participation, unequal benefit and segregated services – administrators as well as instructors must be prepared with the knowledge to make well-informed judgments and decisions when faced with related issues. Any number of unexpected matters might arise as students explore open opportunities and services available in postsecondary education where the legal obligations remain uncertain. Even to the concerns with questions that arise over travel abroad programs and mobility access where students might have to “maneuver through Spain’s narrow, cobblestone streets,” or travel where disability compliance is not the same standard as in the United States (DCHE, 1998). Unknowns will have to be accounted for, and are discussed in the literature as important for the retention of disabled individuals in higher education. Commentary made to Lederman (2005) suggests the need for continued services to retain students that have taken the step to pursue postsecondary education, noting that there are many social issues beyond minimum legal requirements.

#### *General Implications of the ADA*

As noted, while the ADA requires nondiscriminatory treatment, access to programs and services, the process for determining eligibility remains a challenge. Higher education is not obligated to alter standards, as precedence with the 1979 case of *Southeastern Community College vs. Davis*. As such, the disability service administrator (DSA) in a higher educational setting must determine eligibility from institution-based policies and procedures. With the autonomy accorded to higher education, the policy ramifications of legal decisions do often result in institutions “designing their own compliance regimes for legislative and litigative change” (Olivas, 2005, pp. 248). Public and private colleges are held to different constitutional considerations, and private institutions often afford fewer rights to students than public

institutions (Olivas, 2005, pp. 255-256). For all institutions that participated in the NCES and Department of Education study, each reports a generally high percentage of students that report a disability; but they do not always receive services and their legal rights remain imprecise.

**Table 3:** *U.S. Department of Education, NCES, 1999-2000 National Postsecondary Student Aid Study*

**DISABILITY RELATED SERVICES** Percentage and percentage distribution of students reporting disabilities, and among students reporting disabilities, their service receipt status: 1999-2000

<i>Students reporting disability</i>	<i>Total</i>	<i>Public 4-year</i>	<i>Private, non-profit 4-year</i>	<i>Public 2-year</i>	<i>Private, for profit</i>
Percentage with disability	9.3	7.8	7.5	10.8	12.0
Percentage that received services	26.0	29.2	26.3	25.2	18.0
Needed services, but did not receive them	22.0	21.2	24.0	23.2	10.6
Percentage distribution with disability	100.0	26.4	11.4	48.6	6.3
Percentage distribution of all student	100.0	31.3	14.0	42.1	4.9
<b><i>Standard errors</i></b>					
Percentage with disability	0.2	0.3	0.4	0.5	1.0
Percentage that received services	1.2	1.7	2.1	2.2	2.0
Needed services, but did not receive them	1.1	1.7	1.9	2.0	1.3
Percentage distribution with disability	†	1.1	0.7	1.5	0.8
Percentage distribution of all student	†	0.6	0.3	0.7	0.5

†Not applicable.

The ADA itself does not provide for purposeful guidance and definitions for legal issues beyond the accessibility requirements and defining issues related to ensuring freedom from discrimination. In the United States, case law and regulations are not always much help in real-life situations and service administrators often have “little to guide them in their role as a technical assistant and accommodation decision maker” (McGuire, 1993, p. 23). Clearly, some legal policies are more easily adopted than the more complex regulatory and legislative

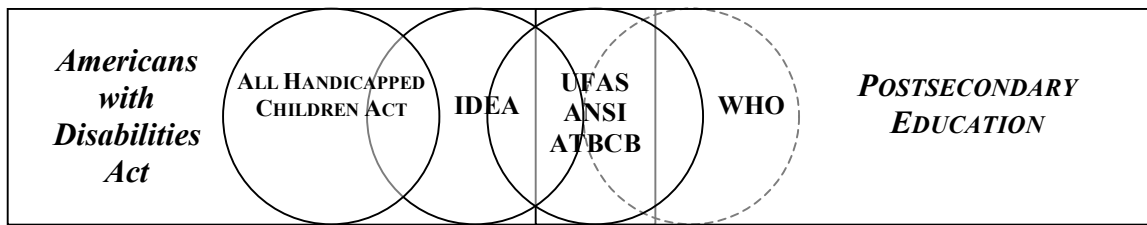
initiatives; but it is also “clear that academic policy makers have substantial opportunities and resources to shape legal policy and smooth the way for legal changes on campus” (Olivas, 2005, pp. 248). The grey areas suggest obstacles in terms of determining disability and the services to provide, adjusting policies, and ensuring policies and standards for are provided for.

The case of MIT students that have sought treatment for stress injuries related to computer usage illustrates the range of ailments for which students have sought services. Students suffer Repetitive Strain Injuries (RSI) from computer usage as they arrive at MIT “attached to the computer” (DCHE, 1997). Similar cases of RSI have reported the painful lesson of computer usage at Harvard, and instances of the stress injuries reported in local high schools (Salmon, 1998). While there is little research and statistics on the incidences of RSI, it has become a major problem at MIT and the school has begun to provide resources and information to their students (Karlo, 2006). While questions remain over to what extent postsecondary institutions are required to provide such services, recent changes suggest that the institutions and their faculty be prepared to problem solve unexpected issues. Not only as individuals seeking medical help have become treated as consumers and quickly diagnosed by some professionals with ailments such as LD and ADHD, but also as traditionally autonomous institutions are likely to be held more accountable in the twenty-first century.

When a student that reported a learning disability filed suit as the university “allegedly discontinued recruitment efforts for athletic scholarship after student was determined not to be eligible to participate in collegiate athletics,” the court found that the university’s autonomy did not “partake of all the traditional features” (Bowers vs. NCAA, p. 474, 477). The case of *Bowers vs. the National Collegiate Athletic Association* is an instance where a state university did not enjoy immunity due to civil rights rationale and the ADA to protect individuals.

The law does require students be clinically evaluated to determine the extent of their needs if they are to claim a disability. Determining reasonable accommodations in higher education remains “a delicate dance: the institution’s rights and responsibilities must be weighed alongside those of the individual with disability” (McGuire, 1993, p. 24). The ADA suggests a definition of disability as having some functional limitation relative to the population, which in practice must be documented by a medical professional with a formal definition of the impairment and its limitations by the medical professional. The literature on the ADA does suggest developing policy initiatives according to World Health Organization (WHO) standards in order to improve determining disability. It is the right of the postsecondary institution to ask for documentation as determined by the guidelines established from the policy of the institution itself, often requiring longstanding documentation of the individual impairment.

**Table 4:** *The ADA and Higher Education in Perspective*



The DSA must advise the administrative policymaker of the potential problems and discriminatory practices with current policy. Sec. 302 does establish rules regarding discriminatory administrative practices, including articles that define additional administrative methods that have the affect of discrimination, or that perpetuate discrimination “are subject to administrative control” (ADA, 2000). Given the NCES statistics, it does seem appropriate that postsecondary education considers and evaluates its disability policies accordingly.



## Research Discussion

Disability can be differentiated from impairment and handicap, based on the World Health Organizations (WHO) standards for identifying and treating medical conditions, which includes neurological disabilities, muscular skeletal, visual, auditory, and numerous miscellaneous medical disabilities (Wainapel, 1993, pp. 73-97, 170-185). From knowledge of WHO, students with a physical disability might require special needs ranging from mobility to manual-dexterity, information retrieval, communication, and physical endurance. Federal accessibility standards account for these issues in ensuring that the individual's mobility remains free from architectural and environmental barriers and obstacles. Making available information technology and computing services for the disabled remain an areas where administrators must judge the needs of their students and to what extent additional services need be provided. The value of the widely accepted WHO classification for categorizing disabilities is "not directly tied to the definition of disability under the Americans with Disabilities Act" (Wainapel, 1993, pp. 99). The classification system provides a means by which clarify legislation and policy.

The topic of disability research for postsecondary education appears infrequently in academic journals. Whereas the publication *Disability, Culture, and Education* published only two 2002 issues, the journal of *Disability, Handicap, and Society* does offer an article by for auditory disabilities in postsecondary education. The *Journal of Disability Policy Studies* features a brief article on the issue of disability in postsecondary learning and the possibility of developing provisions for students in higher education through the amending of the Higher Education Act. Institutions need ensure that if their students have special needs and accommodations, that they are communicated and provided for. State legislation and programs

for the disabled are also important to consider in developing the themes. Solutions are often as simple as communicating well with students and judging to ensure policy meets their needs.

## **Conclusions**

While mobility, accessibility and vocational rehabilitation have been longstanding issues with legislation to provide for the removal of obstacles and architectural barriers, the denial of service becomes a civil rights issue for individuals in the United States, with the 1973 and 1990 legislation based on the Civil Rights Act and the 14<sup>th</sup> amendment to the constitution. The 1990 Americans with Disabilities Act is the most extensive civil rights legislation for the disabled, securing standards to include access free from obstacles and barriers from fixed route and demand responsive systems. With an obligation to adhere to these standards, including previous accessibility standards, institutions of higher education must also provide services for examinations, or some alternative arrangement. Beyond these required minimum standards, provisions for the disabled are a matter of institutional policy. No provisions for disability beyond these minimum standards are specified in the ADA. Institutions of higher education are not in particular required to provide for the same needs that students may have received in secondary education under other educational disability acts. Whereas government legislation has begun to ensure rights for individuals that claim a disability, the same remains true for postsecondary education in the United Kingdom where the law also remains imprecise.

The Civil Rights Act has long established the right for all individuals to have access to higher education, and the ADA has specifically provided those rights for individuals that might report a disability. For the physically disabled, in addition to knowledge of federal accessibility standards, provisions for fixed and demand responsive systems, it is important to communicate, generate feedback and input into problem areas, to ensure accessibility is sufficient to mobility

needs. Numerous issues may arise that administrators and instructors will have to problem-solve with reasonable accommodation, and they should be prepared with the informed judgment, knowledge and skills to do so as higher education faces change in the twentieth century.

Whereas the U.S. Department of Education and NCES statistics suggest that students report disabilities, but do not receive services, institutions of higher education and postsecondary need investigate policy and decision making as they evaluate the needs of those students that have rights under the Americans with Disabilities Act. Issues related to accessibility standards and mobility for the physically impaired are clearly defined. The most important rule of thumb is that no individual be denied access or segregated from participation, and that equal provisions are made for all individuals with a documented disability. Court cases suggest that the traditional sovereignty of the university is not immune from civil rights issues under the ADA, but that they are not required to lower their standards for learning. The language of the legislation itself makes determining a disability and thus providing services complicated for postsecondary education. WHO standards provide a valuable categorical system by which to improve upon disability legislation and institutional policy. Further research concerns the deepening of these themes to expand knowledge of the subject and the challenges.

**Work Cited**

Abram, S. (2003). The Americans with Disabilities Act in Higher Education: The Plight of Disabled Faculty. *Journal of Law and Education*, Vol. 32, No. 1, pp. 1-20.

Adams-Spink, Geoff. (2005). Disabled students get new rights. *BBC News*, retrieved April 20, 2006, <http://news.bbc.co.uk/1/hi/education/4201364.stm>

Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 104 Stat. 327 (1990).

»»NOTE: This was the 336<sup>th</sup> law passed by the 101<sup>st</sup> Congress. It is located in volume 104 of the U.S. Statutes at Large passed in 1990.

Bowers v. National Collegiate Athletic Association, D.N.J 2002 188, F. Supp. 2d 473, revisited in part 346 F. 3d, 402 (2005).

Burgstahler, S. (1992). Computing Services for Physically Disabled Students in Post-Secondary Institutions: Results of a Survey in Washington State. Retrieved April 20, 2006, <http://staff.washington.edu/sherylb/discomp.92.html>

Disability Compliance for Higher Education. (1997). MIT and RSI – Student’s Repetitive Stress; Injuries Posin a Challenge to Instruction. *LRP Publications*, Vol. 2, No. 11.

Disability Compliance for Higher Education. (1998). Study Abroad Creates Accessibility Barriers. *LRP Publications*, Vol. 3, No. 9.

Disability Compliance for Higher Education. (2002). The five major fallacies regarding accessibility and the realities. *LRP Publications*, Vol. 7, No. 7.

Disability Compliance for Higher Education. (2005). Settlement results in sweeping access improvements at Berkeley. *LRP Publications*, Vol. 10, No. 8.

Karlo, T.R.(1996). Dangerous Work – Repetitive Strain Injury at MIT. *The Tech*, Vol. 116,

No. 24.

- Kent, R. (1998). Disability Access Provisions for Historic Buildings. The Building Conservatory Directory 1998 update, Retrieved March 30, 2006, <http://www.buildingconservation.com/articles/accessbcd98/access.htm>
- Lederman, D. (2005). College and the Disabled Student. *Inside Higher Education*. Retrieved April 13, 2006, <http://www.insidehighered.com/news/2005/07/29/disabled>
- McGuire, J. (1993). Educational Accommodations: A University Administrator's View. In Gordon and Keiser, Eds., Accommodations in Higher Education under the Americans with Disabilities Act (ADA), New York: GFI Publications.
- Olivas, M. (2005). The Legal Environment: The Implementation of Legal Change on Campus. In Altbach, Berdahl, and Gumpert, Eds., *American Higher Education in the Twenty-First Century: Social, Political, and Economic Challenges*, London: The John Hopkins University Press.
- Rehabilitation Act of 1973, Pub. L. No. 99-111, 92 Stat. 2983 (1978). »»NOTE: This was the 111<sup>th</sup> law passed by the 93<sup>rd</sup> Congress. It is located in volume 87 of the U.S. Statutes at Large beginning on page 332 passed in 1978.
- Salmon, J.L. (1998). For Students, Painful Lesson On Computers; More Seek Treatment For Stress Injuries. *The Washington Post*, A Section, pp. A01.
- Tinklin, T., Riddell, S., Wilson, A. (2004). Disabled Students in Higher Education. *CES Briefings*, No. 32.
- Wainapel, S.F. (1993). Physical Disabilities. In Gordon and Keiser, Eds., *Accommodations in Higher Education under the Americans with Disabilities Act (ADA)*, New York: GFI Publications.