

Higher Education for Individuals with Disabilities

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### *Abstract*

In the past, universities did not offer equal opportunities for students with disabilities. Therefore, the principle of transitioning to higher education for students with disabilities was inscribed in legislation. This paper analyzes some legal provisions governing students with disabilities. The present study is essential for recognizing the rights of post-secondary students living with disabilities. Studying the legal provisions concerning the treatment of these learners is critical for ensuring that these provisions receive emphasis and support. Thus, this paper contributes substantially to ensuring that students with disabilities can access post-secondary education and prosper in life. The paper focuses on the possible legislation and special barriers that impede access to quality higher education for people with disabilities. Each topic is treated under the banner of policymakers. The paper examines federal laws aimed at addressing the issue of equality, especially for marginalized students with disabilities, and the options and requirements for ensuring the implementation of better systems that respect students with disabilities. The paper also concentrates on potential amendments to laws that will create more opportunities for students with disabilities. Moreover, it discusses the present accommodations, if any, to facilitate these students' smooth transition to higher education and employment. With this, it highlights special barriers that students face while undergoing their transitions and to existing program articles to make it easy for students with disabilities to access and success in higher education. The paper also touches on student financial aid, provisions for housing, and the use of assistive technology in higher education.

## INTRODUCTION AND BACKGROUND

### Postsecondary Education and Training Background

Disability laws in post-secondary education and training are a pressing issue in society. At stake is the effectiveness of teaching that is offered in colleges, universities, vocational schools, as well as other approved educational institutions that provide an academic degree or certificate after high school. High quality education is paramount since it helps people of all ages and professions gain jobs of higher levels. A number of students with disabilities who join these institutions have increased; hence, the need to develop and enforce a legal framework to govern their conduct is evident. The Office of Postsecondary Education under the US Department of Education regulates teaching at this level (US Department of Education, 2010). The administrative center manages grant programs that are designed to improve academic quality and develops federal post-secondary education policies and regulations. Additionally, the office administers programs that support low-income, first-generation students, and individuals with disabilities to pursue their studies. This paper analyzes some legal provisions governing students with disabilities. This study of legal provisions related to students with disabilities is important since it helps in understanding the rights of post-secondary students who live with disabilities. Legal provisions that govern how these learners ought to be treated are emphasized, and before these provisions can be emphasized and enforced, they must be studied. Thus, the paper contributes immensely to ensuring that students with disabilities can access post-secondary education and prosper in life.

Higher education at universities in the past did not offer equal opportunities for students with disabilities (Arscott, 2013). This situation stemmed from the notion that a disability was a condition that would not enable a student to successfully pursue their education (Lloyd &

Hallahan, 2005). In addition to these perceptions were the lack of provisions within institutions to cater to persons with disabilities, and this discrimination extended to other areas such as employment, resources and funding, and independent living (Individuals with Disabilities Education Improvement Act, 2004).

The principle of transitioning to higher education for students with disabilities was inscribed in legislation through the passing of The Rehabilitation Act of 1973. With this, the establishment of Disability Education Improvement Act of 2004 was also instrumental in improving the access of postsecondary education for students with disabilities. These laws, among others, played a critical role in making a smooth transition process for students with disabilities to move to postsecondary levels of education.

Among the laws that first brought about significant impact in higher education include the Higher Education Act, which introduced the supervisory role of the government in higher education (Higher Education Act, 1965). The protection of the right to curriculum access and facilitation of persons with disabilities was addressed by The Rehabilitation Act of 1973. The Education for All Handicap Children Act provided access to free education, but all these laws did not address specific needs of students with disabilities in higher education (Education for All Handicap Children Act, 1975).

Federal law has explicit provisions that protect people with disabilities from discrimination (Ebersold, 2011). The laws also specify the standard of services and support that should be accorded to students with disabilities. It is crucial to note that the process of providing quality education to students with disabilities began in earnest at the elementary and secondary levels before expanding the opportunities to higher education. Besides, higher education is considered the opening to competitive employment, independent living, and community

inclusion for persons with disabilities. For these individuals, higher learning is continually growing with credit due to the legislations made to ensure they receive equal opportunities. Grant initiatives have also made higher learning supportive, inclusive, and available for people with disabilities (Arscott, 2013). The potential brought about by these commitments is in keeping with emerging practices. Programs that have been designed for students with disabilities in institutions of higher learning are, however, limited. Besides, institutions of higher learning have differences from elementary and secondary education in that they are expensive, their admission follows a selective procedure, and the academic emphasis is on general education, they have a variety of disciplines available, their degree of support for students with disabilities is limited, and their social diversity is broad.

This report focuses on the possible legislation and special barriers that have become an impediment for people with disabilities to access quality higher education. Each of the topics discussed here is treated under the banner of policy makers. It looks at the federal laws presently trying to address the issue of equality, especially for marginalized students with disabilities, and the options and requirements necessary to ensure better systems are put in place that respect students with disabilities. This paper also looks at what needs to be done to the laws so that more opportunities for students with disabilities are made available. The report also discusses the accommodations, if any, that are offered to higher education students to facilitate their ability to transition smoothly to higher education and employment. With this, attention is paid to special barriers that students face while undergoing each of these stages and on program reviews already enacted to make it easy for students with disabilities to access and succeed in higher education. The paper will also touch on student financial aid, provisions for housing, and the use of assistive technology in higher education.

This topic has been selected since much effort and attention has been put into addressing challenges with elementary and secondary education without looking deeply at the issues in postsecondary education (Lloyd & Hallahan, 2005). A look at the legislation and standards can also help identify the progress made in higher education for those with disabilities and in identifying any gaps that may exist. An examination of the laws pertaining to this particular sector can also help highlight them for more effective implementation.

### **Background**

It is worth noting that students with disabilities pursuing higher education are protected by federal laws. The laws are different from those dealing with both elementary and secondary education. For instance, there is no guarantee of free appropriate public education in higher learning as compared to elementary and secondary education. Also, there is no individual education plan, parents are hardly involved, and no assessments are provided by the policy, among other things. However, there is a structure that guides the outcomes. Precisely put, federal laws are aimed at protecting the students with disabilities from discrimination but do not provide the students with the process that they will use to achieve excellent results. Higher education is less independent, and students must take the leading role in doing most of the things (Ebersold, 2011) some of the K-12 barriers faced by the students with disabilities include the fact that some teachers have a low expectation with regards to their abilities. Besides, the existence of inadequate pedagogy and the lack of services that should aid the educational needs of students with a disability is also an issue of concern to stakeholders. In some institutions the students are not provided with the core curriculum that they should be exposed to in order for them to be awarded diplomas for higher education (Arscott, 2013).

The first efforts to intervene in higher education were in the provision of financial aid in the Serviceman's Readjustment Act of 1944 (Rhatigan, 2000). However, this legislation only covered soldiers who were returning from the battlefield and did not cover the general population of disabled students in the country.

Civil rights movements had a huge impact in education for people with disabilities since it saw the advocacy for the rights of people with disabilities. It was initiated by those who had children with disabilities. The focus of this movement touched on all areas of services to students with disabilities, including higher education. The Updated reauthorization increased the access to funding for students with disabilities since it required institutions to include minority groups in order to access the funds; this saw the inclusion of a small number of students with disabilities, which improved access.

The decade beginning with 1990 saw the amendment of IDEA to include transition services such as individual education plans for students with a disability. It was noted that the failure to clearly spell in the law the difference between the K-12 and higher education sparked serious debate. The implication is that students and their parents got disappointed because their expectations are not met. Also, the transition services that are presently provided do not prepare students with disability adequately, and as such, they are unable to feel sufficiently involved in the process. Alongside the amendment of IDEA in 2004, there are other supportive legislations such as The 'No Child Left Behind' Act and standards that shape the provision of higher education for students with disability in the present day.

For these Acts and legislature to be effective, there is a need of the implementation of the Council for Exceptional Children (C.E.C) standards. The latter ensure that students with disability have access to higher education, and that educators in higher learning institutions are

well equipped to provide service to persons living with disability. Professionals dealing with persons with disability are guided by the CEC professional ethical principles and practice standards. These ensure they adhere to specific standards in addressing the different needs and characteristics of students with special needs.

## **LITERATURE REVIEW**

### **Research Synthesis**

IDEA ensures that most students with disabilities receive special high school education and the services related to it. However, IDEA does not offer these services once the students have transitioned to postsecondary institutions. Traditionally, in preparation for college, students with disabilities are given triennial updates before graduation to document their disability. However, a psycho-educational evaluation report update may not be available. For graduating seniors, the only available disability documentation is the Summary of Performance (SOP) (Killean & Hubka, 1999). IDEA proposes that a new transition mechanism should be mandated to facilitate the transition of these students from secondary to higher education through the use of SOP. According to the law, a summary of the functional achievement and academic performance of a child throughout their secondary education should be documented and recommendations on how the child can be assisted to meet higher education goals included.

Students transitioning from secondary to higher education and have a comprehensive Summary of Performance report have a current disability functional impact to facilitate their academic accommodations (Killean&Hubka, 1999). The report contains past academic accommodations evidence and the extent of their effectiveness. Any student with special education who is aging out of school or graduating with a diploma is required to possess a Summary of the Performance report. This is because the document plays a critical role and is



considered in academic accommodation decisions for entry into institutions of higher learning. Other than the summary of functional performance and academic achievement, the law does not give further clarifications on the format or scope of the document. The national template summary of performance is the format to be followed when completing the document for all students with a disability (Public Law 108-446).

Attention to detail and thoroughness are significant features for completion of the Summary of Performance. To meet the legal standards, the document should focus on the current limitation to functionality as imposed by the specific impairment the student has. The existence of a qualifying disability should not be the focus, but rather the limitation the impairment caused on the normal functioning of the individual should be highlighted (Osborne, n.d.). Specific and clear statements should be issued on the level of limitation the impairment creates. For instance, take a person suffering from attention disorder: in this case, the individual can sit and concentrate for at most 30 minutes. The implication is that the individual cannot take exams that last for more than the specified duration (Friedman & Applequist, 2008).

Objective and specific information that documents the functional levels as a high school senior that facilitates their smooth transfer to higher education institutions and information that contains the limitations to learning they endure as a result of their impairment is crucial. The National Template SOP form allows entry of information that touches the functional, cognitive and academic skills of the student and the level at which they currently stand (Falese, 2012). In this section, data collected on student's performance and progress through positive behavior support, curriculum-based assessment and response to intervention efforts are captured. The need for accommodations and functional limitations can also be described using data such as the performance of the student under different accommodations over varying timeframes.

Once they are served with the document, the institutions of higher learning personnel establish the impact impairment has on the student in the higher education setting. After it is known, the personnel should embark on determining the appropriate accommodations that will enable amelioration of the student's disability limitations in the academic environment. Also included in the document are the assistive technology modifications and accommodations that facilitated high school participation for the student with a disability. Recommendations that can enable the student to meet their goals in higher education settings are also outlined as per the IDEA requirements. It is clear that the expectations and obligations of consumers and secondary personnel differ significantly from those in the institutions of higher learning. This implies that the stated recommendations are mere guidelines that do not impair the judgment of the Office of Students with Disabilities personnel (Killean&Hubka, 1999).

However, because of the time required to implement comprehensive SOP's by the state education agencies and some K-12 schools, the institutions of higher learning have also been reticent in the acceptance of the same document. Many concerns are raised by postsecondary disability institutions of higher learning. One such issue is the decline in operating under IDEA since it has no standing in higher education. Therefore, most institutions of higher learning use the psycho-educational assessments to make decisions regarding documentations. In making documentation decisions, higher learning institutions view the SOP as having a deficit of information to influence their decisions. Therefore, while maintaining the independence and integrity in the decision making of higher education professionals, the SOP should document meaningful information so that there is effectiveness from the part of service providers (Falese, 2012). Higher education professionals and educationalists also need to be equipped with the skills and expertise to handle students with the disability. The Summary of Performance (S.O.P)

as well as the Advanced Preparation Standards 1-7 are established by the Council for Exception Children to properly aide in the imparting of these relevant skills. This is in line with the C.E.C standards dubbed the Special Educator Preparation Standards where there is a commitment to uphold high standards for all special educators.

### **Summary of Legislation and Literature**

The mid-1950s marked the beginning of deinstitutionalization movement, and with the necessary support, the responsibility of taking care of people with disabilities was given to their communities. Children with disabilities started attending schools in large numbers. However, they were mistreated, thus leading to the emergence of the independent living movements that argued that such people should enjoy the same rights as others. The enactment of The Higher Education Act in 2008 was a significant milestone in improving access to postsecondary education for students living with a disability. The Act has provided financial aid to swaths of learners with disabilities. Moreover, it funds twenty-seven Transition Postsecondary Education Programs for Students with Intellectual Disabilities (TPSID) and a National Coordinating Center. Under the program, learners with disabilities are eligible to apply for federal funding for their college education. To qualify, they must meet the definition of intellectual disability as outlined by the Act and should attend an approved comprehensive transition program. It is worth noting that if a student meets these two criteria, they do not require a standard high school diploma nor are they required to be pursuing a degree or certificate. TPSID helps in providing individualized support for students with disabilities so that they can utilize the opportunities that are available to their healthy peers.

The Individuals with Disabilities Improvement Act (IDEA) of 2004 and 34 CFR Parts 300 and 301 deal with the final regulations that were issued by the Secretary of Education

governing the assistance to states for all programs relating to children with disabilities (Public Law 108–44). The regulations implement the amendments made to the IDEA Act of 2004. Under these rules, educational facilities are supposed to design result-oriented processes that focus on improving children’s capabilities to assist in the transition from school to postsecondary activities and the final integration into employment environments. These are regulations that are strongly related to the C.E.C standards such as the ‘adaptation of the physical environment to provide optimal learning opportunities for individuals with exceptionalities’ (IGC.2.K2) and the ensuring of a model career, vocational, and transition programs for individuals with exceptionalities (IGC.5.K9). The activities should be based on a child’s with disabilities strengths and preferences, including instructions, community experiences, and the development of employment and other post-school adult life objectives. Furthermore, educational facilities should aid in the acquisition of daily life skills and enhance functional vocational evaluation.

The Rehabilitation Act of 1973 outlaws any form of discrimination on the basis of disability in programs that are run by the federal government, including postsecondary institutions. It contains provisions that focus on the rights and protections of people with disabilities and establishes the National Institute on Disability and Rehabilitation Research within the Department of Education. Regarding postsecondary education, the institute is mandated with the dissemination of educational materials and research results. The move is aimed at maximizing the full inclusion and integration of people with disabilities into society and independent living as well as their ability to be self-sufficient (Duncan & Ali, 2011). One of the C.E.C standard that needs to be met is in line with the concept of independent living is that of using appropriate adaptations and technology for all individuals with exceptionalities (IGC.5.S27). Helping the people with disabilities integrate into society will ultimately, play a

role into their self-sufficiency. What is more, the act provides the establishment of a grant to private non-profit organizations to establish programs that offer training and information to empower individuals with disabilities, their parents, and guardians. Such funds are meant to meet the unique training and intelligence needs of persons living with disabilities. These organizations are also mandated to make follow-up support for transition and employment programs which is in line with CEC standard, IGC.5.S8. which prescribes the acquisition of the resources and techniques used to transition individuals with exceptionalities into and out of school and in post school environments. Individuals with disabilities who enroll in these institutions are positioned to reap many benefits.

The US Department of Education's Office of Special Education Programs ([OSEP](#)), acting under the provisions of IDEA, authorizes discretionary grants to institutions of higher education and other non-profit organizations. This financial aid is meant to support research, demonstrations, technology, as well as personnel development costs (US Department of Education, 2014). It offers assistance to projects that give information and technical help to families of children with disabilities. The projects serve infants, children, and youth who are suspected of having a disability, developmental delay, or who may be not identified as requiring special education and related services. The projects address raising children with diverse disabilities like deafness and autism or other healthcare needs. Moreover, it promotes parental rights under IDEA and helps transitioning during various stages of a student's life. The laws also support the development of positive behavior and integration into wider society. This can be seen in IGC.4.S1 which is a CEC standard under skills which calls for the implementation of proper procedures that will allow the reporting of both appropriate and problematic social behaviors of exceptional persons.

The Office of Civil Rights (OCR) handles matters regarding students with disability and their rights, which is under the US Department of Education. The agency enforces Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disability Act of 1990. The two statutes prohibit any form of discrimination by virtue of being disabled. For instance, if a school provides housing to non- children with disabilities, it is obliged to provide comparable, accessible, and convenient service to learners with disabilities at the same cost. Moreover, students with disabilities are strongly encouraged to know their rights and responsibilities under the law. Well-informed learners ensure that they enjoy the benefits of postsecondary experiences without confusion or delay.

### **Higher Education Act of (2008)**

The Higher Education Act was enacted into American law as a domestic agenda for President Lyndon in 1965. The main intention for its legislation was mainly to strengthen the existing academic resources at universities and colleges. The law would also ensure that the government provides financial aid to students pursuing their postsecondary education. In 2008, Congress initiated amendments to address the issues faced by students with intellectual disabilities seeking to join postsecondary institutions. The 108<sup>th</sup> Congress was mandated to reauthorize five bills that would address several issues including community inclusion, self-determination, improved quality of life and competitive employment (Public Law No: 114-105 ). All these relate to the Postsecondary Education Act that mainly focuses on the welfare of students with intellectual disabilities who are progressing to college. This Act informs the formulation of CEC standards that ensure that professional adhere to these regulations and contribute to creating an environment that enables persons with disability acquire quality education. This would mean that multiple platforms such as the educational, legal and judicial

systems should be set up to allow the assisting of persons with exceptionalities (IGC.6.K4).

There are a number bills that support the Higher Education Act of 2008, including the Higher Education Act of 1965, Work Involvement Act (WIA, 1998), the Individuals with Disability Act (IDEA, 1997), and the Carl D Perkins Vocational and Technical Education Act of 1999 (Public Law No: 114-105 ). The reauthorization of these legislations offers the United States Congress an opportunity to analyze and address all the issues that relate to the provision of postsecondary education for students with learning disabilities in postsecondary education. In addition, the legislation seeks to address issues that are likely to impede the development of the students with learning disabilities in the country.

It is essential to note that Higher Education Act of 1965 states that students with learning disabilities would enjoy an improved future and quality of life given its passage. This legislation ensures that these people have equal rights in relation to the standards of living (Public Law No: 114-105). The students with disabilities have always been allowed to progress various grades of their education although they have been mistreated by being stopped to wait for additional clearance as others without disabilities progress to college. The main goal of accessing general education qualification is to prepare all students who are pursuing a college degree or diploma regardless of whether they have intellectual disabilities.

The Higher Education Act is a sure way of accessing postsecondary education by incorporating existing programs that are meant to facilitate entry to higher education institutions. Some of the legislations that play a critical role in supporting the measures to access postsecondary education include the Olmstead Act (1999), Americans with Disabilities Act (1990) and Rehabilitation Act (1998) that have already granted access to many students with intellectual disabilities (Public Law No: 114-105). The act focuses on four main categories of

activities and programs that are meant to improve students with intellectual disabilities' access to accommodations.

These accommodations include financial aid offered to the students; services seeking to assist the student in completing secondary school successfully and then join higher institutions of learning. Aid to improve teacher training services, referred to as the K-12 program offered in post high school institutions and aid institutions, plays a critical role in supporting all the programs meant to help students with intellectual disabilities achieve their dreams (Public Law No: 114-105). All these activities have the potential to help students with the learning disabilities join college and cope with college life just like the normal students.

Various programs in the Higher Education Aid program provide learning services to students to strengthen the school programs that they engage in on regular basis. The programs are designed to promote the preparedness of students by helping the authorities provide education to the intellectually disabled students among other underrepresented populations such as migrants.

### **Assistive Technology**

Learners at all levels require assistive technology to facilitate their learning and to ensure that they achieve the set education standards and overcome any challenges that they may have. Such technology aids communication in the classroom and improves understanding of content during lessons. There are several standards that define what is expected of educators and what facilitation can be given to students in technology. CEC standard include the need to maintain and integrate assistive technologies when dealing with these children (IGC.2.S2), the use of adaptive technologies (IGC.5.S7) as well as the incorporation of instructional and assistive technology into the educational programs.



In 2004, the Assistive Technology Act was reauthorized under Public Law 108-364. In 1988, ATA grants were established to give states funding to provide access to Assistive technology (ATA, 2004). This was reauthorized due to its success in supporting the education of people with disabilities. The law advocates for the use of universal design in the application of technology, having transition assistance programs, increasing the grant allocation and allowing for the direct transfer of funding to individuals with disability. According to Standard ISCI3 K4-ICC7/ K, there is a need for planning and managing the teaching and learning environment, an undertaking that has been followed through the integration of effective technological aspects (CEC). There is also a need to make the technology appropriate for students with disabilities, in relation to ease of use and content. The use of assistive technology helps to fulfill the provision in the Handicap Rehabilitation Act Section 504 that specifies the inclusion of persons with disabilities and prohibits excluding them because of their disability (Handicap Rehabilitation Act Section 504). Assistive technology makes inclusion possible.

Examples of assistive technologies that can be used in the classroom for accommodations include speech recognition devices which advocated for in standard IGC5/S25- IGC7/S4 which calls for technological materials that particularly aide those with difficulties in communication (CEC). These can aid those students who are unable to write to present their ideas. Optical character recognition converts texts into speech, and can be used by those with challenges in reading to help them get contents faster and more accurately. Tools for cognitive mapping, i.e. computer flow charts help in presentations. Other accommodations are available in the form of software, which can be installed in the student's computer to enlarge text, speech input, screen readers and others. Reference material like books can also be placed in audio books for alternative access.

### **Housing Provision for Higher Education**

According to the Rehabilitation Act of 1973 Section 2 (5), various forms of discrimination are directed towards students with disabilities. The discrimination targets critical areas such as public services, voting, health services, institutionalization, recreation, communication, education, public accommodations, employment and housing. Also, federal laws have a clear specification of how the physical facilities within the higher learning institution ought to be (Public Law 108-446). For instance, the law requires that all physical facilities be made accessible to the disabled students. Architectural barriers such as the installation of ramps and curb cuts have played a crucial role in the effort to make physical facilities accessible by students with disabilities (IGC.2.K1), and (IGC.2.K1) Barriers to accessibility and acceptance of individuals with exceptionalities. The main aim of the federal law is to ensure that higher education becomes inclusive for students with disabilities. The CEC standard emphasizes on the need for accessibility and the education of barriers to the acquisition of knowledge (CEC). This is something that would ultimately allow adaptation into the societal environment.

According to the Fair Housing Act, disability should not form a ground for housing discrimination. The act prohibits making housing unavailable to students based on their disabilities. It also curbs any denial of a dwelling place during the time of study and setting of different terms of stay for students with disabilities. Institutions are also expected to make reasonable accommodations regarding services, practices, policies and rules as necessary depending on the student's disability.

The Rehabilitation Act of 1973 recognizes the rights of students with a disability to get quality housing during their study period. The implication of this act is that it is crucial for the university to institute offices that will handle cases relating to the housing of students with a

disability. When it comes to accommodation, students with a disability are often asked to disclose to the authorities the details of their condition. They are also required to take the initiative and request for accommodation. All of this is usually done at their expense. The reason they are encouraged to seek accommodation offered by the institutions of higher learning is to ensure that they derive maximum profit from the services of the university just like the others do. Usually, the attitudes of the faculty and the long-standing cultures have been deemed to be the barriers that hinder the management of higher education from successfully implementing the issues related to accommodation for the disabled students. In many cases, faculties have shown ignorance on what is expected of their services to students with disabilities and exhibit challenges in the way they interact with the same students.

### **Enrollment and Retention Levels in Higher Education**

The Higher Education Opportunity Act's Section 709 24'(B) cuts in on the instruction barriers by providing challenges, supports, and accommodations suitable for all students, including those with disabilities. Besides, students are expected to achieve highly regardless of their disabilities or limitations in English proficiency. IDEA section 650 (A) also describes the abilities of an effective educational system that deals with students with disabilities. Such systems should maintain high standards of achievement and performance expectations and goals of the same caliber. Effective and appropriate strategies and methods should be a device to facilitate the attainment of such goals and standards by students. Objectives set for the students with disabilities should be clearly defined in measurable terms so that their postsecondary school goals are known beforehand.

**Transition to Higher Education**

According to the IDEA section 650 (C) Institutions should also promote transitional services and enhance local and state coordination of mental health, health social and education services while addressing the student's full range of requirements. The CEC standard advocates for the "use of strategies that promote successful transitions for individuals with exceptionalities" (ISCI 5/S18). Successful transition eases the student into the society or the next level of education, reducing challenges and dropout rates. This therefore, ends up encouraging the use of resources and technologies to promote transition in-between school and out of school (IGC5). Transition preparations should start early before secondary school to facilitate students in making the right choices in secondary schools that will help with their post-secondary transition. There will therefore, be provision of information to the youth, mostly in relation to the full range of postsecondary options and encourage youth to participate in secondary courses that will enable them to meet the admission requirements of their chosen postsecondary program of study" (CEC).

In addition, section 300.518 of the IDEA mandates that all students with disabilities should get an appropriate public education and gives a procedural process on how to ensure they get the education. Besides, the civil rights law prohibits discrimination of persons with disabilities in telecommunications, public accommodations, transportation, public services and employment opportunities.

Some of the k-12 barriers faced by the students with disabilities include the fact that some teachers have a low expectation with regards to their abilities, this has been shown in IGC.2.K1 Barriers to accessibility and acceptance of individuals with exceptionalities of the CEC standards. Besides, the existence of inadequate pedagogy and the lack of services that

should aid the educational needs of students with a disability is also an issue of concern to stakeholders. In some institutions, the students are not provided with the core of curriculum that they should be exposed to for them to be awarded diplomas for higher education, would aid transition into the job market through the provision of skills applicable in the job market.

There is also a need for the college staff to prepare the students to transition into adulthood as CEC standers included (IGC7/ S4) “Select, design, and use technology, materials and resources required to educate individuals whose exceptionalities interfere with communication”. The goal of education and training is to enable one not only be knowledgeable but to apply this knowledge to their life. Persons with disability need to be facilitated to live productive lives in the society as adults. The rights for people with disability also advocate for their living independent lives; this end, transition services should prepare them for life as adults. Planning for transition should be done early; especially so as to gain the skills needed in problem solving as well as conflict resolution in life (IGC.2.S5) Use skills in problem solving and conflict resolution. These are therefore, part of the skills and resources that will effectively allow a transition of individuals with exceptionalities from school to post-school environments, especially due to the implementation of a curriculum design that allows self-management IGC.5.S8 “Resources and techniques used to transition individuals with exceptionalities into and out of school and in post school environments”.

Throughout American history, society has exhibited one way of including people in the political and social mainstream as equal partners: treating them as human beings with equal rights. This philosophy has come about in education due to the expansion of education to more Americans. The government took a basic responsibility: to offer free public elementary and secondary education for free to all its citizens; this was in its first century of existence. There has

been inclusivity of the marginalized in society in the educational mainstream in the second half of the 20<sup>th</sup> Century. The Supreme Court did away with racial segregation *Brown vs. Board of Education* (1954). In education, there was also the expansion of education opportunities for women, which were presented in court by legislation (Civil Rights Acts of 1964). Likewise, there has been a recent movement to ensure full participation of students with disabilities and the long-marginalized in education.

Federal court cases presented in 1970 that emphasized the equal protection clause of the 14th Amendment established public education for all children with disabilities as free. People with disabilities and their advocates demanded civil rights for disabled children after taking inspiration from civil rights movements. There was a demand by the independent living movement to include people with disabilities in the American mainstream. The enactment of two 1970 federal legislations led to the breakthrough of children with disability education: first was the prohibition of discrimination against any qualified disabled child, which is ACT1973 SECTION 504, and second is the IDEA of 1975 – the right to education for all students with disabilities.

The transition of the student from secondary to postsecondary is the initial stage of making postsecondary life easier, and thus an important part of the student's life. To be clear on the topic of transition, crucial terms must be defined. *Transition* refers to the passage or a developmental step that happens in a student's life. The Individuals with Disabilities Act describes transition as a coordinated set of activities for a student designed within an outcome-oriented process, which promotes movement from school to post-school activities, including postsecondary education, vocational training, integrated employment, continuing and adult education, adult services, independent living or community participation. Transition services are the activities that are formulated to assist the student in attaining their future goals. It is an

imperative function to provide students with disabilities these services to ensure they get the relevant developmental tools during their transition process (Kallio & Owens, 2004).

It is an important practice for students to know how and what is available for them to achieve the successful transition to postsecondary education. Doing so helps in achieving successful entry to postsecondary education. The preparation of these students is one thing that cannot be ignored (Kallio & Owens, 2004).

Numerous researchers have argued that the preparation of students must begin at the secondary school level. The imparting of self-determination skills, which are important for students with disabilities, is an important project. One cannot ignore the power of self-determination. It provides the student with a mental push amidst many barriers to their entry into secondary education (IGC.2.K1). The problem is that there is a lack of evidence that such programs exist within the education system. However, students can acquire, maintain, and generalize skills that focus on self-determination such as self-advocacy and self-awareness. Self-awareness involves the knowledge of their rights and how they can be addressed. It also involves the knowledge of all the resources that are of importance to them. For example, students should be aware of technology and programs that are important to helping them transition (Stodden & Roberts, 2010). The CEC standard, IGC.5.S7 calls for appropriate technologies to aid in transitioning which can be used effectively through the collaboration of team members and community participation (IGC.7.S4). For there to be harmonious community participation, effective strategies in productivity in a diverse environment are honed through the CES standard; ISCI 2 S9. This creates an environment that encourages self-advocacy and increased independence. In line with community partnership, individuals with exceptionalities are encouraged to provide feedback from their peers and adults as well as implement conflict resolution techniques to ensure an effective social and academic curriculum (ISCI 3 S2).

The question arises on how and when the preparation process should start. Starting in middle school, families should start to put thought into planning their children's transition into postsecondary education. This should be in line with IGC.4.K4 of CES standards, which calls for a system of earlier identification “Procedures for early identification of young individuals who may be at risk for exceptionalities”. They should also think about the needs that may come to be necessary to the success of this practice. Successful transition planning includes the identification of support services, comprehensively thinking, planning and being proactive in anticipating the needs that may come to rise. Beginning the process early provides the students with enough time to polish their self-advocacy skills, to consider their interests, and to develop clear goals and objectives for the future (Kallio & Owens, 2004). After the people with exceptionalities have been identified at an early age, there is a need to involve the individuals and family in the setting of goals as well as monitoring the process (ISCI 5 S2). These children are therefore taught how to self-assess, solve problems as well as other cognitive strategies that meet their needs (ISCI 5 S14). These are systems that are adequately meant to increase the individual’s self-awareness, self-management, self-control, self-reliance, and self-esteem as well as promote successful transitions (ISCI 5 S18). One of the ways through which this can be effectively carried out is through the designing and implementation of a curriculum and instructional strategies, so as to evaluate instructional programs that enhance social participation across environments (GC 5S29).

Parents play a very important role in the lives of children with disabilities. Thus, they should be heavily involved in the preparation and transition process (IGC.7.K1). Thus parents should gather the necessary information about all the resources crucial for their children to succeed in post-secondary education. Research proves that parents who are well prepared during the early days tend to have children who have better lives in postsecondary transition (Mull



&Sitlington, 2003). The CEC standard, ISCI 6K7, shows some of the role that families have in the educational process where the latter are taught how to use appropriate behavior management and counseling techniques and to collaborate with team members so as to allow an effective transition to adulthood that encourages full community participation (IGC 7S4).

The four main areas that should be addressed in the transition process are education, independent living, training, and employment. Transition planning is an ongoing process, thus the need for beginning early (Mull & Sitlington, 2003).

As noted earlier, the accurate knowledge of civil rights by students with disabilities is a very important factor for the transition process and even for postsecondary life and for life after tertiary training. Knowing what they are entitled to is a great step forward. For example, knowing if one is entitled to changes in examination conditions gives the student a head start as they get mentally prepared for evaluation. To equip students with the requisite knowledge requires an educator to be knowledgeable as required by the CEC Standard 2 in order for them to pass on this knowledge and empower students with disability.

A significant point to mention is the importance of technology in the transition process (IGC.5.S7). The availability of assistive technology is an important resource for students with disabilities as well as those who are responsible for them. Barriers that prevent the use of technological assistance do exist, however. Several measures have to be taken to ensure that technology is used to its maximum capacity. The selection of relevant technology must be thorough to ensure that the institution does not procure irrelevant or outdated technology. Also, the training of students with disabilities is an important factor (Mull & Sitlington, 2003). The availability of technological devices for students who do not know how to use them seems like a futile attempt at progressive practices. Also, the professionals who are working with the students with disabilities should be trained about the relevant measures to ensure the technological route is a successful one. These recommendations should be implemented while the student is still in

high school so that they are well prepared for the transition to postsecondary education (Mull & Sitlington, 2003). The CEC standard, ISCI 6 K12, shows some of the importance of the teacher serving as a model for individuals with exceptionalities where there is the integration of the functions and those of the local community so as to pool the resources that are needed in programming with individuals with exceptionalities.

After the transition process, comes the life after secondary schooling. With increasing numbers of students with disabilities in tertiary institution, they experience several barriers in their higher education experience. This happens mainly due to the lack of preparation by a majority of the institutions. Certain things, like the time a normal student took to graduate from college, was half that of a student with disabilities. Also, an excess of 80% of the students with disabilities who are enrolled in higher education institution require assistance and other extra services to ensure they successfully attain the courses they are enrolled in (Durlak, Rose, & Bursuck, 1994).

How students maneuver through their postsecondary life varies significantly and is a complex phenomenon. The honest and thoughtful assessment of the barriers to a fruitful postsecondary life is significant so that important information is available for the students. Students at that level are often not aware of their functional limitations and tend to lack self-awareness and also do not know how to advocate for specified accommodations that will take care of their needs. Another significant issue with students that have disabilities in postsecondary life involves the negative encounters they have had with the different faculty members. It is a great deed when a professor makes the student feel like they are equal to their peers. Most students have the difficulty of being a student with disabilities and feeling that they are a normal student, which may inhibit their access to necessary services. All these issues can be handled in the preparation and transition period to ensure that the students are well prepared to handle the

situations in future. Other small issues they encounter include family perceptions, social pressure, and treatment by disability personnel (Durlak, Rose, & Bursuck, 1999).

As mentioned earlier, the ending of the high school tends to be an especially important period in the lives of the students because they need to choose what is going to happen with their lives. In this situation, students with disabilities are in a more complicated situation in comparison to the other students. Nevertheless, there are still numerous options for students with disabilities to get postsecondary education and to gain the training that would be necessary for them to enter their career. To accomplish this, students with disabilities might choose the option of postsecondary education and training, providing the students with an opportunity to proceed with education in the new environment. Nevertheless, while students under usual conditions experience only limited number of problems with the transition from the secondary to the postsecondary education, there is a growing concern that students with disabilities will not be able to adjust as easily to the new environment, including the education practices, managing the course work, as well as managing their accommodation challenges.

From the legal standpoint, the students with disabilities should have the equal chance to proceed with their education. The legislation identifies the transitional period as a “coordinated set of activities for a child with a disability to include postsecondary education, vocational education, continuing and adult education, integrated employment (including supported employment), adult services” (Salter, 2009). Respectively, to avoid the discriminating practices and to prepare people with disabilities for normal life functioning, numerous opportunities for their postsecondary education have been developed. Ensuring equal opportunities has become the major concern of policy makers at this stage. It is therefore, necessary to observe the Rights and responsibilities of individuals with exceptionalities, parents, teachers, and other professionals, and schools related to exceptionalities as brought out in the CEC standard, ISCI

6K4. However, even when students enroll in postsecondary education, they tend to face a wide range of barriers, including the lack of professionalism among the staff, lower expectations, and unfair physical demands.

Under the mentioned conditions, one of the essential requirements of education developers is implementing “improvements in assistive technology” (Herring, 2012). Its advancement would allow better treatment of students with disabilities and more appropriate conditions for their studies. The law envisions the right of the student to assistive technology that would allow students with disabilities “to receive the same educational benefits as students without disabilities” (*Rights to Assistive Technology*, 2015). However, the performance of respective requirements is not always possible. Besides, in some cases, students with disabilities tend to have “little knowledge regarding the accommodations they are [were] legally qualified to receive” and had insufficient recommendation and skills to receive it (White & Yen, 2006). The problem that emerges here is the insufficient preparation of students with disabilities for the transition to a new postsecondary education environment. Nevertheless, students with disabilities can gain the needed support from the Knowledge-Based Online Tutorial and its subprograms like Skills-Based Training and Self-Awareness Knowledge Base (Gordon, 2014). This would help them to learn more about their rights, about themselves, and to make an appropriate choice.

One of the major problems that students with disabilities might find challenging in terms of their transition from secondary to the postsecondary education is the need for the developed self-determination. There is therefore, a need to apply the CEC standard, IGC.5.K9, which calls for proper strategies for transition. While academic achievement in the previous stages of education is necessary, it is not the determining factor for the future success. As indicated in the policymaking report, the essential features of character also include “self-determination, self-advocacy, social skills, organizational skills, community and peer connection, communication,

conflict-resolution, career skill building and career development and computer/technological competency” (Wolanin & Steele, 2004). Those skills and features should be developed at the previous stages of education, and their lack of development might result in the unwillingness of the students with disabilities to proceed with the education or the inability to adjust to the new conditions of the educational process. However, under the conditions of postsecondary education, important elements for students with disabilities include “acceptance of a disability and how it affects learning, understanding which support services are needed, knowing how to describe one’s disability and the need for certain supports to service providers, and having the determination to overcome obstacles” (Getzel & Thoma, 2008). This is one of the most influential factors of success for students with disabilities who tend to proceed with their education while they still need special conditions and treatment as well as adjustments of the program to their special needs.

While the personal motivation factor among the students with disabilities tends to be rather strong and is regarded as one of the conditions for postsecondary education success, there are also external factors that a person needs to consider. One of the factors that the students face is the refusal to provide accommodation in the educational program to the specific needs of the students with disabilities. Despite the regulations that prohibit discriminatory treatment of people with disabilities, there are requirements for people with disabilities to “meet admission standards ‘in spite of their disability’”, which would seem rather a harsh and unwelcoming practice, that may still be justified at some points (Wolanin & Steele, 2004). Nevertheless, the unwillingness or the inability of the higher education institution to provide students with special needs the required adjustment of the program tends to be an immense problem if an individual chooses to go to college.

Another crucial problem is identified by scientific research. The problem of lacking adjustment opportunities is significant: “Half of the students exiting special education enter postsecondary education indicating that they do not believe they have a disability” (Getzel, 2014). In many cases, it is easier for them to hide their special needs and to get the education equal with other students’ conditions. Such approaches help them to prevent possible intimidation from the faculty or the teachers since, as the researchers indicate, “Students with disabilities are often intimidated when interacting with faculty” (Hong, 2015). However, this decision to refuse revealing the information regarding one's disability might result in the constraints within the educational process and problems with instructors.

In consideration of postsecondary education opportunities for students with disabilities, it is essential to identify the problematic aspects that might hinder gaining the necessary education. Students with disabilities need to develop the knowledge and the understanding of legal principles that would be used in support of the educational effort. This has been spelled out in IGC.6.K4 of the CEC standards which calls for a legal and judicial understanding of issues of students with exceptionalities. Furthermore, students should be prepared to the new conditions of education and require the skills such as self-determination and other skills that would help them to overcome the arising barriers (IGC6.K10). While this is an influential factor, the students nevertheless need to feel the support from the faculty and the staff as well as the respective assistive technologies and accommodation of the educational program to their needs. Overcoming those issues would ensure that the students with disabilities truly have equal access to the desired education. The parent education programs would be able to address severe behavior problems and facilitation communication for individuals with exceptionalities (IGC 7K1).

### **Transition into Postsecondary Education and Self-Determination**

The ability of the students to transition from the standard secondary level to the postsecondary is a very real step to the determination of their dreams. Therefore, depending on their choice of careers, students may venture into the field of their choice. However, not all students tend to get the same attention in the attainment of the life goals. Evidently, scholars with disabilities have a slim chance of joining the rest of the other students, hence the need to analyze their transition into postsecondary education. Moreover, the aspect of self-determination is significant to people with disabilities as, through it, they gain the fundamental aspect of directing their lives.

Considering that self-determination lies in the concept of free will, it is quite important for students to effectively consider the exact way to execute precise movement in the education sector. With the firm introduction to the work of disabilities in their book, Evison and Woodman (2012) provides a broad and strong reason for the normality of the disabled children. Through the work, the authors seek to ensure that the importance of self-determination plays the exact role it is meant to fill. Moreover, the mixed reaction to the whole issue of disability is a factor that many books tend to ignore. Robb's book (2004) composes of poems written by thirty-seven authors who have disabilities. Therefore, through their advocacy, the fostering of self-driven, individual effort in the creation and propagation of information relating to disabilities studies brings about the need for change. Notably, the book envisions the process of self-actualization among various students in transition to the higher education sector.

Barnes & Mercer (2003) argues that it is quite important for students in transition to apply the quality of self-determination as, through it, they can get to associate with others efficiently. They can, at the same time, have the confidence to advocate for their rightful place in society. Additionally, Mazza (2005), admits to the challenges that people with disabilities face. In

the need to ensure consistency in the world, extra effort becomes a necessity for these people who must ensure that they have equal chances with the rest. Thus, the virtue of self-determination becomes quite important.

For the sake of the propulsion of students with disabilities into an easier future, it becomes necessary for them to be taught self-determination at the earlier age of secondary education. The skill will be crucial to ensuring that students in transition will work with the pressure that comes with being labeled differently. From inception, the need to adjust to the college environment has been a concern as most of these students develop issues relating to adaptation. At the same time, it becomes difficult to solicit resources from the universities. Through self-determination, these students can easily communicate with the administration in regards to being treated differently. Moreover, they can have special services directed to them to ensure a smooth transition to the college life.

Finally, it becomes necessary for the education system to effectively take into consideration special facilities through which people with disabilities can work efficiently. Therefore, many of the institutions should have proper learning mechanisms for the transition between different levels of schooling. On the same note, appropriate treatment of these people should prevail even as they work on the progress of self-advocacy and self-determination.

### **Support for Higher Education Students**

The ability to access post-secondary education for young people with disabilities has been enhanced by the re-authorization of IDEA amendments done in 1997 and federal legislations like the Americans with Disabilities Act of 1990 (p 101 to 336). This has led to an increase in the number of disabled youths getting into institutions of higher learning. Support provision for students with a disability is more cosmetic in post-secondary education than in high schools. The school personnel are legally bound by the IDEA to offer a protective environment for students



with disabilities. IGC1 of the CEC standards advocates for the inclusion of a family support system. ISCI2 S1 on the other hand also emphasizes the need for a supportive environment for students however, according to section 504 of the IDEA, in post-secondary institutions, students are required to self-identify with a disability and ask for the accommodations related to it.

Besides, section 2 and section 3 of the American Disability Act requires that students with self-identified disabilities receive such accommodations as necessary to facilitate their receipt of similar services and educational opportunities for the students without disability from their institutions of learning. The CEC standards stipulate that educators should design a curriculum that challenges the student with disability and adequately prepares him for the job market (IGC.5.S13). The students are tasked with the responsibility of ensuring their initiated and designed accommodations are met by the institutions of higher learning. This means that they ought to inform the school authorities about the disability and provide its documentation as well as give the various ways their unique requirements can be fulfilled. Therefore, for students with disabilities to successfully pursue their careers, they have to possess self-advocacy skills to facilitate their understanding and expression of requirements and make practical decisions that enable the institutions to meet these needs.

Most post-secondary institutions have variable quality and quantity of educational services and supports for students with disabilities. To meet the Americans with Disabilities Act and section 504 of the Rehabilitation Act of 1973, institutions of higher learning have to ensure that all their programs including extracurricular activities and communication avenues can be accessed but the students with a disability. This is enabled by conducting reasonable modifications and academic adjustments as well as auxiliary services and aides as stipulated in the Americans with Disabilities Act Section 109 subsection 9. Some of these academic

modifications entail testing and classroom modifications such as offering the students with disabilities more time to sit for tests. Auxiliary aides, on the other hand, address the practices used for sensory impaired students to help them access information. These include the availability of readers for the blind and sign language interpreters for the deaf.

### **Case of Ball State University**

Ball State University has made great attempts to adhere to the laws governing the education of persons living with disabilities in the institution. Their services are in line with the provisions of the Americans with Disabilities Act and section 504 of the Rehabilitation Act of 1973. The college has a disability services office, which helps students living with disabilities to get appropriate accommodations for their disability (Ball State University). The college also has various training and awareness programs to help people living with disabilities. Students are encouraged to make their needs known so that services can be tailored to suit their needs. This is in accordance with the CEC standard ICC3 K5, which requires that institutions provide different learning methods to cater for different backgrounds and cultural dispositions.

The university has made attempts to make the college structures accessible by providing accessible parking, washrooms, and entrances. Besides structural and legal provisions, Ball State University has established several outreach programs and opportunities for assistance for disabled students by faculty and students (Ball State University). They have also established a mentorship program to help students to transition from college to independence. Ball State University has indeed adhered to the legal requirements in the management of education for its students with disabilities.

## **Conclusion**

Education should be accessible for all, and to attain this, the US has made provisions in law and defined standards to ensure that students with disabilities are not left out. These laws have progressively improved access and protected students with disabilities from facing discrimination while also facilitating their education. However, there are lapses in planning for persons with disabilities; it is important to determine how many persons with disabilities will join institutions of higher learning before a given financial year to enable planning and adequate resource allocation. When clarity in this part is given, legal and legislative regimes and their differences in governing elementary and secondary education and the governing of higher education for people with disabilities can be established. To get admission to institutions of higher learning, a student must meet specified standards such as grade requirements. Focus should be laid on ensuring that the student who achieves the target admission, progress and graduation scores for higher education get to the highest level of their ability; this will reduce the high number of students with disabilities who do not transition from high school to postsecondary education. Under federal law, there are legal rights to appropriate and reasonable accommodations for students with disabilities to join institutions of higher learning in academic pursuit. In the light of IDEA, the law provides disability service providers for students in high school and higher learning institutions with options that exceed the traditional documentation of disability. This has enhanced equal access to academic opportunities and reduced discrimination and marginalization of these individuals.

The literature reviewed indicates that the laws and standards pertaining to students with disability are elaborate and cover a wide scope that ensures non-discriminatory services, transitions, and self-determination are achieved. However, one challenge noted is the lack of a smooth transition in between the stages of learning to facilitate continuity and the low

participation levels of students with disabilities, which has not been addressed. To this end, there is a need to improve support services offered to students.

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