

ANALYZING THE EFFICACY AND UTILITY OF THE AMERICANS WITH DISABILITIES ACT OF 1990 ON COLLEGE STUDENTS WITH DISABILITIES

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Many adults in the United States suffer from one or multiple disabilities. In the college student population approximately 19% of college students suffer from a disability (National Center for College Students with Disabilities, 2018). Commonly experienced disabilities include, but are not limited to, attention deficit hyperactivity disorder (ADHD), learning disabilities, chronic illness and other disabilities (National Center for College Students with Disabilities, 2018). The Americans with Disabilities Act (ADA), a civil rights act preventing discrimination based on disability, was first passed in 1990 and was amended in 2008 to include a more inclusive definition of disability. Previous studies suggest that the ADA has improved accessibility for individuals with disabilities. The hypothesis of this project is that while the ADA has improved accessibility for individuals with disabilities, many individuals with disabilities still do not have access to appropriate accommodations. Furthermore, the hypothesis suggests that these individuals, especially those with invisible disabilities, remain stigmatized. To test this hypothesis, an in-depth literature review was conducted alongside a brief survey that was distributed to undergraduate students at multiple universities. The data from this study reveal that the ADA was successful in some aspects of providing protections for individuals with disabilities, but ultimately that reform is still needed to ensure appropriate accommodations for individuals with disabilities on college campuses. Future studies would further explore the relationship between various intersectional identities including but not limited to race, religion, and sexual orientation and disability accommodations.

Introduction

Evidence is accumulating that students with disabilities still experience accessibility issues and stigmatization. This is especially true for those with invisible

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identities. There are many barriers that prevent students with disabilities from participating in many academic and social settings due to a lack of sufficient usable accommodations (National Center for College Students with Disabilities, 2018). The Americans with Disabilities Act, passed in 1990 and amended in 2008, is the most recognizable anti-discrimination legislation for individuals with a disability. This legislation made strides by putting in place protections, which were previously not present, for individuals with disabilities (Figure 1). Section 504 of the ADA stipulates that institutions of higher education only provide reasonable accommodations when requested by the student which is in contrast to legislation in place for students in primary and secondary school where the onus falls on the school for identifying students that need support and providing the needed support (Kreider, Bendixen & Lutz, 2015). It is our expectation that this study will demonstrate that improvements have been made since the passage of the ADA but that some accommodations are not sufficient or usable for individuals with disabilities. Despite increasing information, finding studies relating stigmatization and accessibility issues in college students with disabilities to the ADA has proved challenging.

Such research is crucial and topical because it helps to identify areas in which the ADA is sufficient and areas where reform may be needed. There is a growing need for finding out the real-world efficacy of ADA legislation and related legislation. It is also important to see and discern if there are any trends within the college student population that are more broadly applicable to our understanding of the effectiveness of the ADA. The investigation on effectiveness of the ADA in a college student population was because of existing gaps in the current literature. Previous research at nearly 230 health and fitness centers across 10 states has identified that people with physical and mobility disabilities have limited access to programs, equipment and services and had higher accessibility scores compared to before the ADA but that these were still barely sufficient and often resulted in a lack of usability (Rimmer, Padalabalanarayanan, Malone & Mehta, 2017). Previous research also shows that individuals with disabilities are

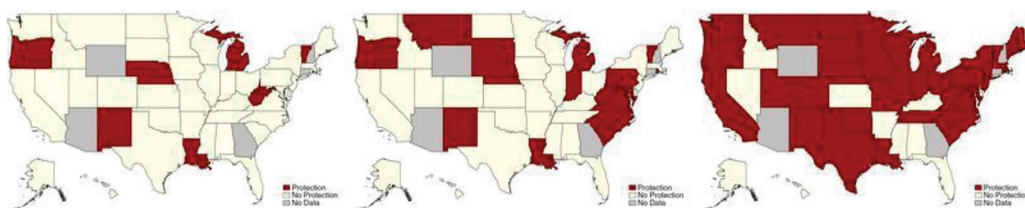


Figure 1: Geographical Distributions of Legal Changes in 1981, 1985 and 1989. States with strong employment protection laws are shaded in black and those with weak protections are in white. The five states shaded in grey were states where it could not be identified what year the legislation was enacted (Kim & Rhee, 2018).

less able to participate in preventative services such as mammograms, pap tests and dental cleaning (Pharr & Bungum, 2012). Furthermore, some adjustments made under the ADA for individuals who are blind, fall short of what they could accomplish for individuals with low vision (Arditi, 2017). This is yet another example of how the ADA has resulted in increased accessibility, but often not real-world usability.

In educational settings many professional programs grapple with providing students with the necessary support. For example, Doctor of Pharmacy Programs (PharmD) struggle with providing disability-related accommodations for skills-based laboratory and experiential performance assessments (Volino, Allen & Gallimore, 2021). On the other hand, libraries have been able to vastly improve accessibility in a cost-effective manner which can serve as a model for how to provide ADA-compliant and effective accommodations (Willis, 2018). It is also known that there are high rates of peer victimization in college students with disabilities (Lund & Ross, 2021). Additionally, many college students with different disabilities face unique challenges in adjusting to higher education meaning there is no “one size fits all” approach to supporting students (Lipka, Sarid, Aharoni, Bufman, Hagag & Peretz, 2020). To investigate how effective the ADA has been in improving accessibility and reducing discrimination for individuals with disabilities we sampled 150 college students alongside a literature review. The survey questions contained three sections and students indicated their agreement with the statements on a scale of strongly agree to strongly disagree.

Methods

Recruitment and Participants

Participants were recruited from a multi-university undergraduate student sample from the midwestern United States. Social media, recruitment flyers, word of mouth and email announcements via school-based email lists were utilized in study recruitment of students with disabilities for the study. Informed consent was obtained from each participant within the anonymous survey which was distributed by individuals other than the research team member. The project did not include any access to identifiable private information, intervention or interaction. Participants were 152 students from 2-year and 4-year institutions in the midwestern United States with an age range of 18–25. Student participants therefore included traditional and non-traditional undergraduate students. The study sample was approximately 57% female, 40% male and 3% nonbinary or other identification. The majority of conditions represented in the study were

learning or mental disabilities. The study was exempt from review by the IRB due to the nature of the survey.

Literature Review

For additional information, an in-depth literature review was conducted based on relevant search terms. Previous literature provided additional context for changes and outcomes relating to the ADA and students with disabilities. Databases such as PubMed were utilized with the following search terms: “ADA”, “ADA and College”, “Disability and College”, and “Invisible Disability and College.” Except for papers pertaining to just the passage and immediate impacts of the ADA, all other pieces of literature were published within the past 10 years. Much of the literature (n=30) that ultimately provided relevant information was published in the past 2 years which may be indicative of increased conversations on disabilities in higher education. Considering the COVID-19 pandemic, this recent research has helped to shed light on potential impacts of the pandemic on accommodations for individuals with disabilities.

Procedure

The author and research team member had previous experience in collecting data for several clinical research studies. A graduate student enrolled in the social work program assisted with data presentation, phrasing, and general advice. The anonymous survey was distributed for a month to students with disabilities with no follow up, individual interviews or focus groups. The survey included a few questions relating to the type of disability, degree of accommodation, barriers, and ability to report ADA noncompliance (Table 1). These questions had responses that included the following: Strongly Disagree, Disagree, Neutral, Strongly Agree, and Agree. The survey also collected basic demographic data namely: gender, sexual orientation, age, and category of disability. These questions were generated by the researcher based on their relevance to the study goals.

Results

The results of the small-scale survey are recorded below in the following images. Students with disabilities were asked to answer the survey questions and indicate their level of agreement with the statements. 79% of students indicated that

Survey Questions Distributed to Students	
1)	Type of Disability and Experiences a) I have a disability that poses physical barriers b) I have a disability that poses social barriers c) I have a disability that poses academic barriers d) I have recently been diagnosed with my disability e) I have been discriminated against due to my disability f) I have been discriminated against or harassed for having an invisible or hidden disability
2)	University Resources a) In general, I have always received appropriate accommodations for my disability b) I attend a school that has enough resources for students with disabilities c) I feel supported as a student with a disability at my school d) I feel that teachers/teaching staff are accommodating of my disability e) I feel that learning materials in classrooms are accessible to me f) I feel that classrooms, libraries, gyms and other facilities are accessible to me.
3)	Policies and ADA a) I am familiar with my rights under the Americans with Disabilities Act and other legislation b) I am satisfied with my ability to report ADA violations and/or misconduct c) I am satisfied with the accommodations that I receive as a student with a disability d) I am satisfied with my ability to participate in campus life due to spaces being accessible

Table 1: Survey questions sent to students with disabilities following the collection of demographic data information. All these questions had the following answer options: Strongly Disagree, Disagree, Neutral, Agree, Strongly Agree.

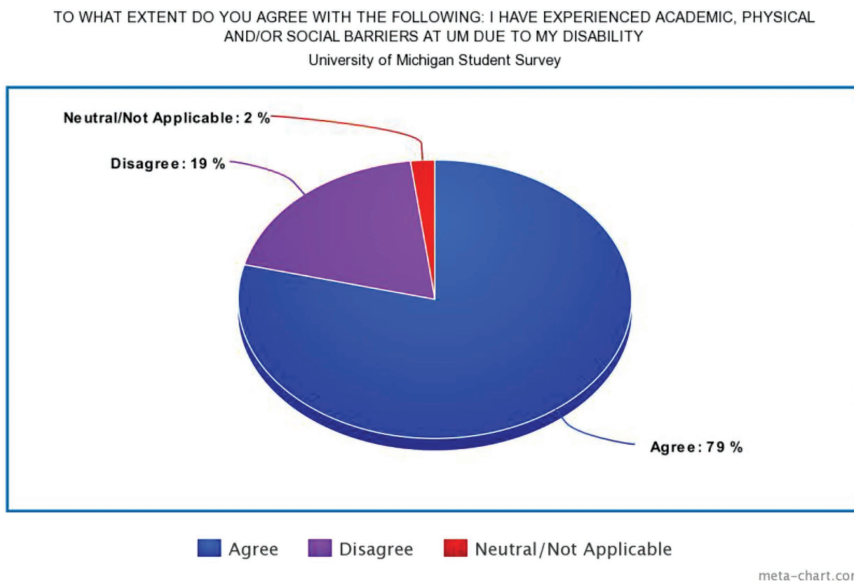


Figure 2: Results of survey conducted. Participants were asked to indicate if they agreed or disagreed with the statement: I have experienced academic, physical and/or social barriers at the University of Michigan due to my disability.

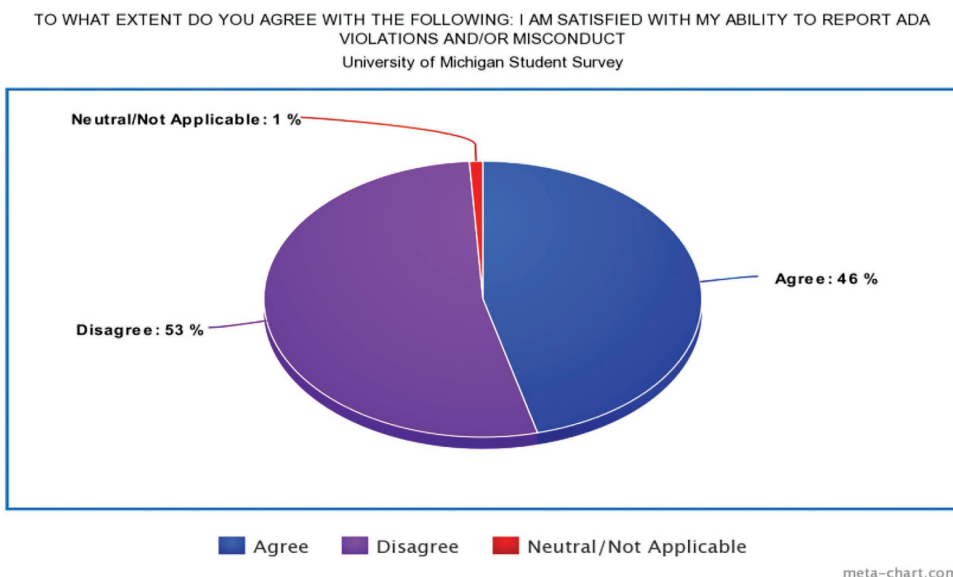


Figure 3: Results of survey conducted. Participants were asked to indicate if they agreed or disagreed with the statement: I am satisfied with my ability to report ADA violations and/or misconduct.

they faced academic, physical and/or social barriers (Figure 2). This means that many students with disabilities felt that barriers had not been ameliorated by existing infrastructure and systems. Additionally, 48% of students indicated that they were satisfied with their ability to report ADA violations and/or misconduct (Figure 3). This implies that several students may not be able to report ADA violations or challenges they are facing with current systems. Lastly, only 31% of students surveyed indicated that they have always received appropriate accommodations for their disability. This means that a vast majority of students with disabilities are not receiving accommodations to the extent that appropriately meets their needs.

The literature review yielded additional insights and context for the proposed hypothesis. A main theme included that many felt that systemic issues in education for students with disabilities were exacerbated by the pandemic and pivot to virtual learning (Luterman, 2022). A recent review article analyzed peer-reviewed qualitative studies published between 1994 and 2017 and utilized the Preferred Reporting Items for Systematic Reviews and Meta-Analyses (PRISMA) as well as the Critical Appraisal Skills Programme (CASP) to select 10 articles (Gow, Mostert & Dreyer, 2020). Data from this review showed many things including: 1) many students in higher education experience the fear of stigmatization and do not disclose their disability status and need for additional support 2) higher education institutions (HEI) are not meeting the diverse needs

TO WHAT EXTENT DO YOU AGREE WITH THE FOLLOWING: IN GENERAL, I HAVE ALWAYS RECEIVED APPROPRIATE ACCOMMODATIONS FOR MY DISABILITY

University of Michigan Student Survey

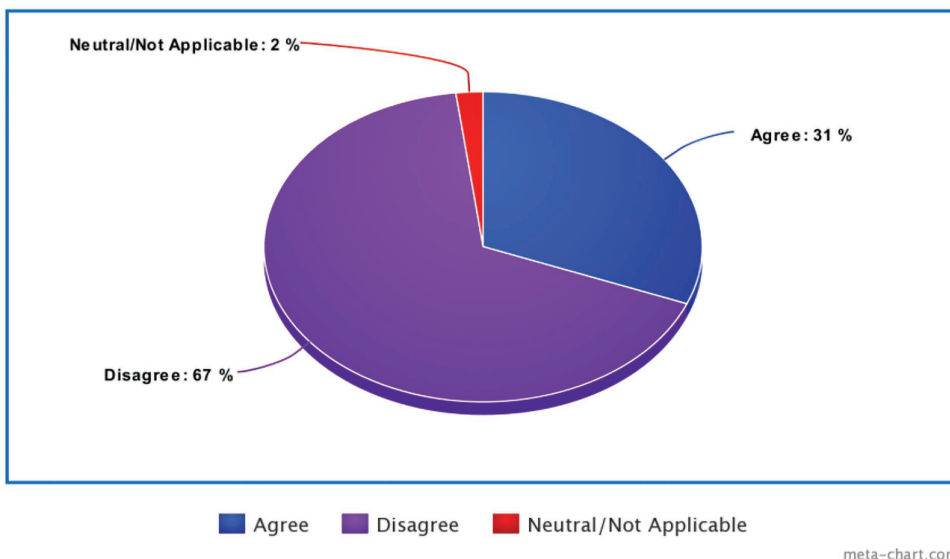


Figure 4: Results of survey conducted. Participants were asked to indicate if they agreed or disagreed with the statement: I have always received appropriate accommodations for my disability.

of their student body and that staff is not trained or equipped to support diverse needs 3) variable accessibility across different departments even within the same HEI 4) many students with disabilities rely on support from their family, friends and peers (Gow, Mostert & Dreyer, 2020).

Other research suggests that the COVID-19 pandemic has had an even greater impact on disabled students. A report published by the Center for Reinventing Public Education analyzed more than 400 case reports and research papers. The CRPE found that 82% of school districts reported that it was difficult to provide "hands-on" accommodations for students with disabilities during remote work (Morando-Rhim & Ekin, 2021). Indeed, less instructors were confident in their ability to meet the requirements of Individualized Education Programs (IEPs) for students with disabilities (Stelitano, Mulhern, Feistel, Gomez-Bendaña, 2021). Students with disabilities also trended toward reporting negative experiences with virtual learning environments (McMaughan, Rhoads, Davis, Chen, Han, Jones, Mahaffey, & Miller, 2021).

Even among college students, there were additional disparities indicated by the literature for those enrolled in STEM (science, technology, engineering and mathematics) courses. Students with disabilities are underrepresented in undergraduate STEM majors as they only make up 5% of students enrolled in STEM

undergraduate degree programs despite making up 26% of the US population (Centers for Disease Control and Prevention, 2018). STEM courses and STEM careers have generally been found to be particularly unwelcoming to students with disabilities when compared with non-STEM courses and careers (Duerstock & Shingledecker, 2014 and Wells & Kommers, 2020). Undergraduates with disabilities that are majoring in STEM are less likely to receive accommodations than their peers majoring in other non-STEM disciplines (Lee, 2014).

To maintain compliance with the ADA and similar legislation, many colleges and universities have created Disability Resource Centers (DRCs) (Gin, Guerrero, Brownell & Cooper, 2021). These centers serve many functions but many have a variety of ways to support students with disabilities such as by providing note-takers, and test-taking services. However, many undergraduates are not aware that the DRCs exist or have cited that the resources are unclear or difficult to access (Gin, Guerrero, Brownell & Cooper, 2021). Students with disabilities at the K-12 level have also indicated that they had less overall support and fewer accommodations for their disability in online courses compared to in-person courses (Terras, Anderson & Grave, 2020).

Conclusion

The results of this preliminary study suggest that the ADA has improved accessibility for individuals with disabilities since its first implementation, however, many individuals with disabilities still do not have access to appropriate accommodations. Furthermore, this study suggests that these individuals, especially those with invisible disabilities, remain stigmatized. In order to further validate these findings, similar studies should be conducted to determine if this trend can be extrapolated to individuals of a variety of backgrounds. In future studies researchers can also analyze the impacts of any new legislation or amendments to the ADA. Additionally, future studies can run interviews and focus groups. Namely, semi-structured interviews and focus groups would be beneficial in discerning specific narratives and valuable qualitative insights. It may be interesting to study distinctions and similarities in other age groups as well. Future studies should include these components for a more in-depth analysis. This study contributes to a broader understanding of disabilities and disability accommodations in the college student population.

Due to the rapid and unprecedented effects of the COVID-19 pandemic, education and educational accommodations suffered for some students with disabilities. On the other hand, some students with disabilities may have benefited from the flexibility of remote instruction (Morando-Rhim & Ekin, 2021). Improvements have been made since the passage of the ADA but that some accommodations are not sufficient or usable for the unique needs of different students with

disabilities. As the pandemic continues, thoughtful reopening plans that account for the specific needs of students with disabilities should be crafted with input from key stakeholders (e.g. parents, instructors, students) along with medical and public health professionals (McLaughlin & Vercler, 2020).

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