

TO OBTAIN APPROPRIATE EDUCATIONAL SERVICES AFTER HIGH SCHOOL, teens and adults with AD/HD and other disabilities need to be informed consumers when shopping for a college, university, or postsecondary training program. What do I mean by “informed consumer”? Simply put, people should know what they are buying before they buy it, and, in this case, what they are buying is additional education. So, before making the investment in higher education, teens and adults with AD/HD need to know about the services and programs at a given school in order to make the choice that is right for them.

No special education in postsecondary schools

The key laws protecting individuals with disabilities outside of K-12 settings are the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973, not the Individuals with Disabilities Education Act (IDEA), which provides special education for K-12 students with disabilities. The laws have very different intents and approaches. To be an informed consumer, someone with AD/HD needs to know what these differences are and how they might impact him or her as an individual.

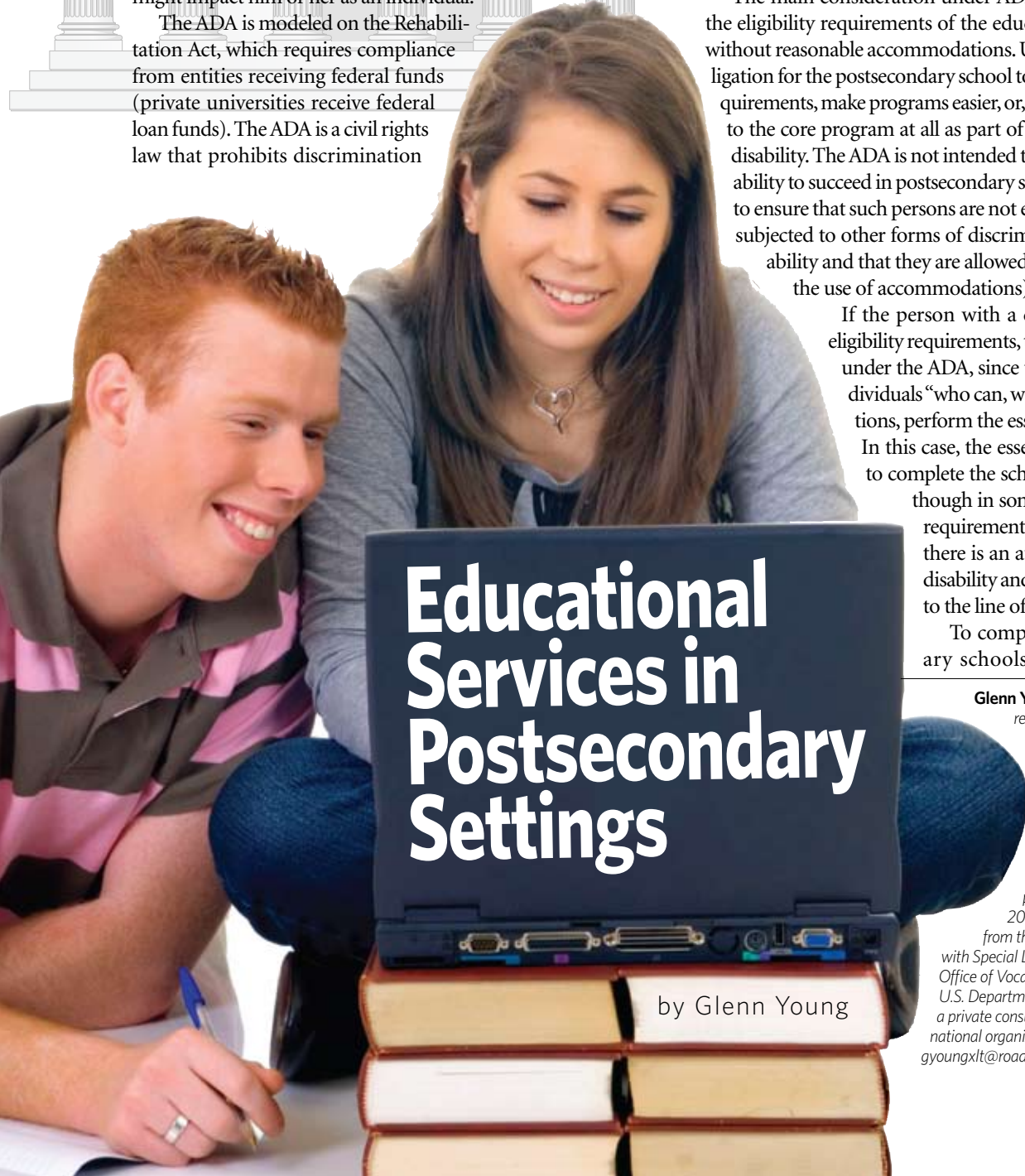
The ADA is modeled on the Rehabilitation Act, which requires compliance from entities receiving federal funds (private universities receive federal loan funds). The ADA is a civil rights law that prohibits discrimination

against persons on the basis of their disability at work, in state and local government services (which includes public universities), and in public accommodations such as restaurants and movie theaters. On the other hand, IDEA entitles children with disabilities to a free, appropriate, public education in the least restrictive environment. IDEA requires K-12 schools to provide programs and services to meet students’ individual needs, but the ADA has no such requirement for colleges and postsecondary schools.

The main consideration under ADA is whether one can meet the eligibility requirements of the educational institution with or without reasonable accommodations. Unlike IDEA, there is no obligation for the postsecondary school to waive or alter its course requirements, make programs easier, or, in fact, to make any changes to the core program at all as part of accommodating a person’s disability. The ADA is not intended to enable persons with a disability to succeed in postsecondary school; instead, its purpose is to ensure that such persons are not excluded from a program or subjected to other forms of discrimination based on their disability and that they are allowed to fairly compete (through the use of accommodations).

If the person with a disability cannot meet the eligibility requirements, then he or she is not covered under the ADA, since the ADA only applies to individuals “who can, with or without accommodations, perform the essential elements of the task.” In this case, the essential element of the task is to complete the school’s core requirements, although in some situations, certain course requirements can be waived or altered if there is an authentic issue based on the disability and the course is not “essential” to the line of study.

To comply with ADA, postsecondary schools must only give persons



Educational Services in Postsecondary Settings

by Glenn Young

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with disabilities a fair chance to demonstrate the required skills and knowledge through the use of reasonable accommodations (such as allowing extra time, allowing tests to be taken through a reader and/or in isolation, and so forth), in a way that is not in conflict with their disability. Alternative means for obtaining course information can also be provided (recording class lectures, for example).

Therefore, as informed consumers, teens and adults with AD/HD need to know the essential elements of a given school's course of study; to be clear that they can compete in all of the essential elements, with or without accommodations; and to know what accommodations they will need in order to compete in the essential elements (and whether those accommodations are "reasonable").

Eligibility and documentation

One of the basic issues for teens or adults with AD/HD is ensuring their eligibility for protection under the ADA in postsecondary school. Currently, just a history of having an IEP or Section 504 plan in K-12 school does not automatically qualify an individual for accommodations under the ADA in many settings. Nor does simply having a diagnosis of AD/HD.

The ADA defines a "person with a disability" as someone having a physical or mental impairment that substantially limits one or more major life activities. While AD/HD may be considered an impairment, it is just the first part of establishing eligibility under the ADA: there must also be clear evidence that the person's AD/HD causes "substantial limitations" of "major life activities." An individual with mild AD/HD in fact may not qualify as a person with a disability.*

Unlike IDEA, the ADA does not require postsecondary schools to evaluate students to determine the presence of a disability or to identify their educational needs. And what postsecondary schools require as "proof" of impairment and limitations can vary from place to place.

Part of being an informed consumer is knowing in advance what documentation a given school needs to recognize a prospective student as a qualified person with a disability. Unfortunately, some K-12 schools no longer provide the documentation required by many colleges and universities. Therefore, every effort should be made to have updated documentation in place that is consistent with the given school's requirements prior to leaving the K-12 setting, where it can be included in the student's transition plan and provided at public cost. Once out of high school, for the most part, it becomes the obligation of the person with AD/HD to provide the proof of disability at his or her own expense, and needed services might be delayed while documentation is being compiled.

Research before making a selection

All colleges, universities, and postsecondary training programs must offer reasonable accommodations to students with disabilities in order to comply with the ADA and the Rehabilitation Act of 1973. While all of these institutions may have an office of disabled student services (or something akin to that), not all of these offices are as good as others. Some schools have reputations of being disability-friendly, and others, not so disability-friendly. Advance research on the reputation and extent of disability services at any postsecondary school under consideration is important.

Prior to selecting a particular postsecondary school, teens and adults with AD/HD should know how good its disability services



For More Information

- **THINKCOLLEGE.NET**, a Web site hosted by the Institute for Community Inclusion at the University of Massachusetts in Boston, offers a searchable database, discussion board, listserv, and a resource section with information about postsecondary education programs that support youth with intellectual disabilities. The site was made possible through a grant from the U.S. Department of Education, Office of Special Education Programs.
- See the **Guide to Schools, Colleges, and Educational Resources** included in this issue.

program is, how difficult it will be to obtain needed accommodations, and how willing professors are to provide accommodations—especially those teaching required classes in the selected course of study. This type of information should help to determine where a person with AD/HD attends postsecondary school. It will do little good to get into a "great college" if that school is disability-unfriendly and actively resists providing needed accommodations.

To obtain disability services at the postsecondary level, teens and adults with AD/HD need to know:

- what documentation will be required to receive reasonable accommodations as a person with a disability,
- how supportive the school will be in providing needed accommodations
- if, with accommodations, they can truly be competitive in the chosen course of study, and
- if they can perform all of the essential elements of the tasks, with or without accommodations.

As the great Rabbi Hillel once said, when asked to recite the whole Bible while standing on one foot, "What is hateful in your eye do not do unto others; all the rest is commentary." The same holds true here. All discussion about accommodations is really just "commentary" on the basic facts of ADA. What an informed consumer needs to know boils down to the premise of who under ADA is a qualified person: a person with a disability who, with or without accommodations, can perform the essential elements of the task. The rest is really just commentary. **A**

* For a person with no prior documentation of a disability, the ADA Amendments Act of 2008, currently being considered in the U.S. Congress, does not require a postsecondary institution to provide reasonable accommodations to an individual who is only "regarded as" disabled.



Future Attention articles will address the growing postsecondary private training programs for individuals with disabilities that combine some academic work with on-site work training, and the role of professionals and coaches in identifying and advocating reasonable accommodations for students affected by AD/HD.