

THE CHRONICLE OF HIGHER EDUCATION

Commentary

July 23, 2015

Where's the Outrage When Colleges Discriminate Against Students With Disabilities?

By Lennard J. Davis

Today, many colleges pride themselves on being accommodating to all students — but in fact, far from aiding the cause of Americans with disabilities, colleges have been instrumental in blocking those rights.

July 26th marks the 25th anniversary of the Americans With Disabilities Act. As we celebrate the accomplishments of that law, let's not forget that while colleges have embraced efforts to promote diversity and the rights of people of color, women, and LGBTQ students and faculty, they have fought a less noticed war against disability rights. In the past, a good deal of the march toward the Americans With Disabilities Act was driven by activism and lawsuits brought by college students against their administrations — even while administrators were lobbying to eviscerate such legislation.

There was a time when there were virtually no students with disabilities on campuses. Blind and deaf people were sent to residential schools where they learned trades. People with mobility impairments couldn't get out of the house to commute to colleges, and dorms were inaccessible. Learning-disabled people often didn't make it to higher education.

But the polio epidemics of the 1950s and the returning disabled veterans aided by the GI Bill began to increase the demand for accessibility on campuses in the 1960s and 1970s. Legislation to give disabled public-school students, who previously may not have had the skills to go to college, individualized lesson plans created a flood of new students arriving on campuses in the 1990s. It was then that the pressure from these students, combined with

treating professionals say they are fine. The Bazelon center has brought a number of such cases to the Department of Education, including ones involving Princeton, Georgetown, and Mount Holyoke, while the Department of Justice has recently taken action against the National Board of Medical Examiners over a similar issue involving Yale University.

Colleges have fought against having alternate formats for testing and for evaluation, including more time to take tests for some students. Many students arrive on campus after being assured that their learning disabilities will be taken into account. However, as Bradley Elmendorf discovered at Duke University Divinity School, assurances are not guarantees. Elmendorf says he was not provided with any accommodation for his dyslexia although he had been promised audio versions of all his texts. When he complained, he was told he would lose his fellowship if he didn't withdraw his grievance. He filed suit, and the case is still in the courts. Cases like this one abound.

As the Internet has developed, many universities have not made their own websites accessible, failed to provide Internet access for deaf and disabled students, and been negligent in making their distance-learning programs accessible. The Department of Education, as a result of lawsuits and investigations, has had to caution California Community Colleges and San Jose State University in this area.

More than 25 colleges, including Harvard, Princeton, Yale, MIT, Northwestern, Penn State, Ohio State University, and the University of California at Berkeley, have been sued or have had a complaint brought against them for not providing access or alternative formats for disabled students or closed captioning for deaf students. If such an abysmal record had been discovered for racial or gender discrimination, the academic world would be in an uproar. But since this is about disabled people, the abuses go unnoticed until lawsuits or complaints are brought — and even then there is no public outcry.

This has been a long struggle, and even colleges that have traditionally supported civil rights and antidiscrimination efforts have been implicated. As recently as this past April, Howard

