

Course Substitution Practices, Policies, and Implications for Students with Disabilities

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Data from 65 colleges and universities across the United State were used to study course substitution practices for postsecondary students with disabilities. Data indicate that the majority of surveyed institutions (90.8%) allow course substitutions, yet only 50% had written policies directing substitution decisions. At responding institutions (N = 65), foreign language and math are the most common courses requested for substitution. In addition, at surveyed institutions, students with learning disabilities are more likely than other students with disabilities to request and be offered substitutions. These findings are discussed in regard to §504 of the Rehabilitation Act of 1973, subsequent legislation, and two key cases, Southeastern Community College v. Davis (1979) and Guckenberger et al. v. Boston University (1998).

KEY WORDS: administration; Americans with Disabilities Act (ADA); current issues; Individuals with Disabilities Education Act (IDEA); legal issues; Rehabilitation Act of 1973, §504

Introduction

In this article, we focus on the tension created between an institution maintaining curricular/program integrity and granting reasonable accommodation to students with disabilities. We examine the prevalence of granting course substitutions for students with disabilities, the degree to which institutions of higher education have written policies to guide decisions regarding the provision of course substitutions, and the implications related to granting reasonable accommodation and for having written policies. Institutional leadership needs to be concerned with this policy area so it can demonstrate that the students' due process guarantees are protected and to assure that the institution is accountable.

Current legislation does not require that colleges and universities provide course substitutions for students with disabilities (Wolinsky & Whelan, 1999). Nevertheless, the National Joint Committee on Learning Disabilities (NJCLD) (1999) stated that regardless of the decision to offer course substitutions, postsecondary institutions must establish written policies for the deci-

sion-making process. Without written policies, developed to comply with legal mandates and to provide for an individual's acquisition of skills needed to complete a program, the institution faces two potential negative outcomes. First, institutions that deny course substitutions without any justification could face legal ramifications. Second, institutions that provide course substitutions that alter an individual's program so that necessary skills are not mastered may be placing underprepared professionals in the field. Therefore, leaders of higher education institutions need to understand current legislation and carefully consider the provision of course substitution.

Under the Americans with Disabilities Act of 1990 (ADA), which dictates the implementation of §504 of the Rehabilitation Act of 1973 (Carroll & Johnson Bown, 1996; Johnson & Rubin, 1982), postsecondary institutions are required to provide equal access to academic programs for students with disabilities (Rhoads, Slate, & Steger, 1994). To provide equal access and to promote successful learning, institutions must provide appropriate accommodations to students with disabilities (NJCLD, 1999). Accommodations may include, but are not limited to, extended test time, accessibility to note takers and readers, changes in testing environments, and course substitutions. In a National Center for Educational Statistics (NCES) report, Lewis and Farris (1999) found that almost all of the postsecondary institutions with identifiable students with disabilities provide some sort of accommodation.

Federal Laws, Select Court Cases, and Advising Issues

Statutes

When considering the academic demands of students with disabilities, institutional leadership must define reasonable accommodations and determine how the integrity of published curricular requirements is affected by such accommodations. They must consider §504 of the Rehabilitation Act of 1973 (PL 93-112), the Individuals with Disabilities Education Act of 1997 (IDEA) (PL 105-17), and the ADA (PL 101-336).

Section 504 of the Rehabilitation Act of 1973 states that “no otherwise qualified handicapped individual in the United States . . . shall, solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.” The ADA, designed after the modifications provided in IDEA, expands the antidiscrimination coverage under §504. The purpose of the ADA is

(1) to provide a clear and comprehensive national mandate for the elimination of discrimination against individuals with disabilities; (2) to provide clear, strong, consistent, enforceable standards addressing discrimination against individuals with disabilities; (3) to ensure that the Federal Government plays a central role in enforcing the standards established in this Act on behalf of individuals with disabilities; and (4) to invoke the sweep of congressional authority, including the power to enforce the fourteenth amendment and to regulate commerce, in order to address the major areas of discrimination faced day-to-day by people with disabilities. (ADA, 1990, §2[b][1–4])

Under the ADA, employers (§102[a]) and public providers of services (§202) cannot discriminate solely by reason of a person’s disability. Private entities also cannot discriminate “on the basis of disability in the full and equal enjoyment of the goods, services, facilities, privileges, advantages, or accommodations of any place of public accommodation by any person who owns, leases (or leases to), or operates a place of public accommodation” (§302[a]). However, the ADA provides one general practice-based limitation in §103:

(a) In General. It may be a defense to a charge of discrimination under this Act that an alleged application of qualification standards, tests, or selection criteria that screen out or tend to screen out or otherwise deny a job or benefit to an individual with a disability has been shown to be job-related and consistent with business necessity, and such performance cannot be accomplished by reasonable accommodation, as required under this title.

(b) Qualification Standards. The term “qualification standards” may include a requirement that an individual shall not pose a direct threat to the health or safety of other individuals in the workplace.

Court Cases: Reasonable Accommodations versus Academic Integrity

In interpreting the meaning of §504 of the Rehabilitation Act of 1973, the U.S. Supreme Court initially focused on the issue of imposing requirements for admission into an academic program. In *Southeastern Community College v. Davis* (1979), the Court held that §504 “imposes no requirement upon an education institution to lower or effect substantial modifications of standards to accommodate a handicapped person.” If the standards for a field license are less demanding than those of the institution, “nothing in the Act requires an educational institution to lower its standards” (*Southeastern Community College v. Davis*, 1979). This interpretation means that to make reasonable accommodation, a college or university is required to make minor curricular adjustments as long as these do not alter the ability of the student to “receive an even rough equivalent” to the knowledge normally offered by the program (*Southeastern Community College v. Davis*, 1979). In its decision, the Court defers to the judgment of faculty in decisions regarding curricular requirements.

In *Guckenberger et al. v. Boston University* (1998), the Federal District Court of Massachusetts voiced concern that the leaders of colleges and universities need to consider. First, institutions must provide course alternatives or explicitly demonstrate that no valid alternatives are available. Second, reasonable accommodations should not constitute an undue burden on campus resources. Third, campus officials must adhere to a decision-making process about reasonable accommodation and document the date, the people who made the decisions, and the evidence of a) program feasibility, b) potential alternatives, c) the feasibility of alternatives, d) costs of alternatives, e) effects of alternatives on the program, and if applicable, f) the rationale behind the conclusion “that the available alternatives would result in lowering academic standards or requiring program alteration” (*Stern v. University of Osteopathic Medicine and Health Services*, 2000) or would constitute an undue burden.

In *Regents of University of Michigan v. Ewing* (1985), the U.S. Supreme Court repeated its 1979 admonition regarding the role of educators in providing for persons with disabilities: “[When] the accommodation involves an academic decision, [courts] should show great respect for the faculty’s professional judgment.” However, this deference is not given without account. As the Ohio Supreme Court pointed out, “Judicial deference must be paid to academic decisions made by the institution

unless it is shown that the standards serve no purpose other than to deny an education to the handicapped" (*Ohio Civil Rights Commission et al. v. Case Western Reserve*, 1996).

The student must demonstrate that he or she has a disability. The student is also responsible for informing the college or university that she or he has a diagnosed disability and for showing that the requested accommodation is related to the disability. In cases of disagreement, the student bears the responsibility to prove that the actions of an institution have adversely affected him or her (*Amir v. St. Louis University*, 1999; *Stern v. University of Osteopathic Medicine and Health Services*, 2000).

According to §504 of the Rehabilitation Act (1973) and the ADA, students with disabilities must be afforded due process, and academic institutions cannot refuse reasonable accommodations. However, the leadership of academic institutions must examine the impact of course substitution on the curricular integrity of the academic program and determine if a course substitution request denotes a reasonable accommodation. For example, in the field of teacher education, students are required to complete field placements and perform student teaching as part of their program. If a student with a disability requests a course substitution for a field placement, the faculty could refuse the request if it determines that completion of the course is a necessary precursor to the individual's development of effective pedagogical skills.

Advising Issues

In typical campus settings, §504-mandated services are provided through disabled students services (DSS) offices (U.S. Office of Special Education and Rehabilitation Services, 1994). These offices allow institutional staff to centralize compliance issues; however, because the DSS staff has shouldered many of the responsibilities for student-based issues, these offices also reflect the implicit institutional barriers between institutional mission and departmental and program goals (Blau, 1994; Jacoby, 1991). The DSS office provides faculty members and advisors in academic departments information about reasonable accommodations for students with disabilities, but the process may be problematic. If an advisor receives a course substitution request, the decision to grant the request may be based on either inaccurate information about legal mandates or incomplete information disseminated by the DSS office.

As enrollment of students with disabilities in colleges and universities increases (Barnett & Li,

1997; Lewis & Farris, 1999), the assurance of students' rights is increasingly important. Despite the NCES report that most institutions offer accommodation (Lewis & Farris, 1999), lack of knowledge about the policies and services at the postsecondary level is one of the problems facing newly enrolled students with disabilities (Forsbach & Rice-Mason, 2001). Thus, academic advisors could and should serve a vital role by having and providing accommodation information to students. To accomplish the goal of keeping students updated, advisors must be informed about students' rights as well as university policy on the provision of reasonable accommodations, including course substitutions.

By having a written policy and providing copies of the policy to students with disabilities, as well as to advisors, institutions offer information that is vitally important to the potential successes of their students (NJCLD, 1999). These policies should include information regarding accommodations and potential curricular substitutions and the procedures to identify, establish, and provide for these accommodations and modifications. However, not all campuses have written policies or procedures that are easily accessible and understandable to students, staff, faculty members, and administrators. Without a written policy, advisors and faculty members may not know their legal rights and responsibilities when considering a request for course substitutions.

The practice of course substitutions as an appropriate form of accommodation has sparked much debate and research. Course substitutions and waivers are sometimes suggested as necessary to provide the opportunity for students with disabilities to complete a program (U.S. Office of Special Education and Rehabilitation Services, 1994). In one study, Lewis and Farris (1999) showed that 42% of higher education institutions provide course substitutions or waivers for students with disabilities; however, recent statistics indicate that students with disabilities entering postsecondary institutions have inferior skills to their peers without disabilities (Horn & Berkold, 1999).

Students with learning disabilities comprise approximately 50% of all college students with disabilities (Boughan, 1996; Lewis & Farris, 1999). They are more likely than other students with disabilities to request course substitutions, and they most frequently ask for substitutions in math and foreign language courses ("Students Who Are Deaf," 1995). However, there is no clear-cut evidence of benefits achieved through curricular substitutions for students with learning disabilities. In

addition, discrepancies regarding the causes of problems in foreign language learning for students with disabilities have created additional controversy. Sparks (2001) found that students with learning disabilities may not have more problems learning a foreign language than do other students who have problems learning a foreign language.

Academic advisors (faculty and staff) need to carefully consider each request for course substitution and determine the potential impact of the modification on a person's overall program. It is unfortunate that some individuals designated to work on behalf of students with disabilities hold stereotypes and lack the expertise necessary to provide adequate service. The *Guckenberger et al. v. Boston University* (1998) case provides an example of how inadequately informed and trained personnel can affect the student and the institution. The court found that the assistant to the provost at Boston University had made procedural change recommendations that were based on stereotypes of individuals with disabilities (Wolinsky & Whelan, 1999).

The Court's interpretation of §504 of the Rehabilitation Act (1973) allows each institution the opportunity to evaluate whether a proposed substitution jeopardizes the integrity of the academic program. Thus, an institution may choose to reject course substitutions only after evaluating such substitutions (U.S. Office of Special Education and Rehabilitation Services, 1994).

Because of the initiatives that leaders undertake to keep their campuses compliant with mandates and to meet the needs of students with disabilities, we have designed this study to answer three specific questions:

1. To what extent do colleges and universities allow course substitutions for eligible students with disabilities?
2. In what subject areas are reasonable accommodations offered?

3. Do institutions have written policies regarding the provision of course substitution?

Method

Participants

Surveys were mailed to the DSS offices at 200 universities and colleges randomly selected throughout the United States. Follow-up surveys were mailed to institutions in which no one had responded. A total of 71 participants (36%) returned the surveys. Of the 71 who completed the surveys, 6 respondents provided inadequate information, leaving a final sample of 65 colleges and universities for study. In accordance with the 2000 edition of the *Carnegie Classification of Institutions of Higher Education* (The Carnegie Foundation for the Advancement of Teaching, 2003), the final sample represents mainly doctoral/research universities-extensive. See Table 1.

Measures

Participants completed the Course Substitution Survey, which we developed specifically for this study. Respondents were asked to provide the name of their institution, and from this we determined their institutional category. The survey only contained four basic questions based on the research queries, and a space was left at the end for respondents to describe the process by which students are granted course substitutions. See Figure 1.

Procedures

Using the Association on Higher Education and Disability directory of institutions of higher education and systematic random sampling, we mailed surveys to the DSS offices at each institution. Self-addressed stamped envelopes were included with the survey, and respondents mailed completed surveys directly to us. A follow-up survey was mailed to nonrespondents 2 weeks after the first survey was sent.

Table 1 Number of respondents and percentages of institutions by type

Institution Type	<i>n</i>	% of Sample <i>N</i> = 65	% of All U.S. Institutions Classified by Carnegie Foundation (2000)
Doctoral/Research-Extensive	33	50.77	21.85 (<i>N</i> = 151)
Doctoral/Research-Intensive	8	12.31	7.27 (<i>N</i> = 110)
Master's Comprehensive I	14	21.54	2.82 (<i>N</i> = 496)
Baccalaureate	1	1.54	0.17 (<i>N</i> = 606)
Specialized Institutions	2	3.08	0.26 (<i>N</i> = 766)
Community Colleges	7	10.77	0.42 (<i>N</i> = 1,669)

Note. Institution classification by The Carnegie Foundation for the Advancement of Teaching (2003).

Figure 1 Course Substitution Survey questions

Course Substitution Survey	
1. Does your university/college allow course substitutions?	Yes No
2. What courses are allowed?	
3. What types of disabilities are allowed to substitute courses?	
4. Is there a written policy at your institution regarding course substitution?	Yes No
5. Describe the process by which a course substitution is granted at your institution.	

Data Analysis

Our first objective was to ascertain the frequency of course substitution practices across post-secondary institutions. Participants responded about whether or not their institutions allow course substitutions, and we recorded the frequencies and calculated percentages.

Our second objective was to investigate the types of courses for which substitutions are most frequently allowed. Thus, participants identified the courses for which substitutions are allowed, and we recorded frequencies for comparison across categories.

Our final objective was to determine the extent to which written policies have been established to guide the practice of course substitutions. For determination purposes, we once again utilized frequencies and percentages.

Results

Practice of Course Substitution

When asked if their institutions allowed course substitutions, 59 of the 65 participants (90.8%) reported that their institutions allowed substitutions (see Table 2). Of the five institutions that did not allow course substitutions, two had written policies stating that course substitutions are not allowed. In one case, a participant reported that the situation had not come up because no formal requests for substitutions had ever been made.

Courses for Substitutions

Although a majority of the participants stated that their colleges and universities allowed substitutions, only 40 participants gave specific information about the types of courses considered for

potential substitution. Most of the other respondents stated that no specific courses had been targeted and decisions were made on a case-by-case basis.

Foreign language, the most commonly cited course, was noted by 87.5% ($n = 35$) of the respondents. In addition, 65% ($n = 26$) of the institutions allowed for substitutions in math. Two participants mentioned that students sought substitutions for physical education.

Written Policies

Participants were asked if their institutions had a written policy guiding decisions on course substitutions. Only 48 participants responded to this question, and of those responding, 50% reported that their institutions had a written policy regarding course substitutions for individuals with disabilities. See Table 2. The rationale was similar among respondents whose colleges and universities did not have written policies: Without written policies, institutions could provide students with greater flexibility in seeking reasonable accommodations. Based on the data and related comments, respondents expressed a concern that a written policy could lead to a prescriptive approach toward curricular modifications.

The perception that written policies may result in inflexible accommodations is also evidenced by the comments provided by survey respondents ($N = 65$) reporting on the amount of information provided about course substitutions. Respondents from 25 institutions (38.5%) made no mention of specific courses available for substitutions even though 90.8% ($n = 59$) of all survey respondents said that their institutions provide course substitutions in specific areas.

Process of Requesting a Substitution

When answering the survey question regarding the need for course substitutions, 5 of the 33 respondents from Carnegie doctoral/research-extensive universities indicated that students were expected to attempt the course prior to petitioning for substitution. At two of the doctoral-extensive schools,

Table 2 Frequency of course substitutions and written policies

Answer	Course Substitutions ($N = 65$)	Written Policy ($N = 48$)
Yes	59	24
No	6	24

students were expected to take the course without additional support, while students at the other three schools were encouraged to utilize all support services available while trying the course. Two of the 33 respondents indicated that staff first examined the petitioning student's past success in similar courses before a substitution was authorized. Across all types of institutions, most respondents indicated that a committee decided on the course substitutions. In addition, at most schools, the process was to be based on the following criteria: a) The petition is to be student driven; b) the petition should be department- or school/college-based; c) the student is expected to work closely with an advisor from the DSS office or department; d) the petition is to be based on the student's disability, and the disability is to be properly verified and documented in the academic record. As one of the respondents indicated, "Substitutions are approved on a case-by-case basis, taking into account a student's individual learning problems and strengths."

Anecdotes provided by respondents demonstrate that the institutions participating in the survey took an ad hoc approach to granting course substitution requests. For example, one university had denied a student's request for a substitution for a foreign language class after noting that the student had passed two prior foreign language classes with a C and a D. Another participant reported that whenever requests for substitutions were made, they were always denied at the academic department level. In another situation, a student's request was denied, but the student was allowed to take the course pass/fail.

Although our research focus was not to examine the specific types of disabilities of people who requested substitutions most frequently, many participants provided the information in their commentaries. Of the respondents who provided this information, over 36% indicated that their institution provided course substitution opportunities for students with learning disabilities. The second most frequently cited disability category (one third of respondents) among those seeking substitutions involved hearing impairments. Some of the respondents also identified attention deficit, speech impairments, visual impairment, and psychiatric conditions of petitioners who are most likely to seek substitutions at their schools.

Discussion

The results of this study demonstrate that the vast majority of colleges and universities surveyed allow course substitutions, yet one half of those who responded to the Course Substitution Survey

reported that their institutions do not have written policies guiding and providing evidence of the decision-making processes used to grant or deny substitutions. Section 504 of the Rehabilitation Act (1973) requires that postsecondary institutions provide accessibility to educational programs for students with disabilities (Rhoads et al., 1994), but as interpreted by the federal justices in *Guckenberger et al. v. Boston University* (1998), universities are not required to grant course substitutions if the substitutions jeopardize the integrity of the student's academic program (Wolinsky & Whelan, 1999).

Why should institutional leadership concern itself with written guidelines? First, written guidelines demonstrate that the student's due-process guarantees were protected. Second, they show institutional accountability. To be compliant with the ADA, the administration must demonstrate that their institutions have established standards and that their programs represent a quality education (Padró, 2004). In addition, they must demonstrate that curricular decisions are made after all due deliberation and are not capricious or arbitrary. They must show that their decision-making committees have balanced individual needs and program integrity while ensuring that the education offered provides the same experiences and opportunities for all students.

Because they are best positioned to ascertain the potential impact of modifications to a student's program, faculty and other involved academic advisors should play a major role in decisions that pertain to course substitution. Universities need to demonstrate that the best interests of the students are balanced against the professional interests that define education or training expectations within that academic program (Green, Eckel, & Barblan, 2002). By quoting from *Regents of the University of Michigan v. Ewing* (1985), the federal court in Massachusetts pointed out in *Guckenberger et al. v. Boston University* (1998): "[In] the unique context of academic curricular decision-making, the courts may not override a faculty's professional judgment 'unless it is such a substantial departure from accepted academic norms as to demonstrate that the person or committee responsible did not actually exercise professional judgment.'"

The absence of formal written policies (as found in 50% of the responses in the current study), leaves an institution open to questions about the level of involvement of faculty in the decision-making process as well as about the curricular integrity of the allowed course substitutions. For example, if a stu-

dent requests a course substitution for math and that student is pursuing a program that leads to teacher certification, faculty within the student's program would probably deny the request. If staff from an alternative program was handling the request or no written policy was available for reference, the final decision might be different and could jeopardize the individual's attainment of necessary skills.

Academic advisors, professors, and administrators need to know the procedures to follow if a request is made. Even though each case should be individually analyzed, uniformity in the process is necessary to ensure that the student's due-process rights are protected. If the institution has no written policy, then its response to the request could culminate in legal action in which the petitioner could question whether or not due process was followed.

The NJCLD (1999) has recommended that postsecondary institutions have a written policy, and this policy should be shared with students, faculty members, and administrators. It does not matter whether colleges or universities allow course substitutions or the extent of these substitutions, institutions need to adopt a written policy to make the process transparent and understandable. Faculty and staff should encourage students to disclose their disability and ensure that these students will not be subjected to any stigma resulting from the disclosure. Upon disclosing a disability to the university, the student needs to be immediately informed of accommodations that may be reasonable to meet her or his needs and the application process for applying for the accommodation(s). If a student expects a course substitution as he or she reaches the end of the program and the request is subsequently denied, the situation could delay the student's program completion.

A university may decide to refuse a course substitution request after documenting the three following facts as outlined by the 1st U.S. Circuit Court of Appeals in the *Wynne v. Tufts University School of Medicine* (1991) case: "indication of who took part in the decision [and] when it was made"; a "discussion of the unique qualities" of the course requirement as it now stands; "a consideration of possible alternatives" to the requirement. Consider the following case: A student seeks a course substitution for a computer-based course because the bright lights of the computer give him headaches. The course is designed to give preservice teachers practical experience with using instructional technology in the classroom. Faculty and advisors would need to carefully decide whether or not any substitution could adequately replace the existing course in a manner that provides the stu-

dent with an equivalent learning experience as those not receiving the accommodation.

Conclusion

This study revealed that in the universities surveyed, foreign language courses are most likely targeted for substitution by students with disabilities. Furthermore, students with learning disabilities are more likely than other students with disabilities to request a substitution. Before colleges and universities engage in the common practice of granting course substitutions in foreign language for students with learning disabilities, the decision committees need further understanding of how a learning disability impacts the ability to acquire language. As noted by Sparks (2001), students with learning disabilities may not have any more problems learning a foreign language than do students with no documented disabilities. Yet, having a learning disability gives students a chance to request and be granted a course substitution. Sparks also found that college students with learning disabilities who received course substitutions exhibited no general academic learning problems. Therefore, the practice of granting language-course substitutions to some students with learning disabilities may be unwarranted.

Some postsecondary institutions seem to have adopted an "attempt and fail" philosophy. At these institutions, students are required to first attempt a course before requesting a substitution. This approach aligns itself with Sparks's (2001) recommendation that all sources of support services should be utilized before a student be allowed to request a substitution.

The results of the current study inspire one to question the soundness of the practice of course substitution in postsecondary settings. Whereas leaders at postsecondary institutions must ensure that reasonable accommodations are provided to students with disabilities, they also need to protect the integrity of a student's academic program. Faculty members and advisors may deem specific substitutions as unreasonable and refuse to grant requests after careful consideration. However, without formal written policies, how does an institution demonstrate the rationale of these decisions? Are colleges and universities granting course substitutions that jeopardize the person's acquisition of necessary skills? Are they arbitrarily or capriciously denying such requests?

The impact of the *Guckenberger et al. v. Boston University* (1998) decision needs to be further examined. As colleges and universities receive

more requests for course substitutions from their growing population of students with disabilities, perhaps fewer requests will be granted as a result of a documented process based on written guidelines. Researchers should also investigate students' with disabilities awareness of their rights under §504 of the Rehabilitation Act (1973) and the practical and legal differences that exist between the practices in pre-K through 12 systems and those in postsecondary institutions.

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