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EDUCATION**



**Disability Services**

**Hosted by Steven Roy Goodman, UDC-TV**

## ***Higher Education Today***

Disability Services E-Booklet

Transcript of 27-minute conversation with Jonathan M. Young, Chairman, National Council on Disability, and Dr. Dorling Joseph, Disability Coordinator, University of Maryland Eastern Shore

Hosted by Steven Roy Goodman, Educational Consultant and Co-Author, *College Admissions Together: It Takes a Family*

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## Disability Services

Hello. I'm Steven Roy Goodman, host of *Higher Education Today*, a production of the University of the District Columbia. Welcome back to your education program; the program that connects you to contemporary issues, people, and institutions involved in the business of higher education. Today we'll be talking about accommodations for college students with disabilities.

Dr. Dorling Joseph is the disability coordinator at the University of Maryland Eastern Shore. Her job is to provide access and equal opportunity to enrolled students with disabilities. Dr. Joseph came to the United States from Trinidad and recently completed her Doctorate of Education in Innovation and Leadership.

Jonathan Young is chairman of the National Council on Disability, appointed by the President and confirmed by the Senate. Jonathan is the author of *Equality of Opportunity: The Making of the Americans with Disabilities Act*. He is a former White House advisor on disability policy and a graduate of Yale Law School. Welcome to both of you.

**Young:** Thank you Steve.

**Dr. Joseph:** Thank you very much.

**Goodman:** Well, thanks for coming. Dorling if I can start with you, can you tell us a little bit about the work that you do at the University of Maryland Eastern Shore in terms of a student who comes with a disability and how you provide assistance to a student who comes to you?

**Dr. Joseph:** Sure. A student walks into my office for the first time at the University of Maryland Eastern Shore who has a disability. What is required is that the student is required to provide me with documentation of that disability from a psychiatrist, medical doctor or psychologist saying that he or she has a disability. And usually on that documentation, it will tell me what accommodations are necessary for that student to be successful at the University.

**Goodman:** So you're trying to accommodate for a disability that the student has.

**Dr. Joseph:** That's correct. And so the accommodations are different for students depending on the disability.

**Goodman:** Fair enough. And, Jonathan, if we can bring you into this, perhaps you can say a word or two about (1) what is the government definition of a disability, and then (2) what is the definition of accommodating that disability or what does that mean on a national level.

**Young:** Sure. I wish it was as simple that there was one single definition. We have different definitions and different contexts. And the one that's most applicable here I think is the definition used in the Americans with Disabilities Act, which is a person with a mental or physical impairment that substantially limits major life activities.

Accommodations or a reasonable accommodation is a basic concept to provide an aid or a service of some kind to enable a student to participate equally and fully in the educational process. So it might mean a person who is blind having materials in Braille or on a recording.

Or it might mean access to an amplified device for sound. Or a quieter environment, for instance, for somebody who needs a quieter environment.



**Goodman:** So but who defines...like a blind student, it's obvious. A blind student needs help reading something because the blind student can't see something. But there may be some gray areas perhaps I would assume in terms of what is a disability?

**Young:** Well I think the concept really is a process one. It's the individual's responsibility as Dorling was just saying to approach the office to identify and disclose a disability and to explain what that means and what's required. And then it's, as in the employment context, an opportunity for the school and the individual to talk through that situation on a case-by-case basis. But it's not like there's one single universal standard that says if this then that.



**Goodman:** Dorling maybe on your campus, let's say somebody had a disability when they were in high school. If I'm understanding what you both are saying, it's not necessarily so that that student is definitely going to show up at your office.

**Dr. Joseph:** No. No. But it's...the law changes. In high school, the teachers can send a student up to the special ed teacher or the counselor in high school. At college, the law changes and it's self disclosure.

So that student now attending college has to self-disclose, come up to the office, and say: "I have had a disability. I have had accommodations in high school and this is what I require now that I'm in college."

**Goodman:** And what if a student doesn't do that?

**Dr. Joseph:** If the student does not do that then there's no way that I can know who that student is unless we wait until mid-term grade time comes around and then we call students into the center where I work, and there are other people who do different things there, and that person may self-disclose then that: "I have had a disability. I have not been receiving accommodations since I came here." That's where I would step in.

**Goodman:** That's interesting. So let's assume there's a student who for whatever reason doesn't want to share. Maybe they're embarrassed; maybe they want to get a new start whatever that means. You know a number of students don't want to disclose. But let's say their mom or dad calls you and says, "Dorling, I'd like to get extra time for my student because my son or daughter has this disability, but my son or daughter is a little embarrassed about that." How would you handle that?

**Dr. Joseph:** I would have to ask the parent to have the student come in and talk with me especially if the student is past eighteen because again we have that law, that FERPA law and HIPAA law that we have to pay particular attention to and the student has to sign that we can talk to his parents down in the registrar's office. So I would have that student come up and ask that student "do you need accommodations?" Your mom or dad called. Do you want the accommodations that your parents are saying you need? Based on the information I receive from the student, then I make my move and I see what I'm going to do.

**Goodman:** Jonathan, on a national level, how many people have disabilities in the United States, I think we have about 300 million Americans, more or less?

**Young:** Typically about 15 percent is a number often used or about 45 to 50 million Americans with disabilities. In the college context, about 10 or 11 percent of students are people with disabilities.

**Goodman:** That's a high number.

**Young:** Sure and just to go back, you know we were diving into the details of accommodations. I think one point that's really important to get across here is we're really talking about inclusion and allowing every person to be fully participating. In the 19<sup>th</sup> century we had many states with ugly laws that purely by virtue of appearance people could choose not to allow a person to be seen in public. We've come a long way since then. It was quite routine for students to be, students with disabilities, to be excluded from schools.

**Goodman:** Based on how they looked?

**Young:** It could be as simple as that. There are people who didn't want a person say with cerebral palsy to be in a restaurant and prior to the Americans with Disabilities Act somebody could simply say we don't want you here. But in the educational context then, you know, normal is a very strange concept—there is a spectrum of people in terms of various disabilities or impairments.

And what we're trying to do is allow each student to have the chance to participate in the classroom. And oftentimes that can just be worked out on a fairly informal basis. But because of the stigma, a lot of students are afraid to identify or to ask. And I think we're making gains but what we need to promote is that it's appropriate to assert, to describe what's needed, and to have the tools necessary to succeed in the classroom.

**Goodman:** Well speaking of stigma. You think about the stigma of mental health. Does the ADA cover mental health?

**Young:** Surely. Mental and psychiatric impairments, yes.

**Goodman:** And, Dorling, how would you handle this on campus if somebody came and said that they were having difficulties with their mental health?

**Dr. Joseph:** First, I would again have to have the documentation and then I refer students to the counseling center. I refer students to the health center to make sure the medication part of it is handled by the health center. The counseling center takes care of that and we have a psychiatrist who comes on campus, takes care of the psychological and psychiatric part of it.

**Goodman:** But you can, and now that we're having this conversation, you can kind of see how some students might be a little hesitant to come into your office. Let's say they were seeing a psychiatrist, and may be a little embarrassed about that and or worried about the stigma about that. And if I'm not mistaken there have been some universities that have been less than helpful to students with disabilities, mental disabilities, because they're afraid of what can happen on campus. How does your campus handle that?

**Dr. Joseph:** Well I try to make that student as comfortable as I could make that student. And I would actually ask the student permission. Would you like to go to the counseling center? Would you like to see the psychiatrist there?

We're here to help you. We're here to help you to succeed in college. Do you really want this help? Do you think you can manage on your own, then that's fine. If you need the help, then we need to work together so that we can provide you with the help that you need to be successful here.

**Goodman:** But does everybody on your campus support what you're doing?

**Dr. Joseph:** They're supposed to. It's a federal law. It's a federal law.

**Goodman:** But aside from the actual law, in terms of the day-to-day work at the University of Maryland Eastern Shore, are there people on campus who perhaps are less than supportive of the work that you're doing with some of your students?

**Dr. Joseph:** Yes there are, but we have an interdisciplinary committee that I'm a part of, counseling center is a part of, health services is a part of. We meet on a monthly basis to discuss areas that we may have concerns with. And we have been able to pool our resources together to help students.

**Goodman:** Fair enough. And in terms of resources, maybe Jonathan, if I can ask you about resources. Is there a federal mandate for this that the states or schools now have to pay? I never quite understood how the funding for the ADA works.

**Young:** Under federal law, institutions such as universities that receive federal money are obligated to provide, not to discriminate; and part of not discriminating in this case means providing accommodations. How those costs are covered is as you might imagine a matter of debate.

There are sometimes conflicts between state, vocation and rehabilitation offices that are supposed to provide services. And they'll sometimes say if it's the university, then the university should provide. So you're talking about a standard on a federal level, but it needs to be worked out on a case-by-case basis with each institution. But, yes, the universities are required to provide these services.

**Goodman:** So a university might be required to build ramps for a building that accommodates more than a certain number of students?

**Young:** For things like the built environment, that's actually fairly easy. Part of the principle of the ADA and the Rehabilitation Act before it was that new construction should be made to be accessible. And at the design stage, the costs are really quite infinitesimally small. It's a little bit harder when you deal with older universities and you're talking about retrofitting. But a general standard is that if something can be readily done, you should do so. But that might mean moving a classroom for a person who uses a wheelchair to a first floor if the second floor in that building doesn't have an elevator for instance.

**Goodman:** And that's in fact how you do it?

**Dr. Joseph:** That's how we....At one time, our financial aid office was located in a building without an elevator on the second or third floor. And what would happen, I would have someone from that office come downstairs and meet a student in a wheelchair who needed accessibility and give that student the services that he or she might need.

**Goodman:** And I imagine, though, that some of the pressures that are on you to provide the accommodations for students are great. If once the student brings in the documentation



that says I need such and such assistance, and you're going to provide that assistance, is there a limit to how much money the university will spend for that student?

**Dr. Joseph:** So far at the University of Maryland Eastern Shore I have had funding for what I need. I have had DORS which is the Department of Rehabilitation Services provide some of the equipment, like a mobility coordinator for visually blind students, that's handled by DORS and then the University provides the actual services like assistive technology like Zoom Text or Braille or you know a note taker. That part is handled by the University, yes.

**Goodman:** So if a note taker comes in to assist a student—

**Dr. Joseph:** Yes.

**Goodman:** So that money is going to come from your budget?

**Dr. Joseph:** Comes from the University, yes.

**Goodman:** But what if the University president says tomorrow that we're out of money and we have to cut the budget significantly?

**Dr. Joseph:** Oh she would not do that. She could not do that. It's the federal law. There's a possibility that we could lose our funding, lose our federal funding for the whole University, if we have a lawsuit and we lost that lawsuit.

**Goodman:** And have you had any lawsuits on campus?

**Dr. Joseph:** Not since I've been there.

**Goodman:** And you've been there for how long?

**Dr. Joseph:** I've been there for 22 years.

**Goodman:** So you're doing a good job?

**Dr. Joseph:** I hope so.

**Goodman:** Fair enough.

**Young:** And, Steve, since you bring up the issue of cost, I think it's helpful to think of that in a broader context. As a society, people with disabilities, as they get older and complete school, are going to be looking for work. We have vastly high unemployment and underemployment for people with disabilities -- about 75 percent unemployment. And we know from fairly reliable data that students that get through college have almost equal employment rates to their non-disabled peers.

But if we don't provide people with the tools to succeed in the workplace, we have a higher chance of people seeking income support through public benefits programs and looking at potentially much higher societal costs. And so on a day-to-day basis, I think the attitudinal barriers are usually worse than the actual cost. In many cases, and Dorling might support this, most things don't cost a lot of money. People fear that and think that, but most do not. But we really need to do this now in a way to give people the tools to succeed so they can be contributing to our national success, not being forced to seek income support because they've not had a chance to develop the tools they need to succeed.

**Goodman:** Well, I think that makes sense if you think about it from where I'm sitting. A student who perhaps has a tremendous ability to be a nurse, who was never accommodated and now cannot be a nurse. We've now lost that nurse forever because that person is now not a nurse. I can see that.

But I could also see the other argument, which says is everybody destined to be a dentist? And how much money would it take to help a student or a heart surgeon? How much money would it take to help a student to get the skills necessary to be a heart surgeon if they may not be able to physically do that? How would you handle that?

**Young:** Well, I'm saying...The way you're describing it that you're making it sound as if somebody else is going to make somebody into a dentist.

**Goodman:** Fair point. Fair point.

**Young:** I think perhaps the most important thing for a student, for educators, for parents to hear through this program is that we need to hold high expectations for all students with disabilities, for all students really if we're going to reclaim our greatness as a country.

An accommodation isn't about being given a break or being given something that's going to provide an unfair advantage. We need to hold forth that really more likely than not, a person with a disability is going to have to be a whole lot better and work even harder to succeed in part because of persistent stigma and discrimination against people with disabilities.

So if there's a deaf student who wants to be a surgeon, wonderful. Let's provide the person the opportunity to do that. They're going to succeed or fail based on their ability to do the core functions of that job, not based on whether or not they hear the same or see the same or move the same as every other person.

**Goodman:** And I see that, but as you both know I'm a counselor when I'm not hosting this show, and a number of families will try to do everything they can to make sure their students get extra time on standardized tests. And some people think that's a great thing and other people think it's not a great thing.

And so you can see from both perspectives that some people think, well, student X is at an unfair advantage or you can say, well, a student really does need extra time because that student really isn't processing X, Y, Z information. And we as a society want to encourage that student to do the best we possibly can.

**Young:** And I think it's really good to have these kinds of discussions and debates because we need to be talking about it and these are difficult issues. I can tell you from a personal example. I was a student at Yale Law School. To try to make the story very short, two weeks before the bar exam I'd had a problem with my wrist. I went up to New Haven, which is where my health care coverage was, to get a consultation because I had a dead bone and I ended up having to be splinted and couldn't really use my right hand much. While I was there, it turned out I had an infection in my elbow perhaps from leaning too hard and studying too much. I ended up being hospitalized for over a week in New Haven with my arm suspended in the air trying to study for the bar.

I got discharged three days before the bar exam and was able at the last minute to coordinate with the Bar of Maryland to have extra time because I couldn't really handwrite anymore. And was that an unfair advantage or did that let me participate in the bar exam that I otherwise would have had to delay because I was going around with a portable IV infusion pump taking Vancomycin? You know these things make a difference to enable people like me to keep on moving through to return to being contributing citizens.

**Goodman:** Well and you've obviously contributed more than just the average citizen. You've been one of the leaders in your field and so I think it's clear that, if there was some sort of societal scale somewhere, society has benefited from you getting the accommodation on that bar exam.

But I'm not necessarily sure that everybody would agree with me. We probably all agree here on this show but I guess what I wanted to ask if we could move on from this topic just a little bit, is what advice would you have for people who do feel the stigma? So in your particular case if you're in a hospital in Connecticut you probably don't care what the stigma is. You want to feel better.

But there may be an instance when somebody comes in to your office, Dorling, and feels a little bit of a stigma. Do you ever turn around and say to them you know with all due respect Johnny or Sally, don't feel the stigma because you can contribute to society and if you have these accommodations, I believe as the person at the University of Maryland Eastern Shore who has been doing this for a long time, that you could benefit. And if I were you, I wouldn't feel the stigma.

**Dr. Joseph:** I would definitely say that. What I would say, what I would try to encourage the students, what has helped you to be successful this far? What has brought you to this University? How did you get those high school grades to have the GPA to get here?

And if you say to me that you have had accommodations, then I would encourage you from the bottom of my heart to try to get those same accommodations to help you to continue to be successful.

**Goodman:** Do you have anything to add to that, Jonathan?

**Young:** I would say the same thing. And I think this is, you know, a broader issue. Thankfully there's been a huge advocacy, a disability rights movement. There are a lot of peer support groups. There are a lot of individuals who are encouraging and supporting one another.

We're seeing more groups of students with disabilities, so yes by all means, learn to be assertive, seek out role models, mentors, people that can help you think through how to go about asking for accommodations to be assertive about that need. But if you don't start now at this point in school, it's going to be a whole lot more difficult after school.

**Goodman:** And speaking of advocacy, if you wouldn't mind saying a word or two about the National Council on Disability. Do you mandate that a university does X, Y, Z? Do you advocate? Do you suggest? What do you do as a community?

**Young:** The National Council on Disability is a tiny federal agency of 15 Senate-confirmed Presidential appointees. Our mission is really the same as the ADA. It's to promote full participation, equality of opportunity, independent living, and economic self-sufficiency for all Americans with disabilities. We recommend and advise the President and Congress. We can't write regulations. We can't require anything of anybody, but we can advise and recommend.

**Goodman:** And you do?

**Young:** We do indeed. We're actually the entity that recommended and drafted the Americans with Disabilities Act. We published a report about emergency preparedness which led to a lot of post-Katrina legislation about including people with disabilities. We have published a variety of reports that are available on our web site and at this point we're moving in a direction of recognizing that we've been recommending a lot of things for a long time and a lot of those are as relevant today as they were 25 years ago. We're trying to move more toward implementation, trying to be a convener, a facilitator, trying to collaborate with other decision-makers.

**Goodman:** And you mentioned 25 years ago. How would you compare universities now in terms of accommodations versus 25 years ago?

**Young:** We've made a ton of progress. If you look at early examples in the disability rights movement, parents and students just fighting tooth and nail to get the most basic access to attend a university. Now you go to university web pages, you do a quick search for disability accommodations, and you can find offices like Dorling's.

I looked at my alma mater UNC-Chapel Hill, and there is a mission statement, a ten-point set of policies. And I think people are very much leaning in that direction, in part because they've seen the benefits that people with disabilities, the contributions they can make, and the benefits of the ADA.

**Goodman:** Are there one or two universities besides Dorling's university that you would like to single out for doing a particularly good job?

**Young:** You know I'm reluctant to sort of single out universities. One of my staff mentioned Syracuse University had a really solid web page that she just said we wouldn't have seen that years ago. Even the awareness to put it out on record, because once you do that there's a level of accountability.

**Goodman:** Right. And I think we're going to be out of time shortly. But can I ask each of you to maybe give some advice for some viewers in terms of what you would suggest if students are kind of thinking or hesitant to come into your office.

**Dr. Joseph:** I would say, please, please come in to the office, self-disclose, get what you need, get enrolled in college, and get out to the world and make a difference.

**Goodman:** Fair enough.

**Young:** People with disabilities, I would say to work hard in school. People that complete high school and complete college have vastly better job prospects. I also want to mention veterans. We're paying extraordinary costs through Iraq and Afghanistan and many people with disabilities emerging from those conflicts and I think we need to look to our colleges and universities as ways to provide them opportunities to reengage and continue their service to our country.

**Goodman:** One of the things we didn't discuss was the issue of focusing on your strengths. In my counseling role, I often counsel students to focus on their strengths. Everybody's got a weakness. We all have weaknesses in some regard, but I usually emphasize that ultimately what's going to make a difference is whether or not you're going to take your strengths and run with those strengths. Would you both agree with that?

**Dr. Joseph:** Agree.

**Young:** Absolutely. Briefly, I was a jock in high school and I never really cared much about school. I broke my neck in a wrestling match and suddenly I had to sort of retool my entire approach to life and suddenly in college I focused on school. But that was recognizing my relative strengths, after my injury, to pursue a Ph.D. and then law school.

**Goodman:** Thank you both for coming very, very much.

**Dr. Joseph:** You're welcome. Thank you.

**Young:** Thank you.

**Goodman:** If you would like additional information about disability services at the University of Maryland Eastern Shore or about the National Council on Disability, please visit their web sites at [umes.edu/caas](http://umes.edu/caas) or [ncd.gov](http://ncd.gov). Thank you for watching. We will continue to bring you quality discussions about important matters in today's college and university world. Please join me again for another edition of *Higher Education Today*. I'm Steven Roy Goodman. And you've been watching *Higher Education Today*.

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