

Intellectual Disabilities, Postsecondary Education and the Law

Intellectual Disabilities, Post Secondary Education, and the Law

A Meta-Synthesis

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Abstract

Regular students contemplating a collegiate education are not hindered by the myriad of obstacles that a student with a cognitive disability experiences. This meta-synthesis explores the availability of collegiate programs for the intellectually disabled, the barriers that they encounter, and the supports available to aid the disabled in their chosen journey. Forty relevant articles were examined to ascertain the colleges with programs, the impediments to admission, and the needed remedies to the barriers. Most collegiate programs developed for the disabled are expensive and in short supply. They are not actively participated in due to the expense, the regulations, and the barriers that the disabled experience. Although there are many agencies and governmental regulations in place which at first seem to support and encourage the disabled to attend college, this is in error and numerous changes need to be instituted to the programs and to their availability in order for the cognitive disabled to fully experience the college life.

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Introduction

1.1. Background

One of the core values of our democracy is that everyone is entitled to a free and public education. John Adams in his essay, *Thoughts on Government*, states that every democracy needs a well armed militia as well as “Laws for the liberal education of youth, especially of the lower class of people, are so extremely wise and useful, that, to a human and generous mind, *no expense for this purpose would be thought extravagant.*”

However, the United States, including during John Adams life, had segregated certain individuals from the rest of society, who were thought to have lesser value and therefore did not deserve “unalienable rights”, let alone an education. It was common practice to institutionalize those individuals who had disabilities in long-term facilities and faced a lifetime of segregation and isolation from the general population. Some were branded as demon possessed, a punishment for sin, or characterized as senseless animals and were subjected to deplorable treatment (Winzer, 1993).

The 1800s began with some hope in the belief that humans could change. Professionals held great hope that “deviants” which included people with disabilities, could be molded into assimilated, less threatening, more acceptable people (Rothman, 1971). However, people with disabilities were still being institutionalized despite the change in thinking and attitudes.

By the end of the 1800s, the unpropitious philosophy of social Darwinism and eugenics started to take hold in society. Rhodes (1993) concludes, "the movement emphasized the dominance of heredity and sought to encourage the reproduction of

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socially desirable individuals (positive eugenics) and discourage the reproduction of the undesirable (negative eugenics)." Eugenics became the vehicle in which to blame the troubles of society, casting those with disabilities in a horrific, negative light. Those with disabilities did not have the right to marry, or even have children for fear of carrying on their disabilities to their offspring. As the century progressed, short-staffed institutions had to deal with the rise in the number of disabled patients who often lived in subhuman conditions.

Despite the promise of new technology at the turn of the century, and the rise of the standard of living, attitudes about people with disabilities had pretty much remained the same. They were still being seen as objects of shame and disgrace. Service options for students that had disabilities were either in private and/or state institutions because most public schools would not accept them. These institutions were more about controlling individuals in order to "protect society" than to educate or treat them and return them to society. By the time this attitude of fear had passed, institutions had become firmly established (Vitello & Soskin, 1985). Despite having school compulsory in all states by 1918, children with disabilities were still not allowed to attend public schools. This was upheld and supported by the courts in *Watson v. City of Cambridge* (1893) and *Beattie v. Board of Education* (1919).

By the mid 1900s, every state in the Union had built publicly supported state institutions. Because individuals with disabilities were segregated from society, and were excluded from public schools and public life, the care that the institutions gave was mainly custodial, with the goal of lifelong care in mind (Armstrong 2002). These

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institutions were overcrowded as a result of this policy. The tenet that a disabled child would be ‘better off’ in an institutional environment was alive and well in 1968 when my sister was born. Because she was premature, she was born with hyaline membrane disease, an unidentified lung infection. She stopped breathing multiple times, some of the time for long periods, before she was put on an alarm monitor and breathing machine. The doctor could not give my parents any assurances that she was not mentally impaired and advocated institution confinement if she was. Of course my parents would never let that happen, no matter the outcome. It is ironic that she has an 132 I. Q. and was a stellar athlete in high school and college. What is appalling is that attitude was still advocated only forty years ago.

Black children were not in institutions, but they were also denied an equal education by being segregated from society. The segregation of public facilities, including schools was upheld in the United States Supreme Court in *Plessy v. Ferguson* (1896) under the doctrine of “separate but equal” until its reversal in the 1954 landmark decision in *Brown v. Board of Education* which overturned earlier rulings. The Warren Court in its decision stated that educational facilities are inherently unequal (Blanchett, Brantlinger, & Shealey, 2005). It marked a significant beginning for equal access to public education and opportunity to all minority children in the United States. Despite the ruling, children with disabilities were still being institutionalized.

Eventually, professionals as well as the public became concerned that the institutions were not giving a level of services or a quality of life that should be available to all individuals. This concern was supported by the report to the President’s Panel on

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Mental Retardation (1962). It stated, “The quality of care furnished by State institutions varies widely...but the general level must be regarded as low. In large State institutions, the normal problems of administration and care are compounded by overcrowding, staff shortages, and frequently by inadequate budgets” (pp.132-133).

Despite this report and its recommendations, conditions were slow to change. In 1971, the American Association on Mental Deficiency (AAMD) reported the results of a national study that involved 134 mental institutions. This report showed that changes were still needed because:

- 1) Sixty percent of institutions were overcrowded;
- 2) Fifty percent of institutions were rated below minimum standards;
- 3) Eighty-nine percent of the institutions did not meet acceptable attendant/resident ratio standards;
- 4) Sixty percent of the institutions provided insufficient space for programming (e.g., education, recreation), and
- 5) Sixty-four percent of the institutions used residents to maintain the institutions and twenty-three percent compensated residents. (Vitello & Soskin 1985).

It looked like conditions in institutions were no different than when the President’s panel convened in the previous decade in 1962. However, real change was finally on the horizon.

With the Education for All Handicapped Children Act enacted in 1975 by Congress, the requirement that all children with disabilities be given a free and appropriate public education (FAPE) and to provide special services (Public Law

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IDEA was reauthorized again in 1997 but was amended to include language such as “*inclusion*”, meaning in that “the first placement option for each student with a disability is the regular classroom” (Public Law 105-17). Meaning of this was that students with disabilities were to be included with their non-disabled peers in the general education classroom as part of the least restrictive environment and were to be given greater access to the general curriculum (Stodden & Whelley, 2004).

This legislation was the catalyst of generating a whole new class of children with disabilities who could learn along side their non-disabled peers for the first time in history. This started a change in society’s attitudes and assumptions about students with disabilities in regards to their abilities in the K-12 public education settings. Not only in their primary and secondary careers, but the possibility of students with disabilities seeking inclusion in postsecondary settings.

On another note, the United Nations recognizes the right to an education. According to international law, it is the right of every person to receive an education, especially those with intellectual disabilities. Even before *Brown v. Board of Education*, in 1948, the United Nations Article 26 stated, “Education has been identified as a human right. This right is extended to all groups in society including those with intellectual disability.” - *Article 26 of the Universal Declaration of Human Rights, United*

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Nations, 1948. What took us so long? How many individuals were denied their 'best' because of the delay in changing the culture?

1.2. Author's beliefs and experiences

I went to school during the 1960s and the 1970s. Being born with unilateral deafness, I sat mostly in the front of the classroom and the far left in order to hear the teacher. Later on, I developed Juvenile Rheumatoid Arthritis. To my disappointment, I had to be pulled from playing football and baseball as my knees would swell and I couldn't bend them. I had my knee aspirated each week while in the third grade. I also was making regular trips monthly to see the Rheumatologist at the Children's Hospital of Los Angeles. A side symptom of Rheumatoid Arthritis is Iritis, which I developed necessitating regular visits to the ophthalmologist and since I was taking up to ten aspirin a daily for the pain and swelling, I had to have my blood drawn weekly to make certain that my body was in balance.

While in junior high, both the Iritis and Arthritis went into remission. The doctor cleared me for competitive swimming, but no contact sports. Despite being cleared, I was still making regular visits to the hospital and the eye doctor. In my visits to the hospital, I found that I was lucky. There were many others of my age, in wheelchairs and crutches who had arthritis that was more severe than mine. I enjoyed a relative free time in remission during my high school career swimming and, eventually, playing soccer. After high school I was able to join the service. I lasted nine years before my knees couldn't take the pounding of daily running. The arthritis came back. After discharge and even to this day I have some problems with my knees.

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In looking back at my high school experience, I remember those schoolmates who had disabilities more severe than mine. They had their own classroom and teachers. When we did have contact with them, I remember other kids picking on them. I saw myself no different than they were. I knew my disabilities and theirs were not our fault. I saw them as people with the same hopes and dreams that I had, but yet they were not in the regular classroom or exposed to the same curriculum. So on top of their disabilities, they were further challenged by being treated different by the educational system. Even then I thought it would be great if they would at least get some exposure in a 'regular' classroom. I figured if they were around more, the other kids would get to know them, wouldn't pick on them or make fun of them. By the time I graduated high school in 1978, I rarely saw any high school classmates with disabilities in the regular classroom. They still had their own classroom and teachers. My band teacher, Mrs. Ingersoll, made the move to special education and through her I received much more insight about special education, and interestingly, she said that they had their own separate curriculum. Also, she had the idea of inclusion long before the IDEA laws became into being.

I went to college late in life at the ripe old age of 40, but I knew that I wanted to be a teacher. My parents were teachers and they instilled in me a love for education and acceptance of all students. At the local community college I attended, there were some students with disabilities on the campus. While I was gone from education, inclusion been implemented in elementary and high schools. I saw students that had physical disabilities but not cognitive disabilities. I started to wonder if there were any of these students on campus and if there were any college classes possibly tailored to them. My

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college had a Disability Support office, but the college catalogue did not offer anything or indicated that there was any support for them. I asked myself why couldn't those with cognitive disabilities go to college? Of course, they couldn't make it through the regular college curriculum, but the school could offer a continuation of their high school classes to increase their independence and enrich their lives. I believed then and now that colleges should and could have a curriculum tailored for those with cognitive disabilities.

It wasn't until my junior and senior years of college that I learned about IDEA laws, and heard the words of mainstreaming, inclusion, and Individualized Education Plans (IEP). When I learned how special education had changed greatly over the twenty plus years of being out of school, I was thrilled. How wonderful to find out that they were finally including those students with disabilities in the regular classroom. After graduating, I found work in a remote region of Alaska. I have been privileged to teach in a small Yupik Eskimo village, ten air miles from Bethel called Kwethluk. I have had the honor of teaching many students with disabilities over the past eight years. Those special needs students have a myriad of disabilities such as learning disabilities, hearing impaired, schizophrenia, and cognitive impairments. The needs of these exceptional children are as diverse as any classroom and it often challenges me to think outside the box, but it brings many more opportunities to celebrate and honor differences among our students.

After teaching in a regular education for six years and special education for almost two years, I have seen the benefits of inclusion first hand. I noticed that some of their peers wanted to know more about their peer's disability. I have seen them step up to

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the plate and ask to help them when they are able to. I have observed them assist the special education teacher where and when they can. I have noticed those 'regular education' students being protective, shielding the special needs students from any ridicule, and wholeheartedly accepting them as one of their own. These types of behaviors can only be attributed to an inclusion educational classroom. What is truly wonderful is when the 'regular education' students realize that special needs students are just regular children and, like them, they want friendship and acceptance.

Because of my own disabilities, I am more empathetic to those with students with disabilities and strive to have them reach their full potential in life, not just in their secondary careers, but I want them to succeed in whatever and wherever they would want to pursue in their journey, including if they so desire, to attend college. This is why transition from high school to their collegiate endeavors is so important.

This does bring up a myriad of questions when it comes to higher education especially for those with cognitive disabilities and is the basis of my research:

1. What barriers are there for those with cognitive impairments to attend post secondary schools?
2. At what extent do those cognitive impaired students go on to a post-secondary education?
3. How many schools have inclusionary practices for cognitive impaired students in their college and enroll them in programs?
4. What classes do cognitive impaired students take and how many years does it take for a student to finish?

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5. Is there any data that shows that a post-secondary education for cognitive students helps them in their later years?

1.3. Purpose of this meta-synthesis

This meta-synthesis is focused on higher education for those with significant, cognitive, and intellectual disabilities. One purpose was to locate and identify journals and articles that had any connections with those with disabilities and graduated from college. I wanted to know their experiences, good and bad, their struggles, their advice their successes for someone who is thinking of going on to college that has intellectual disabilities and be able to relate that in my paper. A second purpose was to locate articles that shed light on typical barriers that those with disabilities face when enrolling in any postsecondary education and obstacles that a student might face after enrollment. My third and final purpose was to locate articles that despite those obstacles, there are ways around them and offer suggestions to those that need help.

Methods

2.1 Selection Criteria

The forty articles included in this meta-synthesis met the following selection criteria:

1. The articles explored issues related to postsecondary inclusion, cognitive impairments, transitional programs, and entrance criteria of universities.
2. The articles explored issues related to inclusion of students with cognitive impairments in United States community colleges and Universities.

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3. The articles were published in peer-reviewed journals.
4. The articles were published between 1962 and 2012.

2.2. Search Procedures

All database searches and ancestral searches were conducted to locate articles and chapters for this meta-synthesis.

2.2.1 Database searches

I conducted Boolean searches within: a) Education Resources Information Center (ERIC); b) PsychINFO (Ebscohost); c) Professional Development Collection (Ebscohost); d) Education Journals (ProQuest) and e) Education Abstracts (OCLC FirstSearch) using these specific search terms:

1. (“Inclusion”) AND (“Colleges or Universities”)
2. (“College Inclusion”) AND (“Disabilities”)
3. (“Colleges Inclusion”) AND (“Cognitive Disabilities”)
4. (“University Inclusion”) AND (“Cognitive Disabilities”)
5. (“College Inclusion”) AND (“Cognitive Impairments”)
6. (“University Inclusion”) AND (“Cognitive Impairments”)
7. (“University Inclusion”) AND (“Mentally Retarded”)
8. (“Colleges”) AND (“Mentally Retarded”)
9. (“College Inclusion”) AND (“Mentally Retarded”)
10. (“Universities”) AND (“Mentally Retarded”)
11. (“Postsecondary”) AND (“Mentally Retarded”)
12. (“Postsecondary”) AND (“Cognitive Disabilities”)

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13. (“Postsecondary”) AND (“Cognitive Impairments”)

2.2.2 Ancestral searches

There were no ancestral searches made in connection with this paper.

2.3. Coding procedures

In each of the forty articles, I developed and used a coding form. The coding form was based upon (a) publishing type; (b) research design (c) participants; (d) data sources and (e) findings of the studies.

2.3.1. Publication type

I analyzed each publication and classified each of them according to publication type (e.g. research study, descriptive article, opinion piece/position paper, guide, annotated bibliography, review of the literature):

- Research studies make use of systematic methods to gather and/or analyze quantitative and/or qualitative data.
- Descriptive articles describe certain experiences but do not make use of any systematic methods to gather and/or analyze data.
- Opinion/position papers are papers that reflect one person’s opinion on a specific topic and may rely on the author’s experience, background or understanding regarding a certain interest.
- Guides are references or explanation on how to implement certain strategies, programs, policies or interventions.
- Annotated bibliography is a list of articles on any subject with a brief synopsis of each piece of finished work.

2.3.2. Research design

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Through each database finding, each study was further classified by research design (i.e. Quantitative research, Qualitative research, mixed methods research):

- Quantitative research is based upon statistical, mathematical and computational techniques.
- Qualitative research is an inquiry method and is based not on numbers, but rather language. They may employ experiences, phenomena, narratology, storytelling, ethnography and shadowing.
- Mixed methods research combines both quantitative and qualitative methods within a study. Literature review takes common themes of previously written works and synthesizes the findings on a specific topic.

2.3.3. Participants, data sources, and findings

Identification of the participants was made in each article (e.g. Postsecondary Education and Persons with Intellectual Disabilities: An Introduction; Postsecondary Education for Students with Intellectual Disabilities.) I also categorized the type of data sources that were analyzed for each study (e.g. observations, focus groups, surveys, Intellectual Disabilities, Postsecondary Education and the Law, interviews). I then finally summarized the findings or conclusions of each research study (Table 2).

2.4. Data analysis

I used a modified version of the Stevick-Colaizzi-Keen method previously employed by Duke (2011) and Duke and Ward (2009) to analyze the forty articles that I included in this metasynthesis. First, I determined significant statements made within each article. I then for the purposes of this meta-synthesis, defined significant statements

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that addressed issues related to: (a) Postsecondary opportunities for significant, intellectual, and mental disabilities; (b) Enrollment in postsecondary institutions; (c) Models of postsecondary curriculum (d) Transition policy (e) Importance of self advocacy and determination in postsecondary settings (f) Faculty and staff attitudes towards disabled postsecondary or university students (g) Funding opportunities for those with intellectual disabilities that desire postsecondary education. Afterwards, I created a list of non-repetitive, non-overlapping (verbatim) significant statements with (non-verbatim) formulated meanings. These formulated meanings are represented with my explanation of each significant statement. From all forty articles, I arranged into theme clusters or “emergent themes.” These theme clusters represented the content and essence of entire body of literature (Table 3).

3. Results

3.1. Publication type

I was able to locate forty articles that met my selection criteria. Twenty-eight of the forty articles (75.6%) included in this meta-synthesis were descriptive articles (Calefati, 2009; Carroll et al., 2008; Cooper, 2012; Grigal, Dwyre, & Davis, 2006; Hawke, 2004; Heasley, 2012; Hollingsworth, 2010; Jones, 2010; Kleinert, et al., 2012; Kiernan & Hart, 2011; Lockette, 2007; Martinez, 2009; Martinez 2010; Neubert et al., 2006; Pallack, 2010; Schmidt, 2005; Shah, 2011; Soergel, 2012; Stodden & Whelley, 2004; Stumbo, et al., 2009; Wilson, et. al., 2009; Tyre, 2006). Seven of the forty articles included were (18.9%) research studies (Bazelton & Boggs, 1962; Casale-Giannola & Kamens, 2006; Causton-Theoharis, Ashby & DeClouette, 2009; Getzel & Thoma, 2008;

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McCleary-Jones, 2008; Neubert & Moon & Grigal, 2004; Zafft et. al., 2004). Six of the forty articles (16.2%) were guides (Connor, 2012; Conway, 2011; Grigal et al., 2002; Hamblet, 2009; Lock & Layton, 2001; Shaw, 2009). Two of the forty articles (5.4%) were literature reviews (Neubert et al., 2001; Rao, 2004). One of the forty articles (2.9%) was a position paper (Uditsky & Hughson, 2007).

Table 1

Author(s) & Year of Publication	Publication Type
Bazelon & Boggs, 1962	Study
Calefati, 2009	Descriptive Article
Carroll, Blumberg & Petroff, 2008	Descriptive Article
Casale-Giannola & Kamens, 2006	Study
Causton-Theoharis, Ashby & DeClouette, 2009	Study
Connor, 2012	Guide
Conway, 2011	Guide
Cooper, 2010	Descriptive Article
Getzel & Thoma, 2008	Study
Grigal, Dwyre, & Davis, 2006	Descriptive Article
Grigal, Neubert & Moon, 2002	Guide
Hamblet, 2009	Guide
Hawke, 2004	Descriptive Article
(Heasley, 2012)	Descriptive Article
Hollingsworth, 2010	Descriptive Article
Johnson, 2006	Descriptive Article
Jones, 2010	Descriptive Article
Kleinert, Jones, Sheppard-Jones, Harp, & Harrison, 2012	Descriptive Article
Kiernan, & Hart, 2011	Descriptive Article
Lock & Layton, 2001	Guide
Lockette, 2007	Descriptive Article
Martinez, 2009	Descriptive Article
Martinez & Queener, 2010	Descriptive Article
McCleary-Jones, 2008	Study
Neubert, & Moon, 2006	Descriptive Article
Neubert, Moon & Grigal, 2004	Study
Neubert, Moon, Grigal, & Redd, 2001	Literature Review
Pallack, 2010	Descriptive Article
Rao, 2004	Literature Review
Schmidt, 2005	Descriptive Article
Shah, 2011	Descriptive Article
Shaw, 2009	Guide
Soergel, 2012	Descriptive Article
Stodden, R. A., & Dowrick, P. W. (1999).	Descriptive Article
Stodden, & Whelley, 2004	Descriptive Article
Stumbo, Martin, & Hedrick, 2009	Descriptive Article
Tyre, 2006	Descriptive Article
Wilson, Hoffman, & McLaughlin, 2009	Descriptive Article
Uditsky, & Hughson, 2007	Position Paper
Zafft, Hart & Zimbrich, 2004	Study

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3.2. Research design, participants, data sources, and findings of the studies

As I noted before, seven of the forty articles included were (18.9%) research studies (Bazelton & Boggs, 1962; Casale-Giannola & Kamens, 2006; Causton-Theoharis et al., 2009; Getzel & Thoma, 2008; McCleary-Jones, 2008; Neubert & Moon, 2006; Stodden, R. A., & Dowrick, P. W. (1999); Zafft et. al., 2004).

Table 2

Author	Research Design	Participants	Data Sources	Findings; Emergent Themes
Bazelon & Boggs, 1962	Quantitative	Panel study of domestic mental institutions for the President of the United States.	Review of the law pertaining to the care and custody of those institutionalized in the United States and further recommendations.	Recommendation to improve the quality of services in institutions and stimulate the development of community alternatives.
Casale-Giannola & Kamens, 2006	Mixed Methods	1 young college student; her peer support person; 2 special education professors; 28 non disabled peers in the same class	Interviews, a journal, field notes, email communications, notes from telephone conversations, minutes from all progress meetings.	Challenges related to assessment, expectations, and building relationships. Implications for potential inclusive transition opportunities at the university level.
Causton-Theoharis, Ashby & DeClouette, 2009	Qualitative	4 Program Coordinators; 1 parent; 2 University Faculty; 1 Program Teacher	Indepth interviews with major stakeholders lasting 45 min to 2 hours.	Themes: Benefits of services and obstacles to implementation. Benefits: Student Growth, new dreams and possibilities, Opportunities for friendships, Learning to include, Benefits for college faculty.
Getzel & Thoma, 2008	Quantitative	34 students ranging in age from 18 to 48 years, with 80% between ages of 18 & 23. 53%	Semi structured interviews within a focus group.	Self-determination strategies to meet the challenges in post secondary education settings.

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		were female, and 47% male.		
McCleary -Jones, 2008	Mixed Methods	10 students from two colleges.	Surveys conducted and data analysis using SPSS and NUDIST QSR N6 computer software analysis systems.	Themes of desire to succeed, perseverance, desire for understanding, and personal accountability.
Neubert, Moon & Grigal, 2004	Quantitative	17 post-secondary settings in Maryland; All teachers were certified special educators.	Surveys	While students with significant disabilities were engaged in employment training, access to college courses was limited. Found interagency linkages between school personnel and adult service provided were strong.
Zafft, Hart & Zimbrich, 2004	Quantitative	40 students to measure the effectiveness of post-secondary education on the areas of employment, number of hours worked each week, hourly pay rate, length of time on the job.	Surveys of 24 questions	Postsecondary education can help secure a link to competitive employment. Those who have educational coaches have better success. Students with significant disabilities were successful in college.

Table 3

Theme Clusters	Formulated Meanings
Differences in the law between high school students with disabilities and postsecondary disabled students	<ul style="list-style-type: none"> ● Individuals with Disabilities Act (IDEA 2006) ● Section 504 of the Rehabilitation Act of 1973 (2006) ● Americans With Disabilities Act (ADA Amendments Act of 2008)
Barriers to Postsecondary Admittance	<ul style="list-style-type: none"> ● High school diploma - Despite a significant increase of enrollment of disabled students in postsecondary institutions, there is still a concern that many of these students who obtain alternate certificates or diplomas are not recognized as high school graduates thus preventing them from enrolling and continuing their education (Erickson, 2009). ● ACT and SAT Testing – Testing companies asking too much documentation to prove their special needs. Accommodations used by students are often not approved and provided by entrance examination (SAT, ACT, GRE) test sites (ENLACE Florida, 2009). ● Prohibitive financial aid eligibility requirements.
Campus Barriers	<ul style="list-style-type: none"> ● Lack of adequate preparation to enroll and succeed in college <ul style="list-style-type: none"> ● Lack of transitional student support ● Provision and coordination of disability related support services and programs is varied, chaotic, and often inadequate or shrinking among college campuses. ● Prohibitive financial aid eligibility requirements. ● Physical barriers on college campuses – Studies suggest that students with disabilities often encounter physical barriers in the postsecondary environment which remain an unaddressed concern (Johnson, 2006). ● Faculty attitudes - a lack of understanding of reasonable accommodations and self-doubt among instructional staff can

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	<p>become barriers to the educational participation for students with disabilities (Johnson, 2006).</p> <ul style="list-style-type: none"> ● Peer attitudes – Fichten et al., (1989) stated that, “College students without disabilities are more uncomfortable interacting with peers with disabilities than with peers without disabilities, and students with disabilities are more comfortable interacting with peers with similar disabilities.” ● Disclosure of disabilities – Disabled students have expressed a conflict between their desire to be independent and their desire to use services and accommodations available to them.
Keys to success for postsecondary disabled students	<ul style="list-style-type: none"> ● Disabled students must understand their disabilities. <ul style="list-style-type: none"> ● Develop strong self-advocacy skills. <ul style="list-style-type: none"> ● Knowledge of Student Rights. ● Learn time management skills. ● Consider supplemental postsecondary education preparatory programs. <ul style="list-style-type: none"> ● Acquisition of computer skills. ● Utilize Peer Tutor Services. ● Research postsecondary programs and college disability offices. <ul style="list-style-type: none"> ● Use the benefits of technology. ● Consider the benefits of self-disclosure. <ul style="list-style-type: none"> ● Evaluate a professor before taking any class.

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4. 4. Terminology

Intellectual Disabilities. When reading the literature on postsecondary education, the terms *significant disability*, *intellectual disability*, and *mental retardation* are generally used interchangeably to describe the same student community.

The American Association of Intellectual and Developmental Disabilities (AAIDD) has a broad definition of intellectual disability as, “*Intellectual disability is a disability characterized by significant limitations both in intellectual functioning (reasoning, learning, problem solving) and in adaptive behavior, which covers a range of everyday social and practical skills. This disability originates before the age of 18. Developmental Disabilities is an umbrella term that includes Intellectual Disability but also includes other disabilities that are acknowledged during early childhood. Some developmental disabilities are largely physical issues, such as cerebral palsy or epilepsy. Some individuals may have a condition that includes a physical and Intellectual Disability, for example Down syndrome or fetal alcohol syndrome (aamr.org, 2013).*”

The federal government defines intellectual disabilities: with mental retardation or a cognitive impairment, characterized by significant limitations in: (i) intellectual and cognitive functioning; and (ii) adaptive behavior as expressed in conceptual, social, and practical adaptive skills; and who is currently, or was formerly, eligible for a free appropriate public education under the Individuals with Disabilities Education Act (20 U.S.C. 1140, Section 760 (2)).

Inclusion. While there is no legal definition of *inclusion* or *inclusive education*, many organizations have developed their own definitions. However, the National

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Institute for Urban School Improvement has the best definition because it relates to all levels of education, elementary through postsecondary education.

“Inclusion is an effort to make sure students with disabilities go to school along with their friends and neighbors while also receiving whatever, “specially designed instruction and support” they need to achieve high standards and succeed as learners.”

Post High School. Throughout all the literature, the terms *post-secondary* and *higher education* are used repeatedly. However, there was found a distinction between different sets of publications. Articles that were published by colleges and universities used the term *higher education*. Articles that were published by professionals used both terms interchangeably. Postsecondary and higher education is best defined by Wikipedia: *“Higher, post-secondary, tertiary, or third level education is the stage of learning that occurs at universities, academies, colleges, seminaries, and institutes of technology. Higher education, also includes certain college-level institutions, such as vocational schools, trade schools, and career colleges, that award academic degrees or professional certifications”* (Wikipedia, Higher Education, 2013).

5. Discussion

Despite the much-needed gains that have been made within the postsecondary education in the area of helping and advocating for disabled students, barriers to attending postsecondary institutions and the students being successful still remain.

Historically, conversations about education, transition to adult life and employment were dealt with individually and not collectively reflecting on how programs were legislated, funded or implemented (Kiernan and Hart, 2011).

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The realization that postsecondary education opportunities and options can be for all students, including those with intellectual impairments and disabilities has the potential to revolutionize the transition process (Kiernan and Hart, 2011). The post high school outcomes for those with disabilities become a primary area of interest and concern for researchers and the Office of Special Education and Rehabilitation Services (OSERS).

In the 1980's, several studies (Halpern, 1985; Will, 1984) brought national attention to poor postsecondary employment among youth with disabilities. According to Madeline Will, vice president of the National Down Syndrome Society, states that, "Those with intellectual disabilities were historically restricted to work in fast food restaurants, cleaning or in so called "sheltered workshops, where they work along side other disabled workers earning below minimum wages."

Despite these outcomes, studies have pointed out that those students who have a college background, have better pay in the workplace, including those students that have intellectual disabilities. For those who have made it to postsecondary schools, there is a high correlation of positive competitive employment outcomes for students with intellectual disabilities who participate in post secondary education within the vocational rehabilitation system (Hart, Zimbrich, et. al., 2001). With more training, they can learn how to become, for example library assistants or doing data entry work, but it is going to take work and skill to get a foot in the door of a college for those with intellectual disabilities. They more than likely will need help from parents who also need to arm themselves with knowledge to help their son or daughter get into the right school for him

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or her.

It is paramount that disabled student advocates, including parents know the law. The law changes abruptly between high schools and postsecondary institutions, which might anger many parents. “Parents who are accustomed to being involved in their student’s education may be greatly upset by the changes they encounter at college level. Many will be surprised by the fact that students are considered adults in the eyes of the law once they enroll in college, even if they are not yet 18. It’s also surprising for many when they learn that the Family Rights Education Privacy Act (FERPA), protects the privacy records even from the parents who are paying for their education” (Hamblet, 2009). Meaning, that many colleges will not even allow parents to make accommodation requests for their college age child.

The reason why the laws are different is because the emphasis is not on education but to avoid discrimination. The law that covers disabilities at the high school level is called the Individuals with Disabilities Education Act (IDEA). IDEA is a federal law ensuring children nationwide to receive special education services. The law ensures that those children identified with a disability receive a free and appropriate education in the least restrictive environment. Additionally, some students may receive accommodations under Section 504 and 508 of the Rehabilitation Act of 1973. The goal of IDEA is to assure successful postsecondary outcomes. However, these rights do not extend beyond high school.

Unfortunately, postsecondary education is not a right. The laws that apply to postsecondary education is the Higher Education Opportunity Act of 2008 (HEOA),

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Americans with Disabilities Act of 1990 (ADA), ADA Amendments Act of 2008

(ADAAA) and Section 504 and 508 of the Rehabilitation Act of 1973. In fact, the HEOA 2008 law for the very first time finally included postsecondary students with intellectual disabilities in the law. The act stipulates that these students are now eligible for financial aid (Kiernan & Hart 2011). However, as stated before, the goals of these laws are to avoid discrimination and assure the civil rights of disabled students to equal access. College bound students must meet certain admission criteria before they can be allowed to take any classes.

While districts have an obligation to identify and provide appropriate special education services and supports, colleges are not under any legal obligation to identify students with disabilities or to involve parents in any decision-making for their college age student. Students must self-identify any disability they might have, and ask for accommodations. This can be problematic when a disabled student might wrestle between their desire to be independent and a desire to use services and accommodations available to them. This is where self-advocacy is very important. Participants in a study (Getzel & Thoma, 2008) revealed that self-determination is important to their success in postsecondary education. There are key component skills of self determination as outlined by Wehmeyer and colleagues as being essential for their success. They include problem-solving, self-awareness, setting goals and self-management.

“Learning about one’s self, particularly one’s disability, is critical to success in college,” said Getzel & Thoma in 2008. The student must understand his or her strengths and needs more than anybody else. Many of the participants in the study learned from the

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internet about their disability or learned how others with the same disability succeeded in life.

Goal setting was also paramount in success in collegiate life. Setting short-term goals that are realistic and setting long-term goals will help build their careers, graduate school, living on their own, etc. One student commented, “I think goals need to be precise with steps and breaking it down. Take one step at a time; once you accomplish the goals, you move on to the next one.” Furthermore, Getzel and Thoma (2008) states, “When setting long-term goals, they discussed the need to set career goals that reflected what they wanted to do and enjoy in life.” They also listed self-management equally as important.

Allowing time for studying or completing assignments by not scheduling them back-to-back was one way how a participant of the study managed his time. Another participant suggested the use of day planners where writing down tasks helps plan ahead. Organizing books, and materials such as handouts, assignments, quizzes and notes, to help keep up with the pace of collegiate life, was also mentioned just as equally as important.

However, before self-advocacy can happen, the student with a disability has to get into college. It is very difficult for a student with intellectual disabilities to get into college for several reasons. Many colleges across the nation require a regular high school diploma. Erickson (2009) states, “Many of those with intellectual disabilities or that have significant disabilities, receive alternate diplomas, which many universities and colleges do not recognize”. Another obstacle that students with disabilities face is

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ACT/SAT testing. Many those with disabilities have reported that testing companies ask for too much documentation to prove that they need accommodations. Often, accommodations that are needed are not approved and provided by entrance examination test sites (ENLACE, 2009). How can their parents help their child in regard to entrance examinations? Since the application process can take months and require substantial documentation, it is advantageous, in fact it borders on necessity, to plan early. “Parents should begin to consider planning for the ACT testing when their child starts high school in the ninth grade,” according to PACER Center in Minneapolis. “Parents and students usually work with counselors on college entrance exams, but school counselors may not be aware of the ACT process for students with disabilities.”

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(PACER Center, 2013).” Pacer has a suggested timeline:

Freshman Year 1 st Year of High School	Make sure your child’s accommodations are listed on the IEP or 504 Plan, along with data showing how they benefit your child.
Sophomore Year 2 nd Year of High School	Start gathering needed documentation. Check to see if your child’s diagnosis documentation is current and meets the requirements of the ACT application. If not, update it.
Junior Year 3 rd Year of High School	Begin application process in the fall. Check ACT testing dates and registration dates online at actstudent.org . The ACT can be taken beginning in the spring of the junior year. National tests are given six times a year. ACT tests can be taken more than once.
Senior Year 4 th Year of High School	Take the ACT Test in the fall if needed.

Table 4. (Pacer Center, pacer.org 2013).

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The timeline is also meant for the SAT test as well. Pacer Center also recommends taking the pretests. For the ACT, they can take “Explore” test in eighth grade and/or “Plan” test in the tenth grade. With the SAT, a student may take what is called the Preliminary SAT®/National Merit Scholarship Qualifying Test (PSAT/NMSQT) taken in 10th grade or earlier. When applying for accommodations for the SAT or the ACT, do not give up. Just because one application has been rejected doesn’t mean that that an applicant cannot reapply. Parents have applied two or three times and end up being successful. Reviewers depend on the information supplied by the student and every application is looked at individually. Another barrier that students with disabilities found were financial aid eligibility requirements.

In 2000, about nine percent of undergraduate students reported in the United States of having a disability (National Postsecondary Student Aid Study which amounts to 1.3 million students [NPSAS], 2000; 2002). One study reports that many sources of financial aid often have conflicting eligibility requirements, thus making it more difficult to achieve independence and educational goals. Despite the confusion of differing interpretations of their assistance benefits and rights, many students recommend participation in state vocational rehabilitation programs.

Despite gains made in disability support offices on campuses in the past decade, many students still end up paying disability accommodations and medical needs when they are not funded by educational, medical, or social agencies. Many students do not know their rights of increased student financial aid to help pay for out-of-pocket, disability related expenses. Moore (2009) states, “Because of reduced class loads, and

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extended semesters before degree completion, it may prevent students with a disability from accessing financial aid. Also, many disabled students have said that they are unable to participate in work-study programs due to the nature of their disability”.

Students with disabilities have reported they have felt unwelcome on college campuses by the administrative staff. Responses by the financial officers were not helpful, and in some cases, unresponsive, thus making the student feeling unworthy. Vocational officers are more apt to guide them toward vocational training instead of a pursuing an academic certificate or a degree. Moore (2009), states further, ” Overall, students with disabilities have hesitated about taking out student loans because of future concerns of employment and that student loans are often impossible to defer temporarily suspend payments because of a disability.”

According to the Federal Student Aid government website, “who gets aid,” students with intellectual disabilities are able to get certain types of federal student aid. They may receive funding from Pell Grant, Federal Supplemental Opportunity Grant, and Federal Work Study programs.

A Pell Grant is a need-based grant that does not have to be repaid, available mostly to undergraduates with an annual maximum amount of \$5,500. Federal Supplemental Opportunity Grants (SEOG) is also a need based grant that does not need to be repaid. It is for undergraduates with a demonstrated financial need. Pell Grant recipients take priority in accessing SEOG funds. Funds are available and dependent on the availability of the school. Federal Work Study is university employment that assists students in paying towards a portion of their schools costs during or between periods of

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There are provisions in the HEOA 2008 Act that permits students with intellectual disabilities, who might not have a high school diploma, to get work-study jobs, receive financial aid, including Pell Grants. Shah in 2011 states that, “The law also authorizes money to create and study programs that could serve as a model for colleges and universities around the nation.” However, students with intellectual disabilities must be enrolled in a Comprehensive Transition and Postsecondary (CTP) program at a higher institution of higher education that participates in federal student aid programs.

A CTP program for students with intellectual disabilities means a degree, certificate, or a non-degree program that 1) is offered by a college or career school and approved by the U.S. Department of Education; 2) is designed to support students with intellectual disabilities who want to continue academic, career, and independent living instruction to prepare for gainful employment; 3) offers academic advising and a structured curriculum; and requires students with intellectual disabilities to participate, for at least half of the program, in a) regular enrollment in credit-bearing courses with non-disabled students, b) auditing or participating (with non-disabled students) in courses for which the student does not receive regular academic credit, c) enrollment in noncredit-bearing, non-degree courses with non-disabled students, or internships or work-based training with non-disabled individuals (<http://studentaid.ed.gov/eligibility/intellectual-disabilities>, 2013).

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Financial Aid has approved sixteen CTP programs nationwide as of March 1, 2013:

Table 5

School	Location
California State University	Fresno, California
Taft College	Taft, California
Southeastern University	Lakeland, Florida
Elmhurst College	Elmhurst, Illinois
Heartland Community College	Normal, Illinois
The College of New Jersey	Ewing, New Jersey
New York Institute of Technology	Old Westbury, New York
Western Carolina University	Cullowhee, North Carolina
Appalachian State	Boone, North Carolina
Kent State University	Kent, Ohio
College of Charleston	Charleston, South Carolina
Vanderbilt University	Nashville, Tennessee
Clemson University	Clemson, South Carolina
University of South Carolina	Columbia, South Carolina
Coastal Carolina University	Conway, South Carolina
George Mason University	Fairfax, Virginia

From Studentaid.ed.gov (2013)

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If none listed colleges and their programs suit the student's needs and wants of college, there are many other colleges and universities that have programs for those students with intellectual disabilities, however, if you need student government aid, you must pick from these sixteen colleges and universities. On the other hand, there are other ways to pay for college other than going through the federal government's financial aid program if you do not want to attend any of these approved programs. Many foundations and institutions provide scholarships, regardless of financial status and provided the student meets other requirements.

Another way of getting financial aid is some colleges offer tuition waivers, but many colleges do offer tuition waivers for those students with Intellectual Disabilities. However, these students who want to access tuition waivers must meet certain criteria. For example, Maryland Higher Education Commission does offer tuition waivers for attendance at a Maryland Community College but first, the student must complete and file a Free Application for Federal Student Aid (FAFSA) every year by March 1st. Then the community college needs to be appraised of the intent to attend. A receipt of Supplemental Security Income (SSI) or Social Security must be produced. Disability Insurance (SSDI) benefits and prove that the student receives these benefits must be verified. The program of study that the student selects must lead to a certificate or degree that is designed to lead to employment, including life skills instruction.

The student is exempt from paying tuition at community colleges in Maryland if the student takes a twelve-credit load per semester while the student is earning a degree or certificate. The waiver is limited to six credits a semester for any other reason.

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Students can ask the vocational rehabilitation agency in their state to inquire about tuition waivers. However, many state vocational rehabilitation agencies only cover the tuition. It does not cover student fees, books, or lodging. In some cases, they do provide book vouchers for textbooks. Other funding that a student could pursue would be scholarships.

Many individual colleges and institutions of higher learning award annual scholarships based on financial need. There are a growing number of scholarships that are awarded to those students specifically with Down syndrome. The Anne Ford and Allegra scholarship awards \$10,000 to two students nationwide with a learning disability provided they pursue an undergraduate degree. The P. Buckley Moss \$1500.00 scholarship is awarded to students who are language-learning disabled and shows an artistic inclination.

The University of Florida offers six different types of scholarships through its Disability Resource Center and each has a different set of criteria to receive an award. One is the Rita O'Donnell Scholarship fund through the Women's Club Scholarship. It is awarded annually to undergraduate or graduate scholarship. The American Association on Health and Disability (AAHD) has multiple scholarships that they award each year. There is not a plethora of scholarships available for the disabled, but there are some. The student should check with their state vocational rehabilitation department and the financial aid officer at the school of their choice for further assistance.

It is vital that when picking a college or university to visit the campus to ascertain if it is a good 'fit' and if there is support for a strong possibility of success. Not all campuses are the same. Buildings constructed or altered after June 3, 1977, have had to

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comply with the relevant accessibility code required by Section 504 of the Rehabilitation Act and after January 26, 1992, by the Americans with Disabilities Act of 1990 (Stodden & Dowrick, 1999). They must provide accessible environment across campuses.

However, this has been restricted by architectural and budgetary constraints.

Postsecondary institutions have had to implement this code within these constraints, which often do not consider the immediate individual needs of students with disabilities (Johnson, 2006). Singh (2006) reports out of 137 randomly selected higher institutions of learning, only 7% offered complete accessibility. This included accessibility to structural, academics, dorms and recreational facilities. He also concluded that students on average have expressed concerns related to physical barriers within postsecondary institutions that were not readily identifiable by non-disabled students. This could add additional stress for students with disabilities that is not experienced by non-disabled students. Prior to the campus visit, make inquiries about the college of choice. Ask about accessibility to academic classrooms, recreational facilities and if living on campus, make certain that dorms are accessible as well. To meet the growing demand of disabled students enrolling in colleges, student services are growing as well. According to Yost, Shaw, Cullen, and Bigaj (1994), support services on American campuses have increased ninety percent.

Despite the increase and the many students that have reported a disability, they do not request accommodations. Some students do not even report their disability and take advantage of their right to use the student services. One study found that campus disability support services have reported only that 1 to 3 percent request such services

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(Hartman, 1993).

As part of the 504 Section of the Rehabilitation Act of 1973, all colleges that receive federal funds must have a disability service office on campus. The campus disability office handles student requests for accommodations and support services and is verified by the same office. They also do a myriad of services including assistive technology devices, readers, note takers, priority registration, and sign language interpreters. The campus disability services office also prepares a document, notifying professors of accommodations required by the student, although it is often the student's responsibility to give the information to the professor (Connor, 2012). Students with disabilities should actively take advantage of the services provided, but these students with might feel more anxious than their non-disabled peers when interacting with professors, not knowing how the professor is going to react to a request for accommodations (Connor, 2012).

There are several ways to find out which professors are more accommodating and supportive of students with disabilities. The first option would be direct contact with the professors to see the level of receptive attitude for disabled students and "interview" them and ask questions. Another way would be to contact the campus disability office, because they would know which professors would be more receptive and accommodating of those with disabilities (Connor, 2012). Another option is to contact other students with disabilities on campus and ask them their opinion about particular professors. Another key to success, Connor (2012) admonishes those with learning disabilities to identify the skills in which they are proficient and content areas where they excel. I would think that

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advice would parallel those with intellectual disabilities as well. They can counterbalance those things they excel in with those concepts where they can struggle.

The disabled student's high school experiences and curriculum are critical in forming a solid foundation to help the student transition to college. Developing essential study skills during high school would likely work positively in high school as well as college. Organization skills taught in high school are vital, as are when and how to complete assignments, how to manage time, and the ability to stay focused on the task at hand. These are beneficial for the non-disabled student as well as those with a disability.

Conner (2012) offers some behaviors for the student to use to help secure success at the college level:

- Schedule time every week to study especially before midterms and finals.
- Learn to say “no” to social invitations that conflict in your study schedule.
- Make a to-do list and prioritize it (Connor 2012).

Planning ahead is not only important in college, but more importantly in high school where transition planning takes place. Barbara Trader from The Association for Persons with Severe Handicaps (TASH) in Washington says, “The expectation for students leaving high school is...that they will be college ready. That expectation isn't clear for students with intellectual disabilities.” Martinez (2009) states that, “For some students with intellectual disabilities, that is still delivered in segregated settings with its focus on daily living skills, functional academics, and pre-vocational instruction, without alignment to the standards of the general curriculum.”

Despite great efforts to provide a smooth transition from secondary to

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postsecondary schooling, outcomes surprisingly indicate that only fifteen percent of youth in special education actually progress on to schooling after high school. Many students with ID move onto segregated adult programs (Hart, Zimbrich et al., 2001). There is a clear need to coordinate and link disabled students with information about their options after high school.

The online website ThinkCollege.net is a wonderful place to start looking for college options. ThinkCollege is an initiative of Institute for Community Inclusion (ICI) at the University of Massachusetts Boston, funded by government grants focused on postsecondary education for people with intellectual disabilities (www.thinkcollege.net, 2013). The site informs the reader of many services that can help intellectually disabled students get into college. ICI serves as a coordination center for the 27 federally funded Transition Postsecondary Education Programs for Students with Intellectual Disabilities (TPSID) projects. They provide an abundance of technical assistance and training through many outlets, such as online learning modules, webinars, face-to-face training, and publications.

Thinkcollege.net also provides a database where a student can start searching for programs in postsecondary colleges and universities of higher learning. There are three models that are identified and where the majority of all special programs fit. They are *Substantially Separate Programs*, *Mixed Model Programs*, and *Individualized Approach Programs*.

The first model, *Substantially Separate Programs*, with its programs has been around the longest and has a history from the 1970s. They have provided employment

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training, job opportunities, and segregated classes grounded in “life skills” to adults with intellectual disabilities (Neubert, et. al., 2001). These programs were/are non-profit programs funded by non-profit adult agencies as an alternative to day-activity programs or by parents and individuals who were interested in including adults with disabilities in the community, such as a community college campus or vocational training program (Neubert& Moon, 2006). These programs were created because students with intellectual disabilities were not being offered age appropriate, community-based experiences and operated without the benefit of state and local guidelines in which to based their practices. The goal of the Substantial Separate Program model is to promote ID students to experience independence and provide access to the community prior to leaving their secondary school. Despite these goals, the drawback in this goal is that there was not any option for long-term to interaction with the general student body on a college campus or the option to take any standard college courses with their peers.

The *Mixed Model Programs* for ID students are typically located on community college or four year college or university campus, although some are in community settings (Neubert, Moon, & Grigal, 2002). This model offers students with ID an opportunity to enroll in college and participate in campus social opportunities. In addition, a student can also explore employment opportunities within the community. The *Mixed Model Program* model is implemented most frequently in local school systems (Hart et al., 2004). Students are placed in separate classrooms with a special education teacher from a local school system and they spent part of the day working individually or in small groups, in such areas as functional academics, self-determination skills, and

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These *Mixed Model Programs* include community based instruction, job training, employment in enclaves, and are staffed by special educators, transition specialists, and paraprofessionals. Students have the option to participate in college activities such as Best Buddies activities, sporting events, dances and theater events. After leaving school, students are linked with an adult service agency or a community rehabilitation program. Students either draw an SSI paycheck or with a paid job (Neubert et al., 2004).

Grigal et al., (2001) identified a number of challenges implementing *Mixed Methods Programs*, including the need for more inclusive opportunities on college courses, access to classroom and office space for public schools at the college site; the need for flexible teacher schedules to accommodate a different calendar from that of local schools; the need for transportation to and from the postsecondary sites for students; and written procedures to dispense medication, handle disciplinary actions and conduct IEP meetings.

Another model, which is the most recent to emerge in the literature, is the *Individualized Approach* to support students with ID during their final years of high school (Neubert & Moon 2006). Each student with ID plans postsecondary goals and options with a team of individuals and locates services and/or funds to meet the specific goals. A professional, either a special educator or a transitional specialist, serves as a case manager. The case manager arranges services, accommodations, and supports, such as education, or job coaches, as well as assistive technology. The student may attend college classes, or a training certificate program, work in the community, and/or participate in

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recreational activities in the community based upon a student's stated preferences or interests.

This model is more student-centered than the other two models in that no self-contained classes for functional skills are taught to a group of intellectual disabled students. To implement this model, it requires a change in teacher's roles to work with a variety of community professionals, identify natural and extended supports in college, work and the community; monitor staff, such as educational and job coaches and work flexible, twelve month work schedules (Hart et al., 2001). Cooperation and funding by state case management agencies, colleges and businesses are paramount in its implementation and to keep the program going.

Interestingly, Neubert & Moon (2006) state that "students in this model in post secondary education had a higher rate of employment (100%) vs those students who remained in a high school setting (42.9%)." Students with ID taking college classes in 2006 earned \$6.75 an hour or above at their jobs while others that didn't, made \$4.10 an hour. On another note in this same study, four students reported that attending college had enhanced their social relationships and reported feeling "more grown up and independent" as a result of their experience on the college campus. The services that are offered under this model allow the most autonomy on the part of the student and maximize opportunities for typical interaction with college peers. (Causton-Theoharis, et al., 2009). On the internet, there is much more information concerning these three models and other services in the post-secondary settings.

Campus Outreach (OCO), at www.education.umd.edu/oco provides information

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about programs and services on campuses in Maryland, that include online training modules for public school students with intellectual disabilities that are aged between eighteen and twenty one. This site provides information how to order a field-tested guide to develop, implement and evaluate programs and services (Grigal, Neubert, & Moon, 2005).

The Transition Coalition site, University of Kansas at (www.transitioncoalition.org), offers a searchable online database of a hundred community based programs for students with ID, as well, as other transition publications.

At George Washington University (www.heath.gwu.edu/Inteldisabilities.htm), the National Clearinghouse on Post-secondary Education for Individuals with Disabilities (HEATH), provides resource papers on how students with different types of disabilities can navigate post-secondary situations, as well as, fact sheets and student accounts of their experiences when transitioning out of the secondary school. Under intellectual disabilities, there is information on programs and other websites for students with ID at post-secondary sites (Neubert & Moon, 2006).

At the Postsecondary Education Research Center (www.transitiontocollege.net), website information is provided on program development, implementation, and evaluation as well as a variety of resources, other websites, and pages of frequently asked questions.

The University of Massachusetts hosts the Institute for Community Inclusion (ICI). This institute provides fact sheets, resources and papers for prospective postsecondary students. It includes education and transition, policy issues, job

Intellectual Disabilities, Postsecondary Education and the Law development and search, training events and diversity and disability in addition to publications on transition programs, fellowship opportunities, and support services and related links for special education professionals at (http://www.communityinclusion.org/project.php?project_id=21).

The Passport Program is a degree program for students with ID and learning disabilities who have exited the school system and have difficulties navigating through the regular, traditional college programs. Originally, it was developed in a community college setting and provided information on how to develop a model program that uses a curriculum with fifty-two courses, earning an Associate in Essential Studies program with ninety term credits. The goal of the program is to prepare students for the workforce through academics, social and life skills, self-advocacy, and job experiences (www.rethinkhighered.com). Check the database at Thinkcollege.org for many more accredited college programs.

6. Conclusion

Although there was a sufficient amount of information available to make valid conclusions, the lack of postsecondary institutions that are involved in providing education to the cognitive disabled is limited. Obviously, the more colleges, universities, and other post-high school institutions involved and then researched, the more credible answers to my inquiries. Reasoning, the more credible the answers to my questions, the more tenable my conclusions and recommendations based upon those answers.

Nationwide, out of 6,742 title IV postsecondary institutions (National Center for Education Statistics, 2012), seventy-seven two year (community colleges and trade

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schools) and ninety-eight four year postsecondary institutions have programs tailored for students with intellectual disabilities. Only forty-five of them provide housing. That means that only three percent of institutions nationwide have programs and, of those institutions, only 0.06 percent have housing available.

Since the practice of the cognitive disabled attending college is relatively new, little data or information is available on the impact of the collegiate learning and experiences on their lives, with the exception that they make a higher wage.

As varied as the programs offered by the myriad of colleges and universities, their certifications, degrees and their requirements, the programs and certifications for the cognitive impaired is just as wide-ranging. Different institutions have different curriculum offerings, length of programs and requirements for any offered certifications and degrees, making it imperative that the student and parents investigate the different institutions thoroughly.

Despite the breakthrough this past decade of colleges and universities including and developing curriculum for those who have intellectual disabilities, many more programs are needed. Out of two hundred and three programs that www.thinkcollege.net listed in the United States, most of them are on the Eastern seaboard and in Midwestern states, with the exception of twenty postsecondary institutions in California. There are several states that do not have any programs at all.

The overriding thread that weaves its way through all of the research and is identified as the primary and monumental barrier to the implementation of programs for the cognitive impaired and student access to those programs that have been established is

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the availability of financial resources--resources for the institution to develop programs and resources for the student to be able to participate in those programs.

There are significant other barriers to the availability to access programs, namely state and/or federal directives, and/or high school regulations.

Additionally, the cognitive student can encounter additional hindrances when he needs to qualify for accommodations for SAT or ACT testing. It may take several years for the student to get appropriate accommodations after being rejected.

Specifically, the predominant conclusion is that there is a dearth of collegiate programs geared to the cognitive disabled and an abundant population available to partake. Therefore I have concluded that the following recommendations are in dire need to be implemented:

1. Since it has been found that developing and maintaining these 'special' programs at the collegiate level is expensive, monies must be found so that the programs can expand to other institutions of higher learning;
2. It is imperative that the financial aid programs for the intellectually disabled are overhauled. There are only sixteen colleges that are approved for financial aid that have CTP programs. Otherwise, the student and his family must come up with other funds available to them through grants, and by individual savings, if they want to go through a "non-CTP program;"
3. Since many intellectually disabled students move out of state to attend an approved college, they must pay out-of-state tuition which adds to the financial burden on the family. These programs have been studied and range from

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expensive to highly expensive. Therefore legislation is needed for those with intellectual disabilities and travel out-of-state to an accredited approved program of their choosing have, at least, the out-of-state tuition waived to match in-state tuition or federal monies should be made available to offset the out-of-state tuition;

4. More programs must be implemented and created that have full inclusion to allow those with more severe and significant intellectual abilities in order for them to be able to participate in the college experience;

5. There needs to be national standards based upon studies of successful programs to guide the states as they develop their programs. Currently, there is little continuity between the states concerning curriculum, regulations, and lengths of study needed for certification and/or a degree. Each state maintains autonomy. A reciprocal agreement between neighboring states where one offers a certain program and the other one is a different one, would certainly alleviate much of the confusion and lessen barriers for the cognitive disabled student when trying to choose a school to attend. It also would ease some of the financial burden of the student and colleges.

6. Colleges and universities must drop their high school diploma requirement for those who have significant disabilities but have earned alternative diplomas.

In conclusion, much more research is needed. It is imperative that the research discovers which of the various programs and curriculum is most affective.

Results should be scrutinized in order to ascertain which program and/or

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curriculum provides the best possible outcomes for the student. Then using this data, develop the education curriculum and experiences needed to reach the highest goals of independence, socialization, wages, and work ethic for the people with intellectual disabilities.

Finally, let me close with a favorite quote of mine from the poet Robert Hensel, ***“I have a disability yes that’s true, but all that really means is I may have to take a slightly different path than you.”***

References

- Bazelon, D. L., & Boggs, E. M. Executive Branch, (1962). *President's panel on mental retardation*. Washington, D C.: U.S. Government Printing Office.
- Calefati, J. (2009, February 13). College is possible for students with intellectual disabilities. *US News and World Report*, Retrieved from <http://www.usnews.com/education/articles>
- Carroll, S., Blumberg, E. R., & Petroff, J. (2008). The promise of liberal learning: creating a challenging postsecondary curriculum for youth with intellectual disabilities. *Focus On Exceptional Children*, 40(9), 1-12.
- Casale-Giannola, D., & Kamens, M. (2006). Inclusion at a university: experiences of a young woman with down syndrome. *Mental Retardation*, 44(5), 344-352.
- Causton-Theoharis, J., Ashby, C., & DeClouette, N. (2009). Relentless optimism: inclusive postsecondary opportunities for students with significant disabilities. *Journal of Postsecondary Education and Disabilities*, 22(2), 88-105.
- Connor, D. (2012). Helping students with disabilities transition to college. *Teaching Exceptional Children*, 44(5), 16-25.
- Conway, A. (2011, May 31). Learning is for everyone: higher education programs for students with intellectual disabilities. *The Mentor: An Academic Advising Journal*. Retrieved from <http://dus.psu.edu/mentor/2011/05/intellectual-disability-programs>
- Cooper, E. (2010, November). Why not college?. *Christianity Today*, 17-19.
- Fichten, C. S., Robillard, K., Judd, D., & Amsel, R. (1989). College students with

Intellectual Disabilities, Postsecondary Education and the Law

- disabilities: Myths and realities. *Rehabilitation Psychology*, 34, 243-257.
- Getzel, E., & Thoma, C. (2008). Experience of college students with disabilities and the importance of self-determination in higher education settings. *Career Development for Exceptional Individuals*, 31(2), 77-84.
- Grigal, M., Dwyre, A., & Davis, H. (2006). Transition services for students aged 18-21 with intellectual disabilities in college and community settings: models and implications of success. *Information Brief*, 5(5), 1-5.
- Grigal, M., Neubert, D., & Moon, M. S. (2002). Postsecondary options for students with significant disabilities. *Teaching Exceptional Children*, 35(2), 68-73.
- Halverson, A. T., & Neary, T. (2001). *Building inclusive schools: Tools and strategies for success*. Needham Heights, MA: Allyn & Bacon.
- Hamblet, E. (2009). Helping your students with disabilities during their college search. *Journal Of College Admission*, (205), 6-15.
- Hawke, C. (2004). Accommodating students with disabilities. *New Directions for Community Colleges*, 125 (Spring), 17-27.
- Heasley, S. (2012, January 3). College entrance exams run afoul of ADA requirements, report finds. *Disability Scoop*. Retrieved from www.disabilityscoop.com
- Hollingsworth, H. (2010, October 16). More intellectually disabled youths go to college. *Huffington Post*. Retrieved from http://www.huffingtonpost.com/2010/10/17/more-intellectually-disab_n_765520.html
- Johnson, A. (2006). Students with disabilities in postsecondary education: barriers to

Intellectual Disabilities, Postsecondary Education and the Law

- success and implications for professionals. *Vistas 2006*, Retrieved from <http://www.counselingoutfitters.com/Johnson.htm>
- Jones, B. (2010, October 17). More youths with mental disabilities going to college. *USA Today*. Retrieved from <http://usatoday30.usatoday.com/news/education>
- Kleinert, H., Jones, M., Sheppard-Jones, K., Harp, B., & Harrison, E. (2012). Students with intellectual disabilities going to college? Absolutely!. *Teaching Exceptional Children*, 44(5), 26-35.
- Kiernan, W., & Hart, D. (2011). You have come a long way baby but not far enough?. *Journal of Vocational Rehabilitation*, 35, 181-183.
- Lock, R., & Layton, C. (2001). Succeeding in postsecondary ed through self-advocacy. *Teaching Exceptional Children*, 34(2), 66-71.
- Martinez, D. (2009). *Opening the door to postsecondary education for all: accessing the higher education act*. (Doctoral dissertation)Retrieved from www.rrtc.hawaii.edu/documents/products/phase3/16.pdf
- Martinez, D., & Queener, J. (2010, Winter). Postsecondary education for students with intellectual disabilities. *George Washington University Heath Resource Center*, pp. 1-36.
- McCleary-Jones, V. (2008). Students with learning disabilities in the community college: their goals, issues, challenges, and successes. *The ABNF Journal*, 19(1), 14-21.
- Moore, R. Youth Advisory Committee of the National Council on Disability, (2003).

Intellectual Disabilities, Postsecondary Education and the Law

- Students with disabilities face financial aid barriers* . Retrieved from website:
http://webharvest.gov/peth04/20041015152849/www.ncd.gov/newsroom/advisory/youth/yac_aidbarriers.htm
- Neubert, D., & Moon, M.S. (2006). Postsecondary settings and transition services for students with intellectual disabilities: models and research. *Focus On Exceptional Children*, 39(4), 1-8.
- Neubert, D., Moon, M. S., & Grigal, M. (2004). Activities of students with significant disabilities receiving services in postsecondary settings. *Education and Training in Developmental Disabilities*, 39(1), 16-25.
- Neubert, D., Moon, M. S., Grigal, M., & Redd, V. (2001). Postsecondary educational practices for individuals with mental retardation and other significant disabilities: a review of the literature. *Journal of Vocational Rehabilitation*, 16, 155-168.
- Pacer Center, Action Information sheets, Preparation is key to gaining accommodations on act college entrance test. (2011). Retrieved from <http://www.pacer.org/parent/php/PHP-c193.pdf>, *Pacer.org*.
- Pallack, B. (2010, November 08). Special-ed grads to get new path at UA. *Arizona Daily Star*. Retrieved from <http://azstarnet.com/news/local/education/college/special-ed>
- Rao, S. (2004). Faculty attitudes and students with disabilities in higher education: A literature review. *College Student Journal*, 38(2), 191-198.
- Rhodes, R. (1993). *Mental retardation and sexual expression: An historical perspective*.

Intellectual Disabilities, Postsecondary Education and the Law

Journal of Social Work and Human Sexuality, 8 (2), 1-27.

Rothman, D. J. (1971). *The discovery of the asylum, social order and disorder in the new republic*. Aldine De Gruyter.

Schmidt, P. (2005). From special ed to higher ed. *Chronicle of Higher Education*, 51(24), 1-6.

Shah, N. (2011). After special education, students turn to college. *Education Week*, 31(14), 1-7.

Shaw, S. (2009). Transition to postsecondary education. *Focus On Exceptional Children*, 42(2), 1-16.

Soergel, M. (2012, April 16). UNF program offers students with intellectual disabilities full university experience. *The Florida Times-Union*. Retrieved from <http://jacksonville.com/news/metro/2012-04-17/story/unf-program>

Stodden, R. A., & Dowrick, P. W. (1999). Postsecondary education and employment of adults with disabilities. *American Rehabilitation*

Stodden, R. A., & Whelley, T. (2004). Postsecondary education and persons with intellectual disabilities: An introduction. *Education and Training in Developmental Disabilities*

Stumbo, N., Martin, J., & Hedrick, B. (2009). Personal assistance for students with severe physical disabilities in postsecondary education: Is it the deal breaker?. *Journal of Vocational Rehabilitation*, (30), 11-20.

Tyre, P. (2006, April 13). Another barrier broken. *Newsweek*, Retrieved from <http://www.msnbc.msn.com/id/12306378/site/newsweek>

Intellectual Disabilities, Postsecondary Education and the Law

Wikipedia. (2011, November 17). Retrieved from

http://en.wikipedia.org/wiki/Higher_education

Wilson, M., Hoffman, A., & McLaughlin, M. (2009). Preparing youth with disabilities for college: how research can inform transition policy. *Focus On Exceptional Children, 41*(7), 1-11.

Winzer, M. (1993). *The history of special education from isolation to integration*. Washington D.C.: Gallaudet University Press.

Uditsky, B., & Hughson, A. (2007). Inclusive postsecondary education for students with significant developmental disabilities: challenging legal, moral and pragmatic assumptions. 1-12. Retrieved from www.nl.edu/dse/2007/docs

Vitello, S.J., & Soskin, R.M. (1985). *Mental Retardation: Its Social and Legal Context*. Englewood Cliffs, NJ: Prentice Hall Press.

Yost, D.S., Shaw, S.F., Cullen, J.P., & Bigaj, S.J. (1994) Practices and attitudes of postsecondary LD service providers in North America. *Journal of Learning Disabilities, 27*, 631-640.

Zafft, C., Hart, D., & Zimbrich, T. (2004). College career connection: a study of youth with intellectual disabilities and the impact of postsecondary education. *Education and Training in Developmental Disabilities, 39*(1), 45-53.