Chapter 1
Laws, Finance, and Policies of Higher Education Accessibility

Jennifer Raasch
Clemson University, USA

ABSTRACT

Historically, educational accessibility in higher education appeared to be a dynamic and fluid scale with individual rights and accessibility on one side while institutional policies and procedures balanced the other side. Additional weights were applied to both sides of the scale. United States (U.S.) federal laws applied weight to the individual rights and accessibility side. Meanwhile, financial considerations applied weight to the institutional policies side. U.S. universities may have found this balancing act difficult through ongoing legal cases and law revisions. Critical Disability Theory (CDT) provides an alternative viewpoint to review education accessibility. CDT also encourages participation by more campus stakeholders to resolve accessibility issues and promote full accessibility on university campuses. This chapter will explore and explain the complex interconnections of laws, finances and policies in supporting accessibility on campuses and discuss potential guidelines for future institutional policies and procedures related to students with disabilities.

INTRODUCTION

Historically, educational accessibility in higher education appeared to be a dynamic and fluid scale with individual rights and accessibility on one side while institutional policies and procedures balanced the other side. Additional weights were applied to both sides of the scale. United States (U.S.) federal laws applied weight to the individual rights and accessibility side. Meanwhile, financial considerations applied weight to the institutional policies side. U.S. universities may have found this balancing act difficult through ongoing legal cases and law revisions.

Critical Disability Theory (CDT) provides an alternative viewpoint to review education accessibility. CDT also encourages participation by more campus stakeholders to resolve accessibility issues and promote full accessibility on university campuses. U.S. universities could become the role model for accessible spaces and curriculum.

This chapter will explore and explain the complex interconnections of laws, finances and policies in supporting accessibility on campuses and discuss potential guidelines for future institutional policies and procedures related to students with disabilities. The goals for this chapter are:

- Provide an overview of landmark federal disability laws.
- Review of recent legal cases impacting accessibility issues in U.S. universities.
- Examine accessibility finances in higher education.
- Discuss alternative CDT inspired institutional policies for the future of campus accessibility.

SOCIAL ACTIVISM BACKGROUND

Disability rights and laws were born out of civil activism and advocacy groups. Historically, people with disabilities were supported by family and friends without much public awareness and resources. Students with disabilities were educated at home. Ward and Meyer (1999) noted that public advocacy groups such as the American Foundation of the Blind began in the 1920s and post World War I veterans required rehabilitation services. Disability advocate groups continued to expand as American industrialism increased. From the 1930s to the 1950s, disability advocacy enlarged as people with disabilities lived longer lives due to the advances in treating disabilities along with better rehabilitation services. They desired more independent living environments as well. McDonald and Oxford (2005) noted that Ed Roberts became disabled from polio and was a key leader for independent living rights. Ed Roberts fought for accessibility rights to attend college in California in the late 1960s and early 1970s. Also during the 1960s and 1970s, Scotch (1989) explained how the smaller advocacy groups became more connected and organized to protest for equal rights which gained national media attention. During the

Figure 1. Historical factors impacting accessibility in higher education
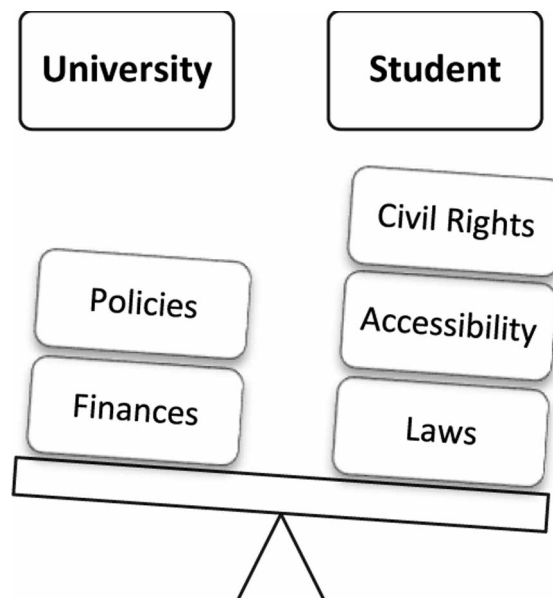
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