

DEVELOPING TECHNICAL STANDARDS AND ELIGIBILITY CRITERIA THAT ARE APPROPRIATE AND LEGALLY DEFENSIBLE

OCTOBER 2, OCTOBER 5

This session will provide immediately practical and useful information on the most common issues, concerns, and solutions in working with faculty to develop appropriate standards/criteria for selection, inclusion, and successful completion of technical and professional programs. Moreover, it will include specific direction for engaging faculty in the kind of studied review of technical requirements that will allow them to focus their technical standards on the curriculum to be mastered, rather than some arbitrary list of physical skills and abilities that are presumed to assure competence. The development of eligibility criteria and technical standards has been a recurring topic at institutions of higher education in recent years. The ADA requires that eligibility criteria (and, by extension, technical standards) not be implemented that screen out, or tend to screen out, persons with disabilities on the basis of that disability. The law does not say that technical standards cannot be applied to persons with disabilities, even if those standards involve physical requirements that may be impossible for someone with certain disabilities to meet. It simply says that the criteria/standards applied must not focus on disability or on being/not being disabled. Developing standards/criteria that are based on appropriate evaluation of necessary skills, rather than historical precedent, is not always easy – but is very necessary.

This workshop takes disability services personnel one step beyond the traditional discussion of direct service delivery; it explores a critical element of creating a campus climate that is conducive to the involvement and participation of students with disabilities throughout the institution's educational programming. An architecturally accessible campus, with a terrific disability support service office, may still be a dismal experience for a student with a disability who encounters daunting attitudinal barriers in the form of eligibility criteria or technical standards that exclude participation on the basis of bias or stereotype, no matter how kindly meant. This workshop seeks to prepare disability services personnel to confront such attitudinal barriers with studied argument, grounded in the legal mandates for access.

WORKSHOP AGENDA

(These are topics to be covered and the order of presentation – no specific times are assigned to assure the free flow of information and adequate time for questions/answers, scattered throughout.)

- Why are eligibility criteria/technical standards a common "battleground" in higher education, and why is it so important to get involved in this issue?
- What do "otherwise qualified" and "reasonable accommodation" mean as applied to technical standards and eligibility criteria?
- What types of college programs typically have (or should have!) standards/criteria in place and the common problems they pose; type of college programs that DON'T lend themselves to the development of such standards/criteria>
- What common mistakes are encountered in framing eligibility criteria or technical standards?
- What general arguments made for development of criteria/standards and for insistence on questionable wording or requirement? How to combat stereotypes and bias.
- Court cases and OCR Letters of Finding dealing with issues of standards/criteria; Case-in-Point: Casey Martin -- this is what it's all about!!!

A NEW WAY OF THINKING ABOUT (AND DEVELOPING) TECHNICAL STANDARDS:

- Faculty driven
- Curriculum-based
- In keeping with OCR guidance

GROUP THINK: Trouble-shooting existing requirements, implementing new practices

