

Columbia University  
Graduate School of Arts & Sciences  
Human Rights Studies Master of Arts Program

Crippling Higher Education After COVID-19: Expanding Accessibility for Disability Justice

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Submitted in partial fulfillment of the  
requirements for the degree of  
Master of Arts

October 2024

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# Abstract

Disability-based discrimination, ableism, and disablism, as a means of oppression has permeated all aspects of society. Concerns about discrimination, inaccessibility, and exclusionary practices have been articulated by students with disabilities about institutions of higher education in the United States. The implementation of Section 504, the Americans with Disabilities Act, and the Individuals with Disabilities Education Act prove that the US recognizes that some students with disabilities need accommodations to gain access to educational spaces and curriculums. Ratification of the Convention on the Rights of Persons with Disabilities or the International Covenant on Economic, Social, and Cultural Rights to enshrine education as a human right could catalyze progressive movements to dismantling inequities in access for education, where disability-based discrimination, ableism, and disablism should have no place. While the U.S. is not legally obligated to fulfill international human rights criteria, there is no restriction which prevents the U.S. from seeking accessible and adaptable education for all people with assiduity and perseverance. Looking at the impact of the COVID-19 global pandemic, the U.S. proved itself to be capable of adapting. New methods of instruction and learning were innovated which enhanced available accommodations, adaptations, and modifications. Now that new tactics and technological advancements have been established, there is an opportunity to implement them into standard practices to bridge the gap of inequality in the education system for persons with disabilities. Retention of these newer methods have the potential of upholding the human right to education and decreasing disability-based discrimination, ableism, and disablism in academic institutions.

# Introduction

Up to 1 in 4 people. 27%. This is the estimated number of persons with disabilities (PWDs) in the United States.<sup>1</sup> According to the National Center for Education Statistics, for the 2019/20 academic year, 20.5% of undergraduate students and 10.7% of post baccalaureate students reported having a disability.<sup>2</sup> In the wake of the COVID-19 outbreak, colleges and universities implemented new methods which made accessibility a more common practice. Some alterations researched for this thesis included remote or asynchronous learning options, modified testing regiments, and various formats of digital content. The aforementioned modalities represent the potential of cultivating accessibility through investment into new supportive technologies and resources. These procedures suggest possible ways of improving accessibility for all students which grants further opportunities for the disability community. Students with disabilities (SWDs) face multiple barriers to accomplishing their educational goals, such as access to materials, supplies, and technology extensions. Proponents for disability justice have been advocating for more diverse teaching methods and changes in systems. While challenges are numerous, various, and unique to each student – schools were able to adapt during the COVID-19 pandemic which suggests that education accessibility and inclusivity *can* exist when it needs to be and *should be* retained to continue facilitating inclusivity. During COVID-19, individuals were forced to adapt the normal activities of their lives to the isolation of their homes.<sup>3</sup> Institutions of higher education (IHEs) implemented accessible modalities and

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<sup>1</sup> “Disability Impacts All of Us Infographic | CDC.”

<sup>2</sup> National Center for Education Statistics, “Number and Percentage Distribution of Students Enrolled in Postsecondary Institutions, by Level, Disability Status, and Selected Student Characteristics: Academic Year 2019-20.”

<sup>3</sup> This excludes essential workers.

methodologies when the majority experienced barriers to their educational goals. Now that COVID-19 is better managed, the movement to return to in-person pushes SWDs back to a world of inaccessibility.

The concept of “accommodations” is founded on the notion that PWDs need help rising to society's standards. Typically, SWDs in IHEs are required to apply for accommodations at their institution after documenting impacts of their disability(ies) and providing verification from their medical provider(s). Ultimately, accommodations are up to the discretion of the Disability Services Department (DSD) to either grant, modify, or deny the requests.<sup>4</sup> This process is rooted in the medical model of disability. The medical model of disability views and treats the disabled as needing to be fixed and having something inherently wrong with them.<sup>5</sup> This sustains a crippling effect, as it reinforces the standard of inadequacy in IHEs and continues disablement practices which makes education more unattainable, instead of accessible and inclusive for PWDs.<sup>6</sup> In fact, the National Center for Education Statistics identifies that SWDs report lower degree attainment rates compared to their non-disabled counterparts.<sup>7</sup> In 2015, 13% of adults with disabilities reported having a bachelor’s degree compared to 31% of adults with no

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<sup>4</sup> For the purpose of consistency, the use of the term “Disability Services Department” or “DSD” will be used as a general term to refer to the varying titles used at each university for their department that services their disabled student population.

<sup>5</sup> Hogan, “Social and Medical Models of Disability and Mental Health.”

<sup>6</sup> Karlsson and Rydström, “Crip Theory.” Elaborating on transnational queer and disability studies theorist Robert McRuer's "Crip Theory," scholars Karlsson and Rydström, illustrate that "Crip Theory" is used as a way to reject the “hierarchical language’s binarisms” and to claim the right to naming oneself. It also aims at “destabilizing ableist categories, crippling normativity, and exposing ableism.” Originally the term “crip” or “cripple” has been defined by external authorities (nondisabled people from a medical or legal standpoint). The reclamation of this word by the disability community and disability studies scholars shifts the power to group members and their right to choose/create their own words and concepts. In the context of the use of the word “cripping and crippling” for this thesis, as a member of the disability community, I use this term as a means of reclamation for my people and our history; Rieser, “Disability Equality.”

<sup>7</sup> “Table 200729: ATTAINMENT BY DISABILITY STATUS: Percentage Distribution of 6-Year Attainment Status or Level of Last Institution Enrolled among 2011-12 First-Time Postsecondary Student, by Disability Status: 2012-17.” The data from this six year time period is the most recent data that can be found. The next report is anticipated to come out in 2026.

disability.<sup>8</sup> More research is needed about the social model of disability which recognizes aspects of impairment that are the result of society being oppressive and unaccommodating. Also impacting PWDs is the status of disability assigned to persons with impairments by non-disabled people and systems in place which hinder them from reaching their educational goals.<sup>9</sup> The central point of understanding the impact of the medical and social models of disability is to address faults in current practices, utilize these models to inform future practices, and apply them to the new ones created in response to the pandemic. Another model that can also be used is the cultural model of disability. This model is used to question and challenge what society has deemed normal and investigates how normalization and de-normalization practices result in the social category of disability.<sup>10</sup> Applying this cultural model of disability confronts structures and how society problematizes impairments and normalizes a specific way of functioning. Employing this concept no longer marginalizes minorities but centers society and culture to be inclusive of all.<sup>11</sup>

While the impact of COVID-19 was world changing and eye opening, at best, accessibility measures in education advanced. Previously, the standards and expectations were inadequate for many. Shortcomings of accessibility measures before the pandemic included adjustments to educational methodologies, a general lack of understanding, and education of available accommodations, accessibility measures, and eligibility requirements. This is rooted in disability-based discrimination (DBD), ableism, and disablism. Ableism values a person's abilities and abledness over disabilities and disabledness and disempowers people with bodies

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<sup>8</sup> Goodman, Morris, and Boston, "Financial Inequality: Disability, Race and Poverty in America."

<sup>9</sup> Ibid.; "Social and Medical Models of Disability and Mental Health."

<sup>10</sup> Waldschmidt, "Disability Goes Cultural."

<sup>11</sup> Ibid., 25

that do not function or conform to the typical definition of “normal” or a “healthy” body.<sup>12</sup>

Through this scope, disability becomes abject, disposable, and less than human while ablebodiedness is seen as the default and treated as normal.<sup>13</sup> Comparatively, disablism is the promotion of differential or unequal treatment because of their disability(ies) through a set of practices.<sup>14</sup> In turn, DBD is any distinction, exclusion, or restriction that is made on the basis of a person's disability(ies).<sup>15</sup> Ableism and disablism (A&D) in educational institutions are only two examples of violations of the human right to education (HRE) through inequitable access to education. A&D exists in higher education (HE) because academia itself was constructed to exclude and discriminate. The architecture of campuses, philosophical foundations, budgetary priorities, and a lack of course content are examples that contribute to HE being ableist and unaccommodating.<sup>16</sup> Additionally, IHEs studied and pioneered the eugenics movement, dedicated to determining who was worthy of living and reproducing, and who was not, based on their genetics, and spearheaded the movement through the practice and teachings of it in schools.<sup>17</sup> Eugenics played an important role in the perpetuation of discriminatory practices, mentalities, and teachings in IHEs.

The United States has a pervasive history of failing to ensure equal and equitable access to education and of A&D in educational institutions. This violates the human right to quality, inclusive education (IE) without discrimination, as defined by the Universal Declaration of Human Rights (UDHR).<sup>18</sup> The U.S. has not ratified most of the international Covenants and

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<sup>12</sup> Nieminen, “Unveiling Ableism and Disablism in Assessment.”; Gilham and Tompkins, “Inclusion Reconceptualized.”

<sup>13</sup> Dolmage, *Academic Ableism*.

<sup>14</sup> “Unveiling Ableism and Disablism in Assessment.” Disablism can manifest itself through the segregation of SWD in education.

<sup>15</sup> UN General Assembly, *Convention on the Rights of Persons with Disabilities*, Article 2

<sup>16</sup> *Academic Ableism*, p. 7

<sup>17</sup> *Ibid.*, 11

<sup>18</sup> UN General Assembly, *Universal Declaration of Human Rights*, Article 26 para. 1 and 2

Conventions from the UN, but they are not useless. International human rights standards provide guidance on how to fulfill the responsibility of providing education for SWDs and inform educational practices and policies for IHEs in the U.S.

The main parts of this thesis will be to research

- 1) the definitions and legal frameworks surrounding PWDs and the HRE
- 2) lack of accessible learning prior to the pandemic
- 3) types of accommodations, adaptations, or modifications made available during the height of the pandemic, looking at practices from Fall 2020 – Spring 2022
- 4) types of accommodations, adaptations, or modifications that can and should be retained as possible strategies to promote the HRE in a “post-pandemic” world for disabled learners.

Institutions are capable of utilizing new technology to develop more accessible educational environments and instituting adaptations for all students. What adaptations were implemented within the IHEs during the height of the pandemic? Of these alterations, which adaptations possess the greatest potential to become standard practice in everyday curriculum to promote equity and uphold a human right for students with disabilities? By following a guiding principle of accessibility and inclusivity, implementation of these have the potential to bridge gaps of inequity in education and uphold the HRE.

## Literature Review

*Disabilities Defined and Their Use*



It is important to begin with an understanding of how impairments and disabilities are defined, viewed, and treated to learn and identify effects on existing and possible solutions to barriers that SWDs face. In *Disability: Functional Diversity*, Merrick defines disability as being transient, creating space for disabilities to be partial or permanent, and a mental or physical illness/condition.<sup>19</sup> In “Transness as Debility: Rethinking Intersections between Trans and Disabled Embodiments,” Baril clarifies this by including that, while disabilities can be unique and individual, a broad definition of disability is someone with a physical, mental, psychological, or emotional impairment or health condition.<sup>20</sup> These impairments can be both visible or invisible and/or chronic or intermittent and can interfere with varying aspects of one's life.<sup>21</sup> These forms of discrimination are further explored in Brown’s “Ableist Shame and Disruptive Bodies: Survivorship at the Intersection of Queer, Trans, and Disabled Existence.” Brown provides context about how the social categorization of disability is used in the designation of some as “unworthy,” “less than,” or “of little value.” This stems from the rhetoric about the disability community, or any other non-normative person or identity, being defective in their capacity/function or not being quality members of society.<sup>22</sup> Discriminatory sentiments about PWDs and other minorities being deficient may have shifted over time, but the general results remain. Society treats and depicts PWDs as lesser than non-disabled people and views them as less likely to contribute in the same manner.

To understand inequity and inequality surrounding PWDs, Rieser proposes that people can experience disability through the maintained practice of disablement from society, in their article “Disability Equality: The last civil right?” The concept of disablement becomes key,

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<sup>19</sup> Merrick, *Disability: Functional Diversity*.

<sup>20</sup> Baril, “Transness as Debility: Rethinking Intersections between Trans and Disabled Embodiments.”

<sup>21</sup> *Ibid.*, 111

<sup>22</sup> Brown, “Ableist Shame and Disruptive Bodies.”

looking at exclusions and disadvantages of PWDs as a result of societal and environmental obstacles constructed and stemming from human-caused preventable issues, such as poverty or hunger, instead of focusing on a person's individual disability.<sup>23</sup> The issues that result from disablement do not need to remain that way. Rieser further emphasizes the need to include the impact of the global pandemic and its effect on education and PWDs. This demonstrates the violation of the HRE and how it is not understood or respected.<sup>24</sup> In “The Sociology of Disability and the Struggle for Inclusive Education,” Allan claims that the evolution of disablement and repairs is used as an excuse to avoid reflecting on structural functions of societies and systems. Allan also argues that disability is produced from environmental, structural, and attitudinal barriers.<sup>25</sup> This is important because understanding some causes of disability guides people to understand not only the creation of societal structures but reasoning behind a lack of change. Allan continues to say that a lack of representation and awareness stems from the erasure of PWDs.<sup>26</sup> Even the UN Committee on the Rights of Persons with Disabilities has shared that PWDs are often perceived as naturally vulnerable or hindered but societal attitudes, environmental factors, and educational barriers contribute to putting PWDs in vulnerable situations.<sup>27</sup>

Ableism has permeated all aspects of life, such as everyday language or classes offered in IHEs and has become a cultural norm through various forms of attitudinal and societal barriers and rhetoric that is taught and spread.<sup>28</sup> It values PWDs as inferior and perpetuates the notion

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<sup>23</sup> Rieser, “Disability Equality.”

<sup>24</sup> Ibid., 208

<sup>25</sup> Allan, “The Sociology of Disability and the Struggle for Inclusive Education.”

<sup>26</sup> Ibid., 603

<sup>27</sup> Sayce, “The Forgotten Crisis: Exploring the Disproportionate Impact of the Pandemic on Disabled People – The Health Foundation.”

<sup>28</sup> Cherney, “The Rhetoric of Ableism.”

that non-disabled people are “normal” and, therefore, superior.<sup>29</sup> Just as disability is woven into all aspects of society so too has A&D infiltrated every type of marginalization and at the junctures of oppression where one's multiple identities intersect.<sup>30</sup>

In fact, disabling ableism begins with exploring the medical and social models of disability to address systemic changes. The social model of disability clarifies that disability is not just an individual problem but a result of “oppressive social perceptions and arrangements.”<sup>31</sup> In “Social and Medical Models of Disability and Mental Health,” Hogan further explains that disadvantages often seen as a result of disability can actually be caused by societal structures and systemic barriers whereas the medical model of disability determines that disability is a result of one's personal impairment, a medical or biological issue that people are disabled by.<sup>32</sup> Being disabled by one's own impairment is different from being disabled by socially constructed barriers. In fact, there is an important distinction between impairment and disability. An impairment is the specific loss of or inability to do something because of a condition, whereas a disability is any type of restriction or lack of ability that comes from one's inability or impairment to do something.<sup>33</sup>

Before the pandemic, the medical model informed much of the information about disabilities, however, it was during the pandemic that non-disabled people were forced into a social model instead. The pandemic allowed non-disabled people to experience being disabled by the systems they designed. In response to their new disability, innovation was required to make education accessible and non-disabled people, who previously did not have to think about

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<sup>29</sup> Ibid., 163

<sup>30</sup> Invalid, “Skin, Tooth, and Bone – The Basis of Movement Is Our People.”

<sup>31</sup> “Social and Medical Models of Disability and Mental Health.”

<sup>32</sup> Ibid.

<sup>33</sup> “UN Enable : First 50 Years : Chapter II – What Is a Disability?”

accessibility on an everyday basis, were prompted to actually question and push back against the antiquated societal structures they created. In “The Forgotten Crisis: Exploring the Disproportionate Impact of the Pandemic on Disabled People – The Health Foundation,” Sayce speaks on how PWDs being disproportionately impacted was an issue prior to and during the pandemic. Many SWDs and their families faced more challenges than their peers by the lack of face-to-face schooling and by the inaccessible remote learning methods and options available.<sup>34</sup> This reinforces the continuous practice of disablement. Even today, in many universities, there is an emphasis on the medical model of disability, such as requiring students who are registering with their DSD to provide validation through medical documentation before considering adaptations to the students’ requested needs. Balancing these two models is necessary when structuring programs, curricula, extracurriculars, and/or ways to aid PWDs to fully participate in society, which can include fulfilling one’s educational goals.

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<sup>34</sup> Ibid.

*The Human Right to Education*

In the U.S., there are several legal measures created with the intention of enhancing disability rights. In “Legal Aspects of Accessibility in Higher Education and the ADA,” Burke describes this civil rights legislation to address discrimination against PWDs, requiring assurance to physical access and the right to not be excluded from programming and services, even if there is no requirement for physical access to every building.<sup>35</sup> The ADA and Section 504 do not require changes to academic criteria but rather demand that schools provide reasonable accommodations for SWDs and grant them equitable opportunities. These various laws required IHEs to provide standard accommodations/adaptations, support services for SWDs, and aim to create a more equitable educational experience for PWDs.<sup>36</sup> However, there are loopholes that allow institutions to sidestep the regulations, for example the belief that old buildings are grandfathered in from ADA compliance, thereby maintaining and/or creating inequitable access for SWDs.<sup>37</sup> Cui reaffirms this in “The Rights to Inclusive Education in International Human Rights Law,” where they share that some of the issues that still need to be addressed include societal attitudes that perpetuate stigma and shame for students who need assistance in some form of disability accommodation.<sup>38</sup> Additionally, there is miseducation surrounding who qualifies for adjustments and programs designed to support those who need them.<sup>39</sup> Barriers to equitable access, accommodations in educational materials, and inclusive campus environments

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<sup>35</sup> Burke, “Legal Aspects of Accessibility in Higher Education and the ADA.”, p. 6, 12

<sup>36</sup> Rothstein, “Disability Law and Higher Education: A Road Map for Where We’ve Been and Where We May Be Heading.”

<sup>37</sup> Potter, “The Americans with Disabilities Act: Who Pays for Loopholes in the ADA? A Look at the Responsibility of Successive Owners for Properties Built in Violation of the ADA.”

<sup>38</sup> Cui, “The Rights to Inclusive Education in International Human Rights Law.”

<sup>39</sup> Zhou, “Disabilities in Higher Education.”

create an imbalance and disadvantages SWDs.<sup>40</sup> Some SWDs do not have a physical or outward presentation of their disabilities, therefore accommodations can be more challenging to justify and find acceptable. To address expressed concerns by students with invisible disabilities, the ADA provides accommodations to those with medically validated disabilities, regardless of its presentations.<sup>41</sup>

The Individuals with Disabilities Education Act (IDEA) of 1990 and 2004 aimed to provide further access to K-12 education and paved the pathway towards HE by normalizing the education of SWDs and increasing high school graduation rates.<sup>42</sup> The Higher Education Opportunity Act of 2008 also created new opportunities for individuals with intellectual and developmental disabilities to access education.<sup>43</sup> Overall, there are various legal frameworks that exist in the U.S., but considerable gaps need to be addressed, such as defining disability, what constitutes a reasonable accommodation, promoting inclusiveness, and addressing barriers that impair PWDs.<sup>44</sup> While current national legislation is insufficient, reference to the UN and their documents can inform advancements for disability justice in education.

In the UDHR, Article 26 proclaims that the right to education is aimed at the development of everyone with the goal of strengthening respect for the rights and freedoms of all people.<sup>45</sup> Article 13 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) and its corresponding General Comment No. 13 emphasize the full development of students. HE should be equally accessible to all and not discriminate against students based on

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<sup>40</sup> Ibid., 126, 129

<sup>41</sup> Greenberg, *Overview of Disability Law for Higher Education*; Ibid., 2-3

<sup>42</sup> “How IDEA Opened the Door to Access to Higher Education.”

<sup>43</sup> Ibid.

<sup>44</sup> “Disabilities in Higher Education.”

<sup>45</sup> *Universal Declaration of Human Rights*, Article 26 para. 1 and 2

various identities they may hold, including disabilities.<sup>46</sup> Article 24 of the Convention on the Rights of Persons with Disabilities (CRPD), the first global recognition of the right to IE for the PWDs, defines that the rights afforded to SWDs include an IE without discrimination and calls for reasonable accommodations with proper support services.<sup>47</sup> The ADA defines reasonable accommodations as any modification or adjustment to the environment which would enable the PWD to participate as their non-disabled counterpart would.<sup>48</sup> In comparison, the CRPD defines reasonable accommodations as a necessary and appropriate modification and/or adjustments to ensure that PWDs are able to enjoy and exercise their rights on an equal basis for all HR and fundamental freedoms.<sup>49</sup> To advance disability justice in the education sector, and therefore the disability community as a whole, the U.S. should align their definitions to international standards which are more inclusive.

Non-discrimination in education is valued so highly that it can be seen in each of these documents. In specific regard to HE, the UDHR asserts that access should be based on the students' capabilities and their potential in completing their education, independent of their identities or background, like gender identity, race, social class, or ability. In addition to this,

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<sup>46</sup> UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, Article 13 para. 1 and 2(c); UN Committee on Economic, Social and Cultural Rights (CESCR), *General Comment No. 13: The Right to Education (Art. 13 of the Covenant)*, Article 13(2) para. 6(b)

<sup>47</sup> Heyer, "What Is a Human Right to Inclusive Education?"; *Convention on the Rights of Persons with Disabilities*, Article 24. States are required to recognize rights, ensure inclusive education for all levels, and work towards the promotion of dignity and self-worth, development of the person's fullest potential, and participation in society; asserts the obligation to safeguard against the exclusion based on someone's disability and proclaims that general education systems are required to provide supportive environments that work towards the development of the whole person with the goal of full inclusion in mind; ways to facilitate and maximize full and equal participation in academic and social development through the use of alternative modes, means, and formats of communication (such as Braille, sign language, or alternative script to accommodate for the barriers that the deaf, blind, and deafblind students can face); the employment of teachers equipped and qualified in sign language and/or Braille and training new faculty members who would work with students with disabilities; lastly that general tertiary education, vocational training, and adult education should also be accessible for students with disabilities; this article also declares the right to inclusive education, with a special aim at the removal of barriers which would bar participation in society.

<sup>48</sup> "What Is a 'Reasonable Accommodation'?"

<sup>49</sup> *Convention on the Rights of Persons with Disabilities*, Article 24.

General Comment No. 20 of the ICESCR broadly defines discrimination as “...any distinction, exclusion, restriction, or preference based on prohibited grounds that nullify or impair the exercise of these rights,” thereby expanding the definition to be discrimination based on a person's disability(ies).<sup>50</sup> Further, it references General Comment No. 5, Persons with Disabilities, which affirms that discrimination includes denying a person reasonable accommodations, specifically on the grounds of disability.<sup>51</sup>

General Comment No. 5 centers A&D, which is a worldwide problem. It is inadequate to concentrate efforts on the elimination of formal discrimination. True abolition of A&D requires addressing substantive discrimination in all its forms, which are generally based on historical prejudices. Discrimination can come in both subtle and overt forms, like segregation or physical and social isolation.<sup>52</sup> Paragraph 15 defines disability-based discrimination as:

any distinction, exclusion, restriction or preference, or denial of reasonable accommodation based on disability which has the effect of nullifying or impairing the recognition, enjoyment or exercise of economic, social or cultural rights. Through neglect, ignorance, prejudice and false assumptions, as well as through exclusion, distinction or separation, persons with disabilities have very often been prevented from exercising their economic, social or cultural rights on an equal basis with persons without disabilities. The effects of disability-based discrimination have been particularly severe in the fields of education, employment, housing, transport, cultural life, and access to public places and services.<sup>53</sup>

Similar to the ICESCR's General Comment No. 20, Article 5 on Equality and Non-Discrimination in the CRPD focuses on how States are required to prohibit all forms of discrimination, promote equality, eliminate existing discriminations, and take all appropriate

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<sup>50</sup> UN General Assembly, *General Comment No. 20 on Non-discrimination in economic, social and cultural rights*, para. 7, 28

<sup>51</sup> UN General Assembly, *General Comment No. 5 on Persons with Disabilities*, para. 15

<sup>52</sup> *Ibid.*

<sup>53</sup> *Ibid.*



measures to provide reasonable accommodations.<sup>54</sup> States are called to ensure IE, which can be attained by providing reasonable accommodations and developing new and inclusive settings. Repercussions of exclusivity can be dismantled by actively working towards inclusivity.

Accessibility plays a vital role in the right to education and non-discrimination. The UDHR clearly states that HE should be equally accessible to all on the basis of merit.<sup>55</sup> The ICESCR's General Comment No. 13, Paragraph 26 reaffirms General Comment No. 5 paragraph 35 claiming that States have the responsibility of addressing issues SWDs face in educational spaces.<sup>56</sup> While there may be numerous interpretations to consider, this demonstrates that the violation of non-discrimination in educational settings is a violation of the right to education; there is an intersectional impact. Practices that conflict with General Comment No. 5 is, by extension, a conflict with General Comments No. 13 and 20. The CRPD Article 9 on Accessibility also highlights how accessibility can be offered in diverse formats, including the physical environment, information and communication, and other facilities and services that are available to the public. A derivative of this section from the Convention is General Comment No. 2 on Article 9, which discusses problems of not having accessible transportation, building, information and communication, and accommodations for PWDs seeking their education. As a result, the modes and means of schools are required to be accessible to guarantee equality.

### *Tensions Uncovered: Challenges to Accessible Education*

This foundational understanding of disabilities and A&D is necessary when deconstructing barriers. Pre-pandemic accommodations were informed by prioritizing the

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<sup>54</sup> UN General Assembly, *Convention on the Rights of Persons with Disabilities*, Article 5

<sup>55</sup> UN General Assembly, *Universal Declaration of Human Rights*, Article 26 para. 1

<sup>56</sup> *Ibid.*, para. 36

medical model exemplified by the overzealous demand of external justifications for reasonable accommodations. In “Telework during COVID-19: exposing ableism in U.S. higher education,” Ocean describes the most common challenge created for PWDs was being denied reasonable accommodations for telework and for flexibility in classroom attendance.<sup>57</sup> This is not a new experience. These resounding “no’s” illuminate who society deems as worthy or valuable enough to have access to working and education. In response to the pandemic, universities illustrated their capabilities of implementing new methods to amplify and promote accessible education for the general population. “We could not grant *accommodations* for individuals with dis/abilities, but we can complete an overhaul of the system for people without dis/abilities.”<sup>58</sup> This overhaul demonstrates the ability to enact adaptations and accommodations into standardized practices, which augments support for underrepresented students.

The pandemic revealed that accommodations and changes are possible. Innovative alternative methods of access can be implemented within a matter of weeks.<sup>59</sup> Ableist and disablist policies and procedures in IHEs were suspended during the pandemic and do not need to be reinstated. In “A Sociology of Special and Inclusive Education: Insights from the UK, US, Germany, and Finland,” Tomlinson discusses the history of A&D in the classroom and how the COVID-19 pandemic highlighted the inequity for PWDs. They argue that mass education systems were never designed to support all people equally and the problems are evident in the unequal education for students of color or with disabilities.<sup>60</sup> Tomlinson’s findings are validated by the discoveries of Sharma and Alvi in “Evaluating Pre and Post COVID 19 Learning: An

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<sup>57</sup> *Convention on the Rights of Persons with Disabilities*, Article 2; Ocean, “Telework during COVID-19: exposing ableism in U.S. higher education.”

<sup>58</sup> *Ibid.*, 1546

<sup>59</sup> *Ibid.*, Abstract

<sup>60</sup> Tomlinson, “A Sociology of Special and Inclusive Education.”

Empirical Study of Learners' Perception in Higher Education.” In this article, Sharma and Alvi studied students' perception of HE pre and post COVID-19 and determined that blending e-learning methods allowed more flexibility and accessibility and was preferred over web-assisted e-learning. They concluded that students want to have an accessible education.<sup>61</sup> They suggest that future endeavors to make education more accessible should focus on the development and improvement of education during times of emergency.<sup>62</sup> This research is important because it represents students' perceptions about adaptations created to enhance education accessibility. Yet Sharma and Alvi do not delve into specific policies and practices incorporated during the pandemic nor offer suggestions of specific methods to standardize moving forward, which is a pivotal point this thesis aims to address.

Those who are already marginalized were segregated further by the COVID-19 restrictions and inaccessible and exclusive measures only intensified those issues.<sup>63</sup> In “Disability During a Pandemic: Student Reflections on Risk, Inequity, and Opportunity,” Twardzik, Williams, and Meshesha researched the hypocrisy demonstrated during the height of the pandemic. It was because of the pandemic that many people were able to witness and experience societal limitations which were aggravated by it. As a result, remote options, which had already been “championed by people with disabilities,” became the norm for facilitating work and education for the general population.<sup>64</sup> These were approaches learned out of necessity, but skills can be developed and championed by all to achieve accessibility, inclusivity, and equity in education. In “Reimagining Student-Centered Learning,” scholars Chen, Hughes, and

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<sup>61</sup> Sharma and Alvi, “Evaluating Pre and Post COVID 19 Learning: An Empirical Study of Learners' Perception in Higher Education.”

<sup>62</sup> Ibid., 7028

<sup>63</sup> Tomlinson, “A Sociology of Special and Inclusive Education.”

<sup>64</sup> Twardzik, Williams, and Meshesha, “Disability During a Pandemic.”

Ranade defend that accessibility should be treated as a necessary component of education rather than a feasible possibility.<sup>65</sup> Accessibility is a necessity to uphold the HRE but also to pursue social and disability justice. Gaining access is a continuous struggle PWDs face with non-disabled people who hold positions of power.<sup>66</sup>

### *Moving Forward with the Implementation of Accessibility*

Identifying barriers and strategizing alternative pathways for inclusivity is only part of the equation. Application to real-world environments is another. Implementing new methodologies can be informed through the goals of IE to support all learners, as examined by Mahlo and Makoelle in “Defining Inclusive Education, Inclusive Teaching and Inclusive Classrooms.” Mahlo and Makoelle define IE as the elimination of barriers to learning for all learners to ensure their success in academics and life and promote non-discrimination and equal participation.<sup>67</sup> IE is not just about learning in an academic setting but recognizes learning as a lifelong process.<sup>68</sup> Furthermore, IE is not limited to SWDs but can be extended to all people regardless of their ability to allow for an equal, equitable, and nondiscriminatory education.<sup>69</sup> IE informs this thesis because it defines, informs, and guides future practices of inclusive learning, teaching, and policy making to create accessibility and inclusivity for all.

Peters describes a universal approach to IE in “Caring Classrooms in Crisis: COVID-19, Interest Convergence, and Universal Design for Learning,” highlighting Universal Design for Learning (UDL) and Culturally Sustaining Pedagogy (CSP). UDL anticipates a need for

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<sup>65</sup> Chen, Hughes, and Ranade, “Reimagining Student-Centered Learning.”

<sup>66</sup> Ocean, “Telework during COVID-19.”

<sup>67</sup> Mahlo and Makoelle, “Defining Inclusive Education, Inclusive Teaching and Inclusive Classrooms.”

<sup>68</sup> Ibid., 10

<sup>69</sup> Ibid., 7

accessibility and makes changes proactively rather than retroactively.<sup>70</sup> CSP is a strengths-based instructional approach that focuses on addressing differences in classrooms; it challenges the notion that cultural differences are a deficit and addresses these differences as something to be uplifted rather than changed.<sup>71</sup> A combined use of UDL and CSP re-centers marginalized students and addresses their diverse needs. Together, these strategies recognize the individuality of disability as well as the potential for chronic unpredictability students may endure due to medical conditions that fluctuate in severity or stability. These strategies put into action flexibility which allow people to adapt.

The needs of the majority non-disabled population were affected enough by the pandemic that change was produced. Strategies championed by the disability community prior to the pandemic became a new standardized use implemented for the general student population. These changes included alterations to university policies and practices for educational access and the use of alternative methodologies/modalities, such as Zoom, asynchronous learning, and digital platforms.<sup>72</sup> A&D is a prolific problem at all academic levels and requires an accessible inclusive education plan. Changes in universities are necessary to create as many accessible options as possible for all people.

In addition to these findings, in “Exploring Inclusive Pedagogy,” authors Florian and Clack-Hawkins highlight that the aspiration for IE is not just called for by students. Teachers have the desire to practice IE but also recognize there is no singular approach to inclusivity, reiterating the need for adaptability and flexibility in educational curriculum and methodologies.<sup>73</sup> Overall, a more extensive dialogue between SWDs and policy and practice

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<sup>70</sup> Peters, “Caring Classrooms in Crisis.”

<sup>71</sup> Ibid.

<sup>72</sup> Ibid.

<sup>73</sup> Florian and Clack-Hawkins, “Exploring Inclusive Pedagogy.”

makers is needed to define and implement effective change in the education system and classrooms, such as supply kits for students and attendance requirement alterations.

According to McGlynn and Kelly in “Adaptations, Modifications, and Accommodations,” the definition of a modification is fundamentally adjusting the methods and curriculum design to accommodate a student’s learning needs.<sup>74</sup> These modifications may include adjustments to what the student is learning, the content and skills required for completion, the learning environment, equipment and technology availability, or the method in which the student executes their assignments. “Accommodation” is often used interchangeably with “adaptation” but the Idaho Department of Education emphasizes a distinction between them; an “accommodation” is limited to changes to the curriculum, but an “adaptation” includes changes to the multifaceted educational requirements.<sup>75</sup> Furthermore, the University of Wisconsin-Madison emphasizes the difference between accommodation and accessibility, a proactive approach meant to remove barriers to designing services and creating environments for all, and accommodations as a reactive measure, intended to eliminate barriers upon request caused by inaccessibility to ensure equal access for PWDs.<sup>76</sup> These are important clarifications because they can instruct how and where adaptations should be made.

To confront concerns expressed by many SWDs and allies regarding inequities, Ainscow’s article “Inclusion and Equity in Education: Responding to a Global Challenge,” develops and provides guidance on solutions through a 5-factor framework to promote inclusion and equity in education. These 5 factors are:

#### 1) inclusion and equity as principles

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<sup>74</sup> McGlynn and Kelly, “Adaptations, Modifications, and Accommodations.”

<sup>75</sup> Idaho Department of Education, “Accommodations vs Adaptations Quick Guide.”

<sup>76</sup> “Accessibility Vs. Accommodation.”

- 2) use of evidence
- 3) school development
- 4) involving the wider community
- 5) involving education departments<sup>77</sup>

This framework should be used by educators because it aims to shift solutions from focusing on what learners lack (medical model) to addressing contextual barriers that hinder the participation and progress of learners (social model).<sup>78</sup>

Another framework currently underutilized is the 4-A Framework from the ICESCR General Comment No. 13 on the Right to Education. It highlights “...the right to education but also respect for human rights in education and enhancing human rights through education.”<sup>79</sup> De Beco describes the four components to be:

- 1) availability is about the availability of schools, infrastructure, and teaching materials
- 2) accessibility is regarding the obstacles in place which makes education for vulnerable
- 3) acceptability focuses on the content of education
- 4) adaptability is specifically about the needs of the particular groups of learners<sup>80</sup>

All four factors of this framework outline necessary steps that can and should be taken to create a more equitable environment, a more comprehensive educational curriculum, and more achievable educational goals. Providing flexible and adaptable access to education for PWDs, expands educational outreach.

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<sup>77</sup> Ainscow, “Inclusion and Equity in Education: Responding to a Global Challenge.”

<sup>78</sup> Ibid., 77

<sup>79</sup> De Beco, *The Right to Inclusive Education according to Article 24*.

<sup>80</sup> Ibid., p. 267

Unfortunately, there is no single method or model that showcases every way to be inclusive. According to Meda and Albukhari in “A Nested Approach to Supporting Special Education Need and Disabled Students in Online Learning,” inclusivity requires the collaboration of the wider community to create and achieve the goal of more inclusive environments.<sup>81</sup> The nested approach in education explores the collaborative effect of various systems' impact on students.<sup>82</sup> Combining the nested approach with the social model has the potential to alter the application of accessible and inclusive education for PWDs. The nested approach could also be conjoined with the cultural model of disability, influencing teaching practices to include disability culture and accessibility as “normal.”

A persistent theme about IE is its relevance to all people, not just marginalized groups. In “The Universal Value of Teacher Education for Inclusive Education,” Florian describes the dangers of creating a one-track “universal approach.” Potential discrepancies for the diverse and unique needs of each SWD can unintentionally have a negative impact on how inclusivity is enacted overall and should be used with caution to prevent potential deviations in treatment of students.<sup>83</sup> One medical disability can present differently from patient to patient, as well as differ in severity and chronicity. Therefore, when conceptualizing, designing, and legislating an IE, it should be anticipated that solutions will also be wide-ranging and numerous. IE calls for the removal of all barriers for students meaning any student can access the resources and support needed for the successful completion of their education.

McConlogue also attempts to address concerns about the development of IE and its impact on a universal approach in “Developing Inclusive Curriculum and Assessment Practices.”

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<sup>81</sup> Meda and Albukhari, “A Nested Approach to Supporting Special Education Need and Disabled Students in Online Learning.”

<sup>82</sup> Ibid., 9

<sup>83</sup> Florian, “The Universal Value of Teacher Education for Inclusive Education.”



They discuss the requirement of inclusivity for a comprehensive reframing of staff and institutions for marginalized students. A re-conceptualization of an educational program can be innovative and achieved through an open dialogue and collaboration with the students themselves.<sup>84</sup>

This thesis explores problems that PWDs face in U.S. HE systems, but there are no direct and specific actions that solve all issues of accommodation or adaptation in education. Although methods have evolved over time, there is still potential in the movement towards equality and equity. This thesis aims to delve further into potential improvements that may promote equality and equity for PWDs. Research about specific measures during the height of the pandemic in IHEs were obtained through various websites and communications. The process from inquiry to data collection is described below.

## Methodology

For some PWDs, the transition to online platforms was a welcome solution for their disability challenges.<sup>85</sup> The hurdles SWDs faced by required in-person attendance, hard copy textbooks, or densely populated environments risked not just their educational goals, but sometimes their lives. The pandemic exposed the general population to what many PWDs face every day: a dangerous physical environment that could be fatal to their education and their lives. To understand what SWDs need as a standard practice, it must be understood what was implemented and rolled back.<sup>86</sup> The summary of research prompts includes “What adaptations

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<sup>84</sup> McConlogue, “Developing Inclusive Curriculum and Assessment Practices.”

<sup>85</sup> Saia, Nerlich, and Johnston, “Why Not the ‘New Flexible’?”

<sup>86</sup> Although a universal approach does not solve all issues for every disability, a standard approach or strategy creates a foundational base to build upon.

were implemented within the IHEs during the height of the pandemic? Of these alterations, which adaptations possess the greatest potential to become standard practice in everyday curriculum to promote equity and uphold a human right for students with disabilities?” The research presented here sought to understand central themes in the provisions and accommodations offered to the traditional student population during the pandemic and which of these solutions could become standard strategies to empower SWDs in perpetuity. Raising the minimum standard of accessibility and implementation has the potential to elevate the average rate of success, mitigate inequality in education, and uphold the values of and execute the HRE.

To analyze the collected data, the chosen methodology administered was Discourse Analysis (DA). Mogasha, in “Understanding Critical Discourse Analysis in Qualitative Research,” explains that DA aims to understand social issues and practices, navigate the causes and consequences, whether good or bad, of those issues and offer an explanation of how/why social practices are created, changed, and transformed.<sup>87</sup> Overall, use of DA promotes the comprehension of the information sent and received in various formats.<sup>88</sup> Because COVID-19 was such a novelty, there was no clear-cut research, arguments, or solutions to reference. Additionally, how SWDs are defined and identified are as variable as the solutions offered to accommodate them. The research explored issues regarding accessibility and IE that originated from participating universities DSDs.

DA was utilized to delve further into the types of practices implemented in IHEs because of the flexibility it provided when interpreting nuanced responses from universities. To understand the social issues and the impact of COVID-19 on SWDs, the research goals were to

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<sup>87</sup> Mogashoa, “Understanding Critical Discourse Analysis in Qualitative Research.”

<sup>88</sup> Ibid., 105

identify changes in policies and practices that were widely implemented for the general student population. The research also sought to identify which accommodations for SWDs were lacking and which could become standardized to expand social rights. The effects of COVID-19 were expansive inaccessibility for general HE students; however, the introduction of virtual educational delivery positively impacted some SWDs. The analysis included IHE outreach via emailed invitation, data collection, categorization of responses, and implications affecting SWDs.

### *Phase I: Outreach*

Phase I of this research commenced with the identification of the top 100 ranked universities of 2024, according to the U.S. News & World Report.<sup>89</sup> Emails to University DSD directors/representatives inquired about policies and practices used and created during the pandemic and invited them to respond to requests over a 4-week time frame. I originally requested copies of archived and current policies that referred to accommodations during and after the height of the pandemic (Spring 2020 to Spring 2022). I wanted to explore possible long-term solutions for SWD accessibility that resulted from those adaptations. However, a cursory review of the responses collected identified numerous implementations that were never formally adopted. The collected data would also imply practices and policies that were and were not established prior to the time of study.

After initial contact, each director/representative received up to four follow up emails depending on the nature of their response. Some directors/representatives replied promptly to the original email while others responded after several attempts. To maintain an unbiased data

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<sup>89</sup> “Best National University Rankings.”

collection, replies were constrained to a time limit, however this limit also impacted the number of responses received. After a four-week period, no other communications were sent. All requests contained the same inquiries regarding the accommodation policies in place prior to the pandemic, policies enacted in response to the pandemic, and about retention of those changes following the height of the pandemic. The universities that provided responses were all located within the contiguous United States and ranged in student population and demographics. Their policies and practices prior to and during the pandemic were reviewed and compared to identify trends in specific accommodations that students had access to.

### *Phase II: Data Collection*

Some IHEs offered various websites containing their respective university and department policies. Of these universities, only one had their own archive of updates to directives and strategies published on their website ranging back to the height of the pandemic. Other universities had to be researched using the online archive, the Wayback Machine, and/or Google to review published information at varying times. Some of the published resources were guidelines for conducting online classes, a COVID-19 case tracker for the university, and university presidents' updates for the campus. Using these resources, I accessed some former policies and guidelines on practices which provided information about areas of change and growth in the IHEs. Once the data was collected, I went through the process of applying DA to determine some of the changes that occurred in policies and practices.

*Phase III: Analysis*

Once the information was gathered from the various resources, the relevant data was organized into a spreadsheet and mined for recurring responses and trending practices. The details were also qualified into a variety of categories meant to identify which universities paralleled each other. There were twenty-five categories that could apply to each university, four of which were related to their identity, six categories qualifying “General Alterations,” fourteen categories related to “Specific Alterations,” and one category regarding “(Adaptations) Rolled Back Alterations.”<sup>90</sup> Once the categories were designed, the reviewed materials and resources received were classified into the various categories and then quantified to identify the most common trends. The intention was to track familiar themes in areas of technology, course delivery, and course assessments, and to reveal which implementations could be retained to bolster support to the overall student learning environment, particularly as it relates to SWDs.

*Limitations*

While DA has certain advantages, such as understanding nuance and pattern recognition, there are some limitations that present themselves in this chosen method. For example, the research completed, while beneficial, is limited to universities who elected to respond, but is not a comprehensive reflection of all the IHEs of the U.S., nor all the adaptations developed and enforced across the nation. All data collected was limited to what was explicitly reported; if a participating university implemented an accommodation but did not report it, they were not

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<sup>90</sup> Categories were developed to correspond with all university responses, regardless of the recurrence.

factored into the categories. The results, therefore, should not be accepted as the only statistics and results that exist on this subject matter.

One of the more challenging limitations that comes from this type of research is subjectivity. The interpretation of the responses is subjective to the person parsing through them, qualifying them, and deducing meaningful conclusions from them. The twenty categories about methods of modifications/adaptations used, excluding location, size, cost of attendance, private and public status, and semester of rollbacks, were subjective to a singular interpretation and, therefore, conclusions are subjectively biased. As a researcher, two biases that affect my perception of the results include my limited knowledge of all possible definitions of disability qualifications as well as every possible accommodation available to SWDs. This does not mean that the results presented are invalid, but rather that there is room for additional research to better formulate a more inclusive educational environment.

Another example is the unbalanced private to public ratio of the participating universities. In total, there were thirteen private and eleven public universities. To mitigate this disproportion, strict adherence to data collection parameters were observed. The universities all received the same formatted invitation as well as timeline to accept it. Participation in the project was voluntary, therefore equal representation of both types of universities was not possible without deviation from collection parameters. Additionally, access to policies and procedures varied from university to university and access to archived documents was extremely limited. This implies the possibility that once universities dismantled their COVID-19 programs and protocols, the policies and procedures during the pandemic were archived or are internal documents unavailable for public access and review. While one university openly shared this information on their website, making their own digital archive accessible to the public, however, this was not the

case for any other university that responded. To combat this lack of available documentation, research was conducted using online platforms and the Wayback Machine but even then, some universities did not have comprehensive information available during the time frame of study, Fall 2020 – Spring 2022.<sup>91</sup>

## Findings

Though many educational systems recognized the potential for learning loss, HE systems struggled with creating a sufficient online program.<sup>92</sup> Now that the world is reverting to pre-pandemic routines, some in the disability community are hoping that elements of the widely used disability accommodations the world pivoted into during their time of need can be retained to empower today's SWDs.<sup>93</sup> The collected data gathered from participating universities was used to inform and identify possible solutions. They indicate promising techniques to address challenges in promoting accessibility. These can come in the form of changes to practices, changes in policies, and other solutions that focus efforts on new resources for both students and faculty.

Tracking numerous changes to practices, policies, and other solutions resulted in various responses and trends. All responses from the participating universities were aggregated into attributes such as whether universities are public or private, student population, average cost of attendance, and geographic locations within the U.S. In addition to these, there were a total of

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<sup>91</sup> This thesis did not research the digital divide of universities shifting their accommodations, such as offering laptop loans or altering technology procedures, to support those who come from economically diverse student populations.

<sup>92</sup> Pier et al., "PACE – COVID-19 and the Educational Equity Crisis."

<sup>93</sup> Saia, Nerlich, and Johnston, "Why Not the 'New Flexible'?"

twenty categories regarding the types of modifications/adaptations that were implemented, they include:

- Alternative Housing
- Assistive Technology
- (No) DSD Policy Changes
- External Documentation Alterations
- Flexibility After Rollbacks
- Increase in Remote Accommodation Requests
- Internet Resources
- Prohibition of Online Accommodations After the Pandemic
- Prohibition of Online Accommodations Before the Pandemic
- Practice Changes
- Recording
- Remote Accommodations Before the Pandemic
- Remote/Asynchronous Learning Options
- (Adaptations) Rolled Back Institutionally
- Supply Kits/Course Equipment
- Teaching Guides
- Temporary Changes
- Testing Alterations
- University Wide Changes
- Virtual Student Meetings for DSD

Aside from the university classifications, geographic location, tuition rates, student population size, and DSD and classroom practices – another important subject is the timeline in which universities returned to in-person learning (IPL). The two most significant points of return to IPL occurred between Fall 2020 and the Fall 2021. In the Fall 2020 term, ten universities pushed for IPL and in Fall 2021 nearly all of them returned to in person. Private Universities A and B permitted half of their student population to have IPL during the Fall 2020 semester and then alternate with the other half to return to IPL for Spring 2021.<sup>94</sup> Public University A required half of their population to return to IPL, while requiring the other half to remain remote during the 2020/21 academic year, yet Private University H retained a combination of hybrid (remote and in person) attendance as well as complete in person attendance during the 2020/21 academic year. For the 2020/21 academic year, there were a total of eleven universities that reverted to

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<sup>94</sup> At the initial point of request, I guaranteed no university would be named for my thesis. To adhere to this, I chose to use a lettering system, which does not indicate any type of ranking, to organize universities.



IPL, in Fall 2020 seven universities returned to IPL, Public University I returned to IPL at the start of Spring 2021, and Private Universities A and B and Public University A did a transition over both semesters. Public University A had a partial return over the 2020/21 academic year and officiated the complete return to IPL in 2021/22. For the 2021/22 academic year, fourteen universities returned to IPL; eleven universities returned in Fall of 2021, Private University K tried to do a full return in the Fall 2021 semester but due to increased rates of COVID-19, returned to remote learning midway through the semester and then went back to IPL in the Spring semester, and Public University B and Private University L did a return in Spring 2022.

Seemingly, the lack of COVID-19 vaccines did not impact the motivation to return to IPL for many private universities. A greater number of private schools transitioned to IPL before the distribution of the vaccine and more public universities began once the vaccine became broadly disseminated.<sup>95</sup> The data shows that more than half of the private universities required students to return to IPL in Fall 2020 before the distribution of the vaccine. This might imply that smaller populations, higher tuition rates, or additional assistive technology and more extensive modifications played a role in deciding the risk factors of returning to IPL compared to their public counterparts.<sup>96</sup> This also might suggest that public universities, more closely regulated by their respective states, were subjected to restrictions that did not apply to private universities. This early return to IPL also meant that many SWDs, like the immunocompromised, were unable to return in the same way to continue their original educational plan without serious risk to their health.

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<sup>95</sup> This does not take into consideration the vaccine requirements that each university enforced once it became available. Universities that returned to IPL in Fall 2020 could not mandate vaccine requirements at that time due to the lack of availability.

<sup>96</sup> Refer to Figure 1 for further information about how the sizing of institutions was measured.

There are multiple government regulations that education systems must abide by to create accessibility. The Individuals with Disabilities Education Act (IDEA) is a federal law in the U.S. that governs how public institutions should design their policies or processes in a way that will assist PWDs who are between the ages of 3-21 years old.<sup>97</sup> Policies that have been enacted to create a standard on education for SWDs, in addition to IDEA, include Section 504 of the Rehabilitation Act of 1973 and the Americans with Disabilities Act (ADA). Section 504 requires access to IHEs for SWDs and prohibits discrimination against SWDs who, in all other respects, are qualified to participate if the institution receives federal funding.<sup>98</sup> The ADA prohibits discrimination on the grounds of disability, if one meets the qualifications for certain positions (for school or work), and applies to both private and public sectors.<sup>99</sup> The various adaptations witnessed during the pandemic were made in compliance with these federal mandates and CDC guidelines.

Adaptations to education that complied with federal regulations and CDC guidelines were enacted across the nation during the pandemic. The Cato Institute discovered that private universities encountered numerous issues during the pandemic which included a decline in enrollment, the risk of financial strain, and lack of adaptations to remote learning. Because of these various challenges, many private schools had quicker returns to IPL compared to public schools.<sup>100</sup> This reflects similar trends noted in private K-12 schools and might explain reasons for such hasty returns to IPL and parallels what is seen with the data collected.<sup>101</sup>

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<sup>97</sup> “Disabilities in Higher Education.”

<sup>98</sup> Greenberg, *Overview of Disability Law for Higher Education*.

<sup>99</sup> *Ibid.*, 2-3

<sup>100</sup> McCluskey, “Private Schooling after a Year of COVID-19: How the Private Sector Has Fared and How to Keep It Healthy.”

<sup>101</sup> *Ibid.*

*Changes to Practices*

Universities created modifications to comply with federal guidelines at the onset of the pandemic. Responding universities identified alterations in practices that included temporary and university-wide changes such as recording lectures and remote/asynchronous learning. Prior to the pandemic, only Public University B offered online accommodations that SWDs could apply for. At the height of the pandemic, seventeen surveyed universities, some with DSDs guidance, used remote and asynchronous learning solutions for the whole student body. Of the seventeen universities, Private University G clarified that remote learning was the only option, asynchronous was not offered. This same university, of approximately 10,500 students, shared that they prioritized practice changes rather than policy changes which implies a desire to remain agile in practice without the bureaucracy of solidifying them into standards. Furthermore, they offered flexibility after the return to IPL, in Fall 2021, and recognized an increase in online accommodation requests made by SWDs to the DSD. This information indicates that they may have offered support to their SWDs through remote learning accommodations prior to the pandemic. However, these accommodations did not become mainstream until the pandemic seemed to affect traditional practices.

Another approach that Private Universities B and G and Public University D enacted, that also became normalized throughout many U.S. IHEs, was the recording of classes for students who could not attend synchronously and was offered for the entire student population. The implementation of Zoom and other virtual meeting spaces became ubiquitous in IHEs during the pandemic, paralleling numerous industries world-wide. This practice was difficult to implement on a large scale due to the requirement of new technology, software installations, and lack of

funding allocations;<sup>102</sup> however, it has become a normalized platform heavily utilized in diverse community spaces. Private University B admitted that prior to the pandemic they did not have online platforms for students but recognized their value during the pandemic. They created no formal DSD changes but reported that this was one of the tools used to preserve flexibility during the transition back to IPL. Public University B used this adaptation and spoke about how, upon the return to IPL, they removed this as an option for students, stating that there would be “no online access” afterward. They also discovered an increased interest from their SWDs to utilize online access once the general alteration was revoked.

In addition to virtual meeting spaces, seventeen universities made asynchronous learning available to their student population. Of the seventeen, three universities, in addition to asynchronous learning, provided recorded lectures and discussions for students who were offline during scheduled class meetings. In contrast, once WHO guidelines about social distancing and other requirements about COVID-19 procedures were changed, these methods were rolled back by one third of the seventeen universities for undivulged reasons. Burke reports how this ability to re-listen to a lecture was something that benefited most learners.<sup>103</sup>

Testing alterations have a history of being used for SWDs, but it was noted that this became a request of all professors campus-wide at seven of the universities. Of the seven, five IHEs used alterations in various reported formats such as remote assessments, take-home tests without a time limit, asking instructors to provide extended time, or providing private/semi-private environments during assessments. Four of the seven universities were public universities. Private University B and Public University F relied heavily on the alterations during the height

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<sup>102</sup> “2017 EDUCAUSE Core Data Service (CDS) Benchmarking Report.”

<sup>103</sup> Burke, “After Mixed Experiences With Distance Learning, Disabled California College Students Want Flexibility.”

of the pandemic as a temporary measure, rather than a sustained practice. By the end of 2021, all seven universities ceased to offer these accommodations to the general student population and reverted to the previous regulations of SWDs: requiring applications for learning and accessibility accommodations. One implication of the data is that universities providing assessment alterations for SWDs allowed for more options to successfully complete courses. Although proctoring exams in a virtual platform presents unique challenges, it is a necessary option for those with barriers to physical access.

The data collected from these IHEs, and the discoveries found support the existing literature discussed above and aid in the expansion of the possible accessible alternatives with demonstrable benefits. It should be noted that the effects of distance learning on student progress in comparison to years prior, the financial impact to continuing education in a virtual space, and breadth of accommodations to support each case type are not well studied. However, one could reasonably draw the conclusion that these changes to practice supported, not just SWDs, but the student population as a whole, which implies that the HRE can be more available to students world-wide with intentional programming, wider acceptance of accommodations, and less bureaucracy.

Of all these alterations, depending on one's particular disability, remote and asynchronous learning opportunities appear to hold the greatest potential for bolstering accessible and inclusive education.<sup>104</sup> This adaptive option not only allowed students to remain at home during the pandemic but has the potential to help reduce the spread of illnesses. We have seen how accessible forms of learning, such as recording lectures and uploaded PowerPoints, can help

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<sup>104</sup> If this change is to provide accessibility, it must also remediate potential barriers that come with it. For students with hearing impairments or visual disabilities, this might mean also providing closed captioning options (to address the varying types of disabilities and their impacts).

narrow the divide in equity. There are some challenges yet to be overcome. These alternatives introduce new possibilities for expanding access for marginalized groups and should be retained as a regular method to ensure educational access for all, not just the healthy non-disabled student population.

### *Changes in Policies*

Prior to the pandemic, SWDs often faced bureaucratic barriers as a symptom of the medical model. The burden of accessing education as a PWD falls on the student to justify their request through validation by others who know better to attest to their need for accommodations. Students with “invisible disabilities,” already facing skepticism, were further harmed during the “Operation Varsity Blues” scandal of 2019, where parents bought disability educational accommodations for their non-disabled children and bribed proctors and coaches to enhance the student’s desirability and ensure acceptance into prestigious IHEs; so it is understandable why validations and justifications are so necessary. As per Susan Price, the scandal created false narratives and burdensome requirements to accommodate valid needs.<sup>105</sup> Bureaucracy imposes barriers to access by requiring additional paperwork, costly and time-wasting tests, doctor visits, and validation through IHEs, sometimes annually. This hurdle was further complicated when, during the pandemic, rigid social distancing mandates eliminated access to medical professionals outside of an emergency. These mandates posed an additional barrier to verification documents required by universities to receive accommodations. Addressing inaccessibility at the onset of requests reduces the burden on SWDs and provides an eased transition into the school year.

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<sup>105</sup> Price, “Invisible Victims: Combatting the Consequences of the College Admissions Scandal for Learning–Disabled Students.”

Receiving, interpreting, accessing, and proving their need for accommodated education is as unique as their disabilities. Emphasizing the importance of various access and delivery systems is imperative to inclusivity.

Overall, all seventeen DSD leadership members stated there were no specific DSD policy changes. The majority came in a university-wide approach, including various changes in policies such as external documentation requirements, flexibility after rollbacks, testing alterations, and virtual meetings for DSDs. The solution that some of the participating universities implemented was to alter the external justification requirements, such as expanded date flexibilities for doctor's notes, date specifications, and self-reporting capabilities. DSD directors for Public Universities B and G specifically shared that their departments made alterations to their external documentation requirements. The change allowed for date flexibility where previously students were required to have recent external documentation to get an appointment with a DSD team member. This reconfiguration meant that the requirement of the most "up to date" documentation was also amended to allow for the use of previous records, up to a year old. One alteration to external documentation requirements allowed date flexibility for students who expressed concern about access to seeing their medical provider. Another amendment allowed students to self-report the impacts and barriers they faced to access and delivery when applying for DSD accommodations, rather than exclusively relying on professional external documentation from a provider to verify the students' needs. External documentation requirements adjustments were made by two medium-large public universities. Public University B made their changes permanent and Public University G maintained the change only during the height of the pandemic. Students were able to gain access to accommodations without having to worry about retrieving current or up to date justifications.

The information gathered highlights possible accessible alternatives and demonstrates benefits for the majority of people, not just PWDs. In addition to external documentation policy adjustments, another practice change created for specific DSDs includes virtual meetings. Standard policies are often required in-person meetings. Four IHEs, one private and three public, specifically reported implementing a new policy for virtual meetings for SWDs within their DSD. This implies that the university's DSD recognized the need for adaptability.

Modifications to policies allow flexibility in thinking and adaptability in execution for working with SWDs. Normalizing these alterations to establish policies and procedures has the potential of benefiting SWDs as well as others who may need additional flexibility. Specific changes that are feasible to standardize include the provision of virtual meetings and possible alterations to external documentation requirements.

#### *Changes In Support and Resources*

In addition to policy and practice adjustments, there were new resources to enhance accessibility and success of all students. To facilitate these changes, universities supplied supportive platforms such as assistive technology. Five universities, two private and three public, forged new and different types of assistive technology, including interpretive services. A representative for Public University E shared that their DSD started using robots as an augmentation of a remote learning accommodation. In this instance, an iPad is affixed to a device and an online student is able to control the movement of the robot/iPad to adjust the view or microphone as needed. Of these IHEs who created new forms of assistive technology, four of the five universities came from institutions located in the Eastern part of the country, two were



private and three were public, ranging from the medium to medium-large range for the student population.

Private Universities C and L created an internet resource to reduce inequities for remote students who had limited or no access to the internet. This resource was offered to the entire student population by private universities located in Interior states, both of which are small-medium sized institutions with higher tuition rates of over \$80,000 a year. An assistive tool presented for all students, from Private Universities C and L, included supply kits with access to different course materials and resources. The supply kits, containing course texts, equipment, and resources, were delivered by mail or electronically so students had the necessary materials in their residence. Notably, Private Universities C and L, who supplied internet access for students, were also two of the three universities that provided supply kits to the general student population. Private University A, a small IHE located in an Eastern state with a student population of a little over 8,000 and tuition costing over \$80,000, also participated in supply kits. One could conclude that small private universities had the resources and agility to pivot and provide additional technology for their students.

This thesis focuses on SWDs and addressing inequality through various resources, methods, and policies, however, a key resource that needs emphasis is support for faculty and staff. During the pandemic, many support resources were rolled out for students but, further, there was widespread support for faculty and staff members, which came in the form of teaching guides and training. Eight IHEs, two of which sourced their information from their respective DSDs, created teaching guides or supplied guidance tools for instructors to coach them on methods to advance accessibility for the entire student population. These eight universities shared that their employees were offered lessons on how to use Zoom, audio-recording

technology, guidance on newer technology provided from the university, and how to deliver sessions remotely. Public University I shared that literacy guides for using technology were created for their faculty but were also published to share with the broader community. From these eight universities, five were public and three were private, and five were located in an Eastern state and the others resided in Interior states. Many DSDs took a central role in expanding traditional accommodations and conceptualizing more pathways to elevate and bring education accessibility to students during the pandemic.

Some institutions, as a safety measure, provided alternative housing. Two small private universities, B and G, with tuition rates over \$80,000, provided alternative housing. Private University B reported providing alternative housing accommodations for all students, if they tested positive for COVID-19. Private University G had alternative housing as an accommodation for SWDs prior to the pandemic but expanded this accommodation for the entire student population in response to it. Both universities' DSDs emphasized this accommodation was used significantly in response to COVID-19. Of all the universities, only one considered housing accommodations as an important resource for its SWDs pre-pandemic. While this is often something SWDs can apply for as a basic accommodation, providing alternative housing for students helps isolate many illnesses from spreading to others.<sup>106</sup> This finding reveals that, as a safety measure, providing living spaces to isolate students with or from infectious individuals was an important accommodation. It also implies that immunocompromised students can use the accommodation to have a safe living space to minimize risk to their health. Housing options have

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<sup>106</sup> Kucharski et al., "Effectiveness of Isolation, Testing, Contact Tracing, and Physical Distancing on Reducing Transmission of SARS-CoV-2 in Different Settings."

the potential to protect and provide safe spaces for isolation with reduced exposure to illnesses that can harm SWDs.

While newer assets, such as robots or internet access kits, can be incorporated as tools for students moving forward, calling for each university to supply these resources for every student is not a realistic solution without large financial and infrastructural provisions. Instead, it is more feasible to focus on specific less-costly resources. Assistive technology has a lot of potential for providing support to students with or without a disability but can be a consistent accommodation for SWDs. Incremental increases for investments in robots, electronic readers, and interpretive technologies provide support to SWDs.

These findings, in conjunction with existing literature, answers the basic question, “How can we include SWDs into the university community and bring them successfully to their graduation?” HE, during the pandemic, has demonstrated that established accommodations have the potential to support the general student population and offer flexibility to students who are disadvantaged by other factors. Widespread application of these enhanced accommodations in an effort to expand accessibility for SWDs, therefore, is within reach of all universities in the near future. There is not a “one size fits all” solution for every student with a disability, but retaining practiced techniques suggests this can be the difference between graduation and dropout.<sup>107</sup>

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<sup>107</sup> “The Rights to Inclusive Education in International Human Rights Law”, p. 126. The collected information does not allude to the ultimate success of these implementations and additional remedies to the problems that exist because of a lack of research about its side effects.

## Discussion

Inequity in education systems for SWDs trying to achieve their educational goals is a fact that SWDs deal with daily; in part because of a lack of resources and/or investment into supplementary ones, since systems were not designed to support SWDs and their varying needs, and because DBD and A&D is prevalent in everyday spaces. However, new methods implemented in response to the pandemic are possibilities which have been conceived. As a result, new resources became available, like teaching guides/training for instructors, to learn how to utilize new technology to enhance accessibility, supply kits to be sent to students, alternative housing options, and additional types of assistive technology, such as robots. Refusal of alterations should no longer be accepted or justified. Enhancements to resources and assistive technology are no longer out of the realm of possibility and should instead be considered moving forward. New tools can be used to launch further measures and capabilities. New pathways have started and continuing these practices and resources are now more feasible than ever. The HRE calls for accessible, inclusive, and equitable education for all students and these supplementary resources forge new pathways which can launch endeavors toward achieving this goal. After identifying universities that supplied ancillary resources and had the quickest return to IPL, it is not unreasonable to question whether reversals were rushed because of funding or because of requests from some students and faculty.

The numerous benefits that come from some of these accessible methods do not negate their disadvantages. First, there was not a general set of questions asked and answered, but rather a request for further information regarding policies at the university. Many offered subsequent information about policies and practices but there was no set standard shared or discovered. My

original goal was to collect policies prior to and during the pandemic and then compare them to each other university; however, many stated there were no specific policy changes, which made my original goal unfeasible. Instead, expectations and the way data was collected were tailored to better fit data trends. The second critique about my research is how barriers are not limited to the resources students can take advantage of but also in the form of financial hardships. SWDs face higher bills to cover medical costs, medical equipment, and/or medication, etc.<sup>108</sup> This means they may be restricted in the purchase of additional resources to make education more accessible and conformed to individual needs.

A limitation of this study is the lack of interviews with SWDs to obtain personal responses about their experiences. Due to the time constraints, this was an unrealistic choice of methodology. There is great value in questioning the community and listening to personal opinions about successes and failures and what became an exacerbated challenge from the use of these resources.

Lastly, while the purpose of this paper was to examine possible ways to enrich accessibility, I recognize that this one paper does not encompass the infinite ways of doing so. The research completed was limited to methods resulting from the pandemic but is not representative of previous methods and ones created since. The primary focus was about technological advancements for accessibility in response to the pandemic. Accessibility is not limited to technology but there are many alternatives to work towards accessibility, and this thesis focused on one of the possibilities.

Despite the new knowledge derived from this research, there are still shortcomings which can and should be addressed moving forward. It is crucial to acknowledge that the research for

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<sup>108</sup> Chiwandire and Vincent, "Funding and Inclusion in Higher Education Institutions for Students with Disabilities."

this paper and the call to implement new technologies does not claim that discontinuing these alternatives is ableist, but rather that the repercussion of their removal affects PWDs disproportionately. This means a need exists to discover ways to remediate those concerns. Issues that remain unresolved and require subsequent research and exploration in the field of HR include:

- 1) investigating justifications for the rapid return to IPL (and in some cases despite not yet having a vaccine for students)
- 2) financial impacts on both the university and students as a result of the utilization of online requirements
- 3) interviewing SWDs specifically about their experiences with the transitions in education.

An additional area for further research is documenting the reasonings and justifications for reversals and changes to policies. This study did not explore universities' rationale for rollbacks. It would be beneficial to understand how decisions were made but also to find possible solutions to complications that arose from these alterations. It is not unimaginable that both the university and students encountered financial difficulties when switching to the use of online methods. How much investment was needed, from a university standpoint, to purchase Zoom accounts for all faculty and staff, what resources needed to be purchased like recording equipment, and what are some things not often thought of that also posed a great burden? As for students, were new devices needed, subscriptions for electronic books, or changes to internet resources? These are unanswered questions that deserve further exploration.

While the use of assistive technology, supply kits, remote/asynchronous learning options, and other varying possibilities are all important tools that have the potential to amplify

accessibility for some, they can foster obstacles for others. These responding barriers in other areas must be combated.<sup>109</sup> Remote learning during the pandemic is a prime example. Students with learning disabilities/attention disorders struggled more with remote learning compared to students with physical disabilities who benefited further from this alteration.<sup>110</sup> This is something we need to be conscientious of when searching for alternative methods; finding ways to make methods and modalities inclusive and adaptable without hindering others to do so. In fact, Brianne Kennedy, the director of San Diego Community College District's Disability Support Programs and Services center, reported a drop in enrollment of SWDs of up to 30% from Fall 2019 through Fall 2020.<sup>111</sup> The impact of the implementation and research of technology use in education on SWDs has not been of primary concern. This is the paradoxical situation that occurs when technology is used, or even mandated, but has no additional research into the resounding effects for minority populations.<sup>112</sup> Additional research is needed into various ways accessibility can be augmented and achieved for individuals with unique disabilities and impairments.

New knowledge from this research includes varying practices that can be, and were, made by IHEs in the establishment of accessible learning. While there are some disparities that exist surrounding the availability of resources for students, there is still new information about resources and practices that can be gathered. The results of this study exemplify how accessible measures can be used on an everyday basis and what the use of those methods could look like. This advanced knowledge can be used to educate future endeavors of achieving accessible standards in learning environments. Furthermore, information gained about university

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<sup>109</sup> Ebersold, *Accessibility or Reinventing Education*.

<sup>110</sup> "After Mixed Experiences With Distance Learning, Disabled California College Students Want Flexibility."

<sup>111</sup> Ibid.

<sup>112</sup> Aquino, "E-Learning and Disability in Higher Education."

capabilities can also provide inspiration and guidance for others. Changes can come in the form of mandates and policies from an executive level at a university, the creation of a task force and consultations, departmental adjustments, activism from the student and faculty community and more.<sup>113</sup> IHEs that have more flexible external documentation requirements have the ability to guide others on creating alterations to such requirements for their own students. These new and innovative approaches have the ability to guide and become a resource for others.

Implementing these somewhat new practices, even temporarily, fostered more accessibility for students. The pandemic demonstrated what can be achieved in IHEs if enough people strive for accessibility and adaptability. People worked together to develop new methods for students, which was a groundbreaking change for everyone.

Adapting education, working, and living to online platforms is not only possible but can be done in a matter of weeks – as demonstrated by the pandemic. This study observes new techniques and ways of creating accessibility in IHEs. These techniques can be done on an individual basis from educators who provide resources to students or be enforced on an administrative level by adjusting academic policies which create space for adaptable and accessible education. This research suggests that implementing changes to policies and practices used daily allows equal and accessible education. The pandemic showcased that some IHEs in the U.S. are capable of greater flexibility and creativity in promoting the HRE and have the resources to do so.

Instead of advancing new resources and practices to configure innovative ways of education, emphasis was placed on returning to previous practices. This reinforced the priority for IPL and the techniques used to uphold this set standard. While face-to-face interactions are

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<sup>113</sup> Tibbitts, “Revitalizing the Mission of Higher Education through a Human Rights-Based Approach.”



important facets of life, when this is strictly how society operates, leaving no room for flexibility, there is the potential of establishing supplemental barriers for PWDs and permitting more space for exclusion and inequity.

Many people wanted to return to the way life was before the pandemic, however, this “normal” lifestyle excludes the full participation of many PWDs and is rooted in ableist thinking.<sup>114</sup> Pushing for these complete reversals will force PWDs back into invisibility and marginalization once more. This is not to say that the total removal of these practices carried out in response to the pandemic are inherently ableist, but rather these previously normalized changes can reflect existing inadequacies and biases. Possibilities created when accessible measures advance benefit not just PWDs, but all people.

The pandemic shed light on possible solutions to barriers to the HRE and many universities now have a blueprint on methods to uphold these values and practices. Leveraging possible strategies for accessibility, to advance the educational experience for SWDs, has the potential to meet some international law guidelines and educate the general public about how to fulfill the HRE too. The multiple UN Declarations, Covenants, Conventions, and General Comments which speak about education for PWDs recognize the benefits of accessible education and its promotion of the HRE. These documents ultimately call for developing lasting improvements for PWDs, especially in the education sphere, because IE is a fundamental aspect of HR and is essential in the realization and exercising of all other HR.<sup>115</sup> The combined use of these documents and the HRE sheds light on working harmoniously with local, national, and

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<sup>114</sup> “Why Not the ‘New Flexible’?”

<sup>115</sup> Felder, “What Does the CRPD Tell Us About Being Human?”; “The Rights to Inclusive Education in International Human Rights Law.”

international communities. Benefits derived from the education of all people means that all people benefit from this growth.

Moving forward, this would be a significant point to start from. Interviews would offer further insight into specific points of dispute and allow collaborative efforts in resolving them. The voices and experiences of those typically forgotten or ignored would be uplifted and centered. Learning about accessibility to and for SWDs results in learning how to be accessible to and for everyone.

## Conclusion

The COVID-19 pandemic thrust many from the life they knew into a new one which required adapting their lives to ones of isolation and remoteness. As a result, IHEs fostered spaces for virtual learning which exhibited the possibilities of making education accessible and inclusive. The pandemic exposed inaccessibility as a concern that applies to all people and that alterations to barriers can be achieved. These have been long-standing concerns expressed by PWDs. Following the COVID-19 outbreak, IHEs addressed some of the consequences of barriers through the promotion and widespread distribution of disability accommodation, like flexible attendance, remote/asynchronous learning options, and implementation of new resources, through technological advancements, and various formats of digital content, to the general student population. These improved the possibility of accessibility for all students.

The COVID-19 pandemic changed the world and centered disability accommodation features to the rest of society. Accessibility measures in educational settings accelerated to new levels. Before the pandemic, there were many statements from IHEs in the U.S. justifying the lack of education options for SWDs. This demonstrates an arduous and crippling history of A&D

which violates the HRE. The UDHR, the ICESCR, and the CRPD each speak about the importance of equal education access for all people and contribute guidance on fulfilling the responsibility of providing education to SWDs. Despite the lack of legal obligations that would require the U.S. to adhere to these international laws and standards, the U.S. proved capable of doing so. The U.S. can use these documents as guidelines to inform educational practices and policies. This study is important to the field of HR because it takes the definitions of the HRE, the 4-A framework, and suggested alterations and applies them to everyday standards and situations showcasing its importance and the benefits it provides to all people.

The purpose of this thesis was to document challenges that SWDs faced because of a lack of accessibility prior to the pandemic, explore the types of accommodations, adaptations, or modifications made available during the height of the pandemic, looking at practices from Fall 2020 – Spring 2022, and initiate a pathway of discovery of possible strategies and practices moving forward to enhance accessibility and inclusivity that can be implemented to promote the HRE in a “post-pandemic” world for disabled learners. IHEs have proven themselves committed to making education a possibility for all people during the height of the pandemic. It is time to expand this standard to PWDs today and every day moving forward.

# Acknowledgments

I am privileged to have many people to thank for this thesis. First, Glenn Mitoma, my advisor, who has been by my side since day one at Columbia. Your support for me as a disabled student and a person has helped me succeed this past year.

To Ms. Rebecca Curry, my seventh-grade teacher. This was one of my hardest years of education because of my health. You taught me what accessibility can look like at a young age and demonstrated the possibilities that can happen with teachers who are dedicated to supporting students.

To Jess Gallagher, my mentor. You have taught me so much about disability justice and advocacy. Learning from you was as groundbreaking as any piece of literature I read or class I have taken. Your work and tireless efforts to advance disability rights inspires me on an everyday basis to do better and be better. I am so grateful for everything you have shared with me, how you have guided me, but most importantly to be able to call you my friend.

Most importantly, I want to thank my mom, Marla, for being by my side through everything in my 24 years of living. You showed me the importance of education. Watching and learning from your dedication is what drives me to continue my own. You never gave up and in my most challenging times, you showed me how to persevere. You held my hand, wiped away every tear (and continue to do so), and held me up when I did not want to or could not. You are the person I do anything and everything for. You are the person who I strive to become.

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# Appendices

## *Appendix I: Abbreviations and Explanations*

Table 1.1

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This table can be used as a reference for the various abbreviations and their meanings used throughout the paper.

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Ableism and Disablism	A&D
Convention on the Rights of Persons with Disabilities	CRPD
Culturally Sustaining Pedagogy	CSP
Disability Services Department	DSD
Disability-Based Discrimination	DBD
Discourse Analysis	DA
Higher Education	HE
Human Rights	HR
Human Rights Education	HRE
Inclusive Education	IE
International Covenant on Economic, Social, and Cultural Rights	ICESCR
Institution of Higher Education	IHE
In-Person Learning	IPL
Persons With Disabilities	PWD
Students With Disabilities	SWD
Universal Design For Learning	UDL
Universal Declaration of Human Rights	UDHR

Table 1.2

This table provides a brief description of each category created during the height of the pandemic from the participating universities.

Accommodation	Description
Alternative Housing	Refers to the IHEs who provided some type of housing alternative prior to the pandemic for SWDs and during the height of the pandemic for all students.
Assistive Technology	Refers to the IHEs who implemented new types of technology to assist students. The scope of assistive technology is not limited to one type.
(No) DSD Policy Changes	Refers to university policy changes that did or did not occur in the DSD. This can include no policy changes, but instead practice changes, or minor changes like external documentation requirements.
External Documentation Alterations	Refers to the policy change in some IHEs and their requirement for external documentation. It is representative of all the different alterations made in reporting IHEs.
Flexibility After Rollbacks	Refers to the IHEs' understanding of the need for adaptability after the height of the pandemic. IHEs reported a period of some flexibility from the university for the use of technology for sick students or faculty members during their rollbacks.
Increase In Remote Accommodation Requests	Refers to DSD reports of increasing requests for their services post height of the pandemic.
Internet Resources	Refers to the IHEs who supplied this resource for their students during the height of the pandemic outside of the university.
Prohibition of Online After the Pandemic	Refers to IHEs who exclusively prohibited new accommodation for students after the height of the pandemic.
Prohibition of Online Before the Pandemic	Refers to universities who did not have remote access as an accommodation prior to the pandemic to

	compare how this practice may have changed during the height of the pandemic.
Practice Changes	Refers to the IHEs who instituted practice changes, on a daily basis, rather than full policy changes.
Recording	Refers to the use of recording as a new practice that students could use for further access to their course materials and classes.
Remote Accommodation Before the Pandemic	Refers to IHEs who offered remote access to students prior to the pandemic.
Remote/Asynchronous Learning Options	Refers to IHEs that offered remote or asynchronous classes during the height of the pandemic to make classes accessible for students.
(Adaptations) Rolled Back Institutionally	Refers to how IHEs rolled back policy and practice changes that were used during the height of the pandemic and how they were phased out from university wide usage.
Supply Kits/Course Equipment	Refers to how IHEs provided additional supplies and equipment necessary for course completion (as defined by the university).
Teaching Guides	Refers to the IHEs who provided resources to the faculty members so they could learn about new modalities and methods to make their courses accessible.
Temporary Changes	Refers to universities creating new policies and practices that were carried out on a temporary basis to enhance accessibility for a short period of time.
Testing Alterations	Refers to changes to assessment requirements, whether this was extended times or private spaces.
University Wide Changes	Refers to changes implemented throughout the entire university for all students.
Virtual Student Meetings for DSD	Refers to the policy change in the university's DSD which granted virtual meeting spaces for SWDs and their DSD instead of in-person meetings.

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Table 1.2 It is important to note that the difference between Remote Accommodation Prior to the Pandemic and Prohibition of Online Before the Pandemic is that they are universities who specifically stated that there was a remote accommodation students could apply for prior to the pandemic and no online accommodation beforehand, meaning that it was not even an option at all.

*Appendix II: Graphs*

Figure 1

Figure 1 compares Student Population size to the Private or Public status of IHEs. University size is ranked as small being 15,000 students or less, small-medium 15,000-30,000 students, medium 30,000-45,000 students, medium-large 45,000-60,000 students, and large 60,000-75,000 students.

**Student Population vs. Private/Public IHEs**

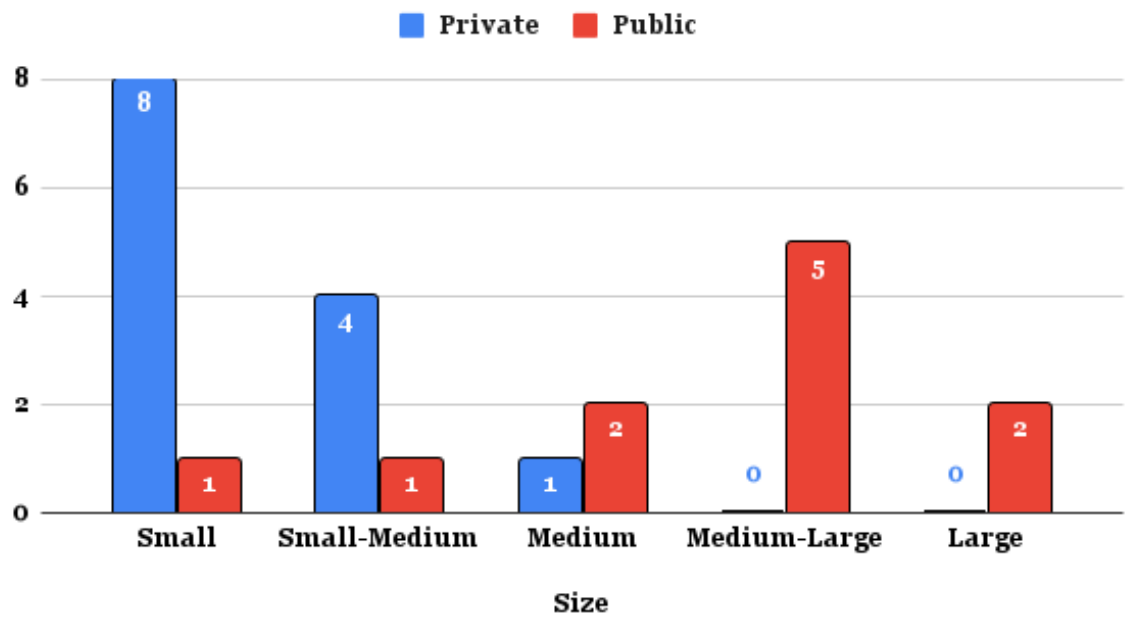


Figure 2

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Figure 2 is a comparison of the Semester of Rollbacks and the Private or Public status of IHEs.

It is important to note that two small private universities, located on the Eastern part of the country, did a partial rollback for the 2020/21 academic school year where half of the student population returned to in-person learning during the first semester and the other half the second semester. A small-medium sized private IHE in an Eastern state also did partial rollbacks over the course of the 2021/22 academic year. Additionally, one medium-large public university in an Interior state attempted to return to IPL during the Fall 2021 semester but due to a rise in COVID-19 cases stopped to manage the spread of the illness and then continued its in-person transition in Spring 2022.

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### Semester of Rollbacks vs. Private/Public IHEs

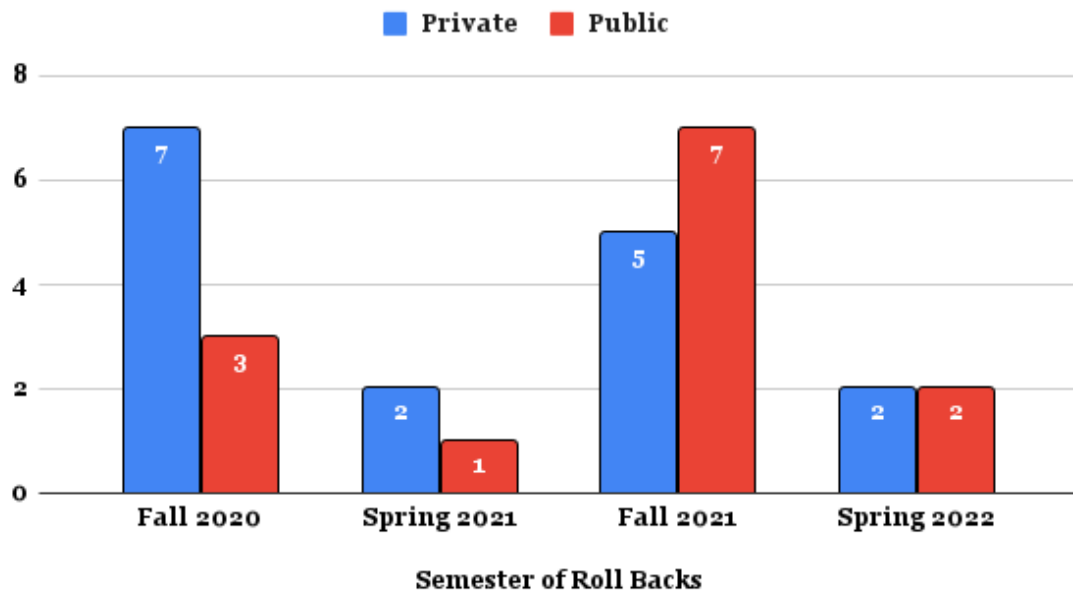


Figure 3

Figure 3 is an assessment about the Cost of Attendance for the 2021/2022 academic year to the Private or Public status of IHEs.

### Cost of Attendance vs. Private/Public IHEs

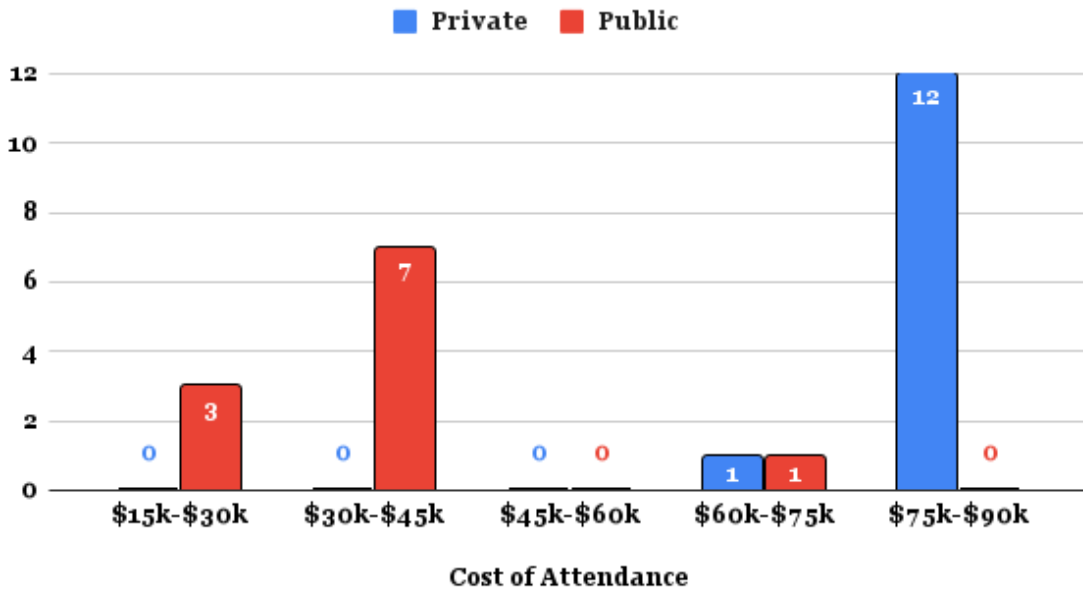




Figure 4

Figure 4 evaluates the University Location, limited to Eastern, Interior, and Western States, and the Private or Public status of IHEs.

### Location vs. Private/Public IHEs



*Appendix III: Tables*

Table 2.1

This table observes the type of Accommodation implemented during the pandemic and compares it to the Private or Public status of IHEs.

Accommodation	Private IHE	Public IHE
Alternative Housing	2	0
Assistive Technology	2	3
(No) DSD Policy Changes	11	6
External Documentation Alterations	0	2
Flexibility After Rollbacks	1	1
Increase In Remote Accommodation Requests	0	1
Internet Resources	2	0
Prohibition of Online After the Pandemic	0	1
Prohibition of Online Before the Pandemic	3	0
Practice Changes	11	7
Recording	2	1
Remote Accommodation Before the Pandemic	0	1
Remote/Asynchronous Learning Options	9	8
(Adaptations) Rolled Back Institutionally	5	3
Supply Kits/Course Equipment	3	0

Teaching Guides	3	5
Temporary Changes	4	3
Testing Alterations	3	4
University Wide Changes	4	1
Virtual Student Meetings for DSD	1	3

Table 2.2

This table analyzes the type of Accommodation implemented during the pandemic and compares it to the State Locations of the various IHEs.

Accommodation	Eastern States	Interior States	Western States
Alternative Housing	1	0	1
Assistive Technology	4	1	0
(No) DSD Policy Changes	9	5	3
External Documentation Alterations	0	1	1
Flexibility After Rollbacks	1	1	0
Increase In Remote Accommodation Requests	1	0	0
Internet Resources	0	2	0
Prohibition of Online After the Pandemic	1	0	0
Prohibition of Online Before the Pandemic	2	0	1
Practice Changes	9	6	3
Recording	1	1	1
Remote Accommodation Before the Pandemic	0	0	1
Remote/Asynchronous Learning Options	9	4	4
(Adaptations) Rolled Back Institutionally	4	2	2
Supply Kits/Course Equipment	1	2	0
Teaching Guides	5	3	0
Temporary Changes	4	2	1
Testing Alterations	5	1	1
University Wide Changes	2	2	2
Virtual Student Meetings for DSD	2	2	0

Table 2.3

This table compares the Accommodations offered by IHEs and correlates them to the Student Population Size. A small-medium sized private IHE in an Eastern state also did partial rollbacks over the course of the 2021-22 academic year. Additionally, one medium-large public university in an Interior state attempted to return to in-person during the Fall 2021 semester but due to a rise in COVID-19 cases stopped to manage the spread of the illness and then continued its in-person transition in the Spring of 2022.

Accommodation	Small	Small Medium	Medium	Medium Large	Large
Alternative Housing	2	0	0	0	0
Assistive Technology	0	1	3	1	0
(No) DSD Policy Changes	6	5	2	3	1
External Documentation Alterations	0	0	0	2	0
Flexibility After Rollbacks	1	0	0	0	1
Increase In Remote Accommodation Requests	0	0	1	0	0
Internet Resources	0	2	0	0	0
Prohibition of Online After the Pandemic	0	0	2	0	0
Prohibition of Online Before the Pandemic	3	0	0	0	0
Practice Changes	6	4	3	3	2
Recording	2	0	0	1	0
Remote Accommodation Before	0	0	0	1	0
Remote/Asynchronous Learning Options	7	2	3	4	1

(Adaptations) Rolled Back Institutionally	5	1	0	2	0
Supply Kits/Course Equipment	1	2	0	0	0
Teaching Guides	2	2	2	2	0
Temporary Changes	4	1	0	2	0
Testing Alterations	2	2	1	2	0
University Wide Changes	2	2	0	2	0
Virtual Student Meetings for DSD	0	0	2	2	0

Table 2.4

This table compares the type of accommodation provided by the IHE to the cost of attendance for the 2021-2022 academic year.

Accommodation	\$15,000 - \$30,000	\$30,000 - \$45,000	\$45,000 - \$60,000	\$60,000 - \$75,000	\$75,000 - \$90,000
Alternative Housing	0	0	0	0	2
Assistive Technology	1	2	0	0	2
(No) DSD Policy Changes	3	3	0	1	10
External Documentation Alterations	0	1	0	1	0
Flexibility After Rollbacks	0	1	0	0	1
Increase In Remote Accommodation Requests	0	1	0	0	0
Internet Resources	0	0	0	0	2
Prohibition of Online Afterwards	0	1	0	0	0
Prohibition of Online Before Pandemic	0	0	0	0	3
Practice Changes	2	4	0	2	10
Recording	0	1	0	0	2
Remote Accommodation Before	0	1	0	0	0
Remote/Asynchronous (Adaptations) Rolled Back Institutionally	0	6	0	0	9
Supply Kits/Course Equipment	0	3	0	0	5
Teaching Guides	0	0	0	0	3
Temporary Changes	2	3	0	0	3
	0	3	0	0	4

Testing Differences	2	2	0	0	3
University Wide Changes	0	2	0	0	4
Virtual Student Meetings for DSD	0	3	0	0	1