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**A COMPARATIVE ANALYSIS OF EDUCATION POLICY FRAGMENTATION
FOR STUDENT-ATHLETES WITH LEARNING DISABILITIES**

A Thesis in

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by

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ABSTRACT

This thesis investigates the current structure of education policies in secondary education and how those policies translate into supports at postsecondary institutions for student-athletes with learning disabilities. This research focuses on comparing the Bylaws and Manual for Division I Eligibility created by the National Collegiate Athletic Association (NCAA) to Individuals with Disabilities Act (IDEA) and Americans with Disabilities Act (ADA) to discern how student-athletes with learning disabilities suffer from structural constraints requiring them to self-advocate while transitioning from secondary to postsecondary education. The findings confirm a dissonance between secondary and postsecondary policies regarding the protection and entitlement of students with learning disabilities.

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Chapter 1

Introduction

To identify and understand the structural constraints against student-athletes with learning disabilities, the case of Michael Bowers serves as a portrait of the true injustice of intercollegiate athletics. Michael Bowers was a high school football player with an education-impacting disorder. He was a student from a low socioeconomic background and hoped to play football as a means towards financially funding his postsecondary degree. Although he was a student with an education-impacting disorder, he never faltered in his desire to get a college degree and to pursue an education beyond the one he received in high school. Through these hardships and pitfalls, he believed that football could turn his dream into reality.

Bowers' learning disability and subsequent requirements of his Individualized Education Plan (IEP), during his high school education, influenced the classes he was taking to his leading to his non-qualifying status in intercollegiate athletics as judged by the National Collegiate Athletic Association (NCAA). A non-qualifier status refers to a student being ineligible to compete or receive funding because they do not meet the requirements for secondary education coursework set by the NCAA. The NCAA Bylaws state that special education courses fail to meet the "core course" requirements to gain "qualifier" status. This is one of the ways the NCAA screens transitioning students upon application. The NCAA finds those students with learning disabilities to be placed in lesser academic tracks throughout their educational career and, thus, found to be incapable of meeting the demands and rigor of higher education academic coursework

while participating in intercollegiate athletics. The NCAA's screening process values the pursuit of "excellence in both academics and athletics" (NCAA Manual I, 2018). It does not meet that mission. In undervaluing the academic capacity of students with learning disabilities, the NCAA excluded gifted athletes who required modified coursework as pre-collegiate athletes.

There is an increasing need for explicit educational policies to better protect the 20% of students in college suffering from a learning disability or psychological disorder. A 2014 National Center for Learning Disabilities report found that 94% of students with learning disabilities receiving support, only 17% of students with learning disabilities were aware and making use of resources provided to them through their university (Cortiella, 28). These statistics represent a national need for further accommodation be provided to students, especially transitioning and freshman students, to better educate them on the services and resources available to support them during their time at a university. With policy interventions and changes at the secondary and postsecondary level, students with learning disabilities may not access resources and supports because they fear the effects of stigmatization cast by society, or stereotype threats that come along with classifying themselves as a person with a disability. This subject matter lends itself to some important and valuable questioning:

1. How do federal policies and governing agencies influence the qualifying status of learning disabled student-athletes transitioning from secondary to postsecondary institutions?
2. How do the NCAA policies toward students with learning disabilities present a structural constraint on their educational pathway?

This thesis investigates the current structure of education policies that exist to support students in the k-12 system while comparing those structures to how students are supported at the collegiate level. This thesis will provide an examination of the historical context of policies supporting students with learning disabilities in secondary and postsecondary institutions; an understanding of how these policies interact with athletics; and how this contributes to the transitional experience for students with learning disabilities from secondary to postsecondary institutions.

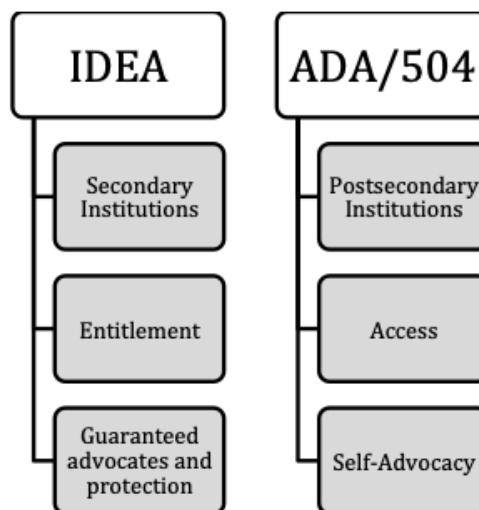
Chapter 2

Literature Review

Policy Fragmentation

An education policy fragmentation exists in the current transition period from secondary to postsecondary institutions for students with learning disabilities. A policy fragmentation means a dissonance of policies at various levels of legislation. In the current education system, students in public k-12 education are entitled to comprehensive supports and services through the Individuals with Disabilities Education Act (IDEA). If a student wishes to continue their education beyond the secondary level, they quickly find they are not entitled to the same supports and services at postsecondary institutions. Rather, for students to receive accommodations, they must be able to self-advocate and disclose their disabilities to their University.

Figure 1-1
Federal Policy Comparison



Elementary and secondary education, historically, provided explicit protection for students with disabilities through the Elementary and Secondary Education Act (ESEA) of 1965 or the Education for All Handicapped Children Act 1975, which then became the Individual with Disabilities Education Act (IDEA) 1990. Higher education policies are separate from the policies of the public k-12 education system in the United States, where students are entitled to protections and accommodations. The policies central to educating students with learning disabilities in postsecondary institutions emanate from the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act (Section 504). The distinction between a qualified and non-qualified handicap person under Section 504 and IDEA is better discussed by Joseph Madaus (2004):

Unlike IDEA, Section 504 is outcome neutral and focuses on promoting access to individuals with disabilities. The regulations specifically state that services "are not required to produce the identical result or level of achievement for handicapped and non-handicapped persons, but must afford handicapped persons equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement . . ." (§104.4(2)). Thus, the regulations are designed to provide "qualified handicapped persons" with equal opportunities to access program benefits. Eligibility for services then hinges on two important criteria: determining who is a "handicapped person" and if this person is "otherwise qualified."

Section 504 is outcome neutral; it intends for those “qualified handicapped persons” to be able to perform at the same level as their non-handicapped peers if accommodations are made. For students with learning disabilities, this means they must be of average to above-average intelligence (suggesting they are capable of collegiate level academic rigor), but require comprehensive supports or services to help achieve the same success as their peers without learning disabilities. The particular distinction of students with learning disabilities to be seen as otherwise qualified means they do not suffer from impairments of vision, motor functions, or mental retardation. Instead, these disorders, referred to as specific learning disabilities, are outlined by the IDEA to mean a developmental delay in basic psychological processes.

Through the IDEA, students are entitled to a free, appropriate public education that affords meaningful progress through their educational experiences. Free, appropriate public education has always been a hallmark of IDEA, though its reach was only recently expanded into Section 504 in 2010. The ADA is the singular legislative mechanism for ensuring the rights of students in higher education, as it focuses on civil rights law prohibiting discrimination based on disability. It refers specifically to public entities and public accommodations. The greatest confusion comes for students transitioning from secondary education to higher education because they are entitled to modifications and programming through one set of policies, but later must advocate for accommodations through a completely different set of policies. Often, for these students, it is the first instance that they will need to be their advocates, rather than relying on a qualified team to help protect or grant them the necessary modifications and programming to be able to succeed at the university level. A clear outline of how the policies differ and influence

how a student discloses any learning disability is outlined by the IDEA Regulation (2004):

Under both Section 504 and the ADA, students have the burden to disclose their disability to university officials (Madaus, 2005). Section 504 prohibits personnel in universities from making inquiries about students' disability status (Vogel, 2001). But, once the university is on notice of the disability, the school must make "academic adjustments" that are necessary to ensure an opportunity to participate. Such adjustments may include the following: tape-recorded lectures, extended time for exams, or the substitution of courses.

The NCAA engages in the educational life of students with outdated misconceptions about educational tracks; thus, limiting the opportunities for student-athletes with learning disabilities' eligibility for participating in postsecondary athletics. While the NCAA claims their waiver process offers a solution for any student-athletes; this may not always fit the current requirements for eligibility. It is through this waiver process that student-athletes can become their advocates by identifying their education-impacting disorder preventing them from meeting the core requirements. Adjustments are made on an individual basis. A dichotomy exists in the understanding of how students in k-12 educational institutions have their academic needs met in specialized academic coursework for each of their core subjects. For many students with learning disabilities, these special education courses are designed to meet the very specific skill deficits these students bring to their academic experience. It is through these specially designed courses, students' needs are met concerning the IDEA. With a diminished value

placed upon these required programs, the NCAA makes it impossible to obtain a waiver that would allow modifications for qualification. In these cases, the determining factor is that the NCAA preserves the notion that any classes other than listed in their requirements are not providing the appropriate rigor for student-athletes at the collegiate level. Even though the NCAA is not the governing body for all university admissions, they are in effect acting as a private governing body because they establish the qualifications required of students to participate in collegiate athletics and to pursue a degree from a university.

Before 1990, the NCAA was never legally challenged for their discriminatory practices. Instead, the NCAA acted as the sole governing body for intercollegiate athletics, requiring compliance with its policies from each university, while, attempting to conform with federal civil rights laws. It was not until 1990 that the NCAA faced lawsuits against their discriminatory practices. At that time, individuals with disputes against the NCAA were required to wait for new amendments to the ADA as a vehicle for addressing discriminatory practices.

The NCAA can be criticized for overestimating the ability of high school students in taking an active role in their education. Depending upon many factors including student socioeconomic status, parent involvement, parent achievements, among other factors, these students may be unaware of or unfamiliar with any requirements for self-advocacy that exist; thus, creating further obstacles towards achieving their dreams of earning a college degree while participating in postsecondary athletics.

Self-advocacy for students with learning disabilities must be taught from an early age and supported consistently at each stage of their education. This is especially true in

a system of entitlement wherein students have trained advocates and specialized supports to ensure they have access to education. An important byproduct of this research is the basic understanding of the relationship between policy and student self-advocacy. Without these, the system will not improve for student-athletes with learning disabilities. Students with learning disabilities become reliant on the advocates who support them during their secondary educational experience. However, upon transitioning to postsecondary education students are required to know how to disclose their disabilities to their respective university's office for students with disabilities and to provide the appropriate documentation to receive necessary accommodations through the ADA Title III. The stark contrast between "a pattern of more passive dependent behavior to a more active and responsible role" is one that the IDEA outlines as a learned trait that needs to be promoted throughout a student's secondary education experience (Hadley, 2011). The responsibility falls on the student to actively understand and participate in the services or supports they need to be based on their learning disability.

The NCAA's policies represent a fragmentation between secondary education public schools and higher education institutions as the NCAA overlooks conditions of unequal or inequitable opportunities that persist for students throughout the United States. Rather, the NCAA established policies that support only scholar-athletes, those who are academically gifted as well as athletically gifted. It seems that the NCAA failed to grow in its understanding of the complexities that surround students with average to above intelligence; yet have a deficit in an area of processing or academic achievement. Rather, they have continuously opted to fly under the radar despite being advised to reevaluate

their policies. As the singular governing body for postsecondary athletics, they must improve their process and to define a more legitimate decision-making process.

Compliance with federal and state laws is the only mechanism by which the NCAA can be held to account. As a private governing body, they are contracted by postsecondary institutions to regulate intercollegiate athletics. However, as a result, they also were given the authority to determine which students qualify as student-athletes. It is through this process of discrimination against students with learning disabilities persists. This is partially explained because higher education can define the criteria for an exclusive group of students who may be selected to continue their education for professional degrees. Although an antiquated approach to understanding the differentiation among students who are and are not college-ready, it gave credence to how its standardization process began.

Elementary and secondary public education, although not perfect systems, exist in concurrence with the federal, state, local controls to assure protections are afforded for all students, including those with learning disabilities. The current policies that are continuously changed and rewritten are intended to benefit the lives and experiences of children throughout the United States. Often, these amendments allow more success for students as they attempt to continue their education at the postsecondary level. The purpose of revisiting legislation is to ensure that we are continuously addressing the demands of inclusion and integration. Despite these good intentions, when students with learning disabilities continue to be placed, or tracked, in classes that provide a free and appropriate public education, they continue to be precluded from securing an appropriate

postsecondary transition opportunity. As discussed, the NCAA policies cause recurring discrimination and bias against these students.

It is difficult to understand why the NCAA does not allow students in special education courses to qualify when these same students are eligible within their districts and conferences to compete at the same level as their "regular" classmates and find great success (Denbo, 2003). At no point are students precluded from participating in athletics because of their learning disabilities. Instead, the persistent theme is that students are required to maintain a specific grade point average and/or credit accumulation to compete without regard for the levels of their courses. It seems shortsighted that from secondary education to higher education new limitations are being placed on students who have been granted the same opportunities through their earlier athletic and academic careers.

It is important to recognize the rigor required of athletes to compete at the intercollegiate level, and more specifically the Division I level in the NCAA. By limiting the participation of students with disabilities, the NCAA is, in effect, characterizing individuals with learning disabilities as unqualified or ill-suited for the demands of balancing both athletics and academics.

Student-athletes with learning disabilities are otherwise equal to their peers without learning disabilities besides the services required to support their educational experience by the nature of the definition of learning disabilities. The learning disabilities referenced are specific learning disorders, which vary from development disorders and visual, hearing, and motor disabilities. The Childmind Institute (2019) defined specific learning disabilities as follows:

A specific learning disorder can affect a child's ability to acquire and apply reading, writing, and math skills. A learning disorder is distinct from intellectual development disorder; children with learning disorders usually have at least average intelligence but are still not able to acquire academic skills expected for their age, intellectual ability, experience, and education. A child may have impairment in decoding words, understanding the meaning of what is read, spelling, expressing himself in writing, doing calculations, and mastering mathematical reasoning. A specific learning disorder is a relatively new classification that groups together reading-related (dyslexia) and math-related (dyscalculia) disorders under a single umbrella. But when a child is diagnosed with a specific learning disorder, the particular areas of impairment must also be designated in the diagnostic statement.

For those student-athletes with learning disabilities, decisions regarding participation in athletics should be based solely on their admission to the university. The governance via the NCAA offers compliance officers to reinforce these discriminatory policies preventing certain populations of students to qualify for eligibility. The NCAA excluded this population of students from competing and having their education funded wholly, or partially, by their university's athletics department. This truth adds a layer of inequity for students with learning disabilities because they are not being afforded the same scholarship opportunities.

The impact is significant for students from lower socioeconomic statuses and with learning disabilities; the restrictions by the NCAA prevents them from finding

alternatives to achieve social mobility. Some students do not have the financial support or ability to attend higher education institutions without the benefit of their athletic talent, creating even greater obstacles. Students with athletic gifts can use sports as an opportunity to further their education by receiving funding to continue playing their sports as approved by the NCAA. Again, the regulations imposed by the NCAA prevent specific populations of people from being able to achieve alternative funding from their sports, while disproportionately limiting students with learning disabilities from lower socioeconomic statuses.

The NCAA's outdated and shortsighted policies exist as a result of policy fragmentation between secondary and higher education systems and institutions. Without intervention from the federal government to create legislation regulating the protection of students between these two levels of education, discrimination will persist. There is insufficient overlap among the protective policies forcing a fissure between organizations and institutions from secondary to higher education to communicate effectively and beneficially, specifically for students with learning disabilities. A recurring problem happens when students cannot be expected to rely consistently on faculty and staff advocates, and then be stripped of this entitlement following graduation.

The failure of the NCAA to adapt to the changing landscape of higher education providing greater inclusion and integration of all students is seen through the lack of policy implementation or changes to benefit students. As explained by Bowers' lawsuit, the court deemed the NCAA as falling short of meeting the needs of all students by imposing policies that prevented specific groups of students to partake. The NCAA

needs to use these lawsuits as opportunities to expand their educational horizons and evaluate what changes would afford for the greatest inclusion and success of all students.

Legal Case Studies

When the ADA was passed, there were only two seminal cases that addressed these discriminatory practices, and in principle, they were relatively similar in their arguments. The first case was about an African American basketball player's ability to maintain eligibility at the collegiate level. This particular student-athlete submitted multiple waivers to provide him with an exception from taking a full credit load while in season. Each time accommodations were granted. However, upon submitting the third waiver, the ADA was amended. At that time, the anonymous student filed a lawsuit to revise the principles of the NCAA waiver process. The intention was to ensure a waiver would no longer be necessary for him. The hope was that through this court case the NCAA would acknowledge his disability and grant him an individualized plan, very similar to that of an Individualized Education Plan (IEP) in secondary education. The decision of this case is still slightly unclear, in that the court found the NCAA in violation of Title III of the ADA, meaning the practices and regulations of the NCAA did discriminate in the area of public access. The confusion comes from the stipulations of the ruling that if the NCAA were to grant a change to one individual, then it would alter the effective mission of the whole organization, so the solution was for this student-athlete to just continue submitting waivers for his course load. Ultimately, the court

found the NCAA was wrong, but they could not presently offer any solutions for this student without having to entirely reconceive the entire mission of the NCAA.

The second court case challenging the NCAA is what brings us back to the story of Michael Bowers. After being deemed ineligible to compete at the university level, Bowers was admitted to Temple University, where he hoped to get his grades up and walk on to the football team offering him a “loophole” around the high school eligibility requirements set by the NCAA. However, as a walk-on, he would not be able to receive the scholarships or funding afforded to recruited student-athletes. After the ADA was passed, and the court case above took place, Bowers pursued a new lawsuit against the NCAA. This case focused on Bowers being retroactively granted a waiver allowing him to have eligibility to compete at the collegiate level and to gain a scholarship because the NCAA violated Title II of the ADA.

Through initial mediation, the court tried to secure a waiver for Bowers’ eligibility, but the NCAA denied the request because the waiver would violate and eliminate the core course requirements established by the NCAA. At this time, the court dismissed further allegations against the NCAA because they found that providing any other alterations to his eligibility requirements would abandon the nature and privilege established by the NCAA. This essentially meant that the elimination of such requirements would alter the intent and purpose of this governing body for intercollegiate athletics.

Only a year later, 1998, the Bowers family pursued their case, on behalf of their son who passed away, with an amended complaint. This second case focused on how the NCAA was no longer violating Title II but Title III, regarding public accommodations to

individuals with disabilities. The hesitation resulted from the NCAA is a private governing organization, but the court deemed fit to comply with Title III because they operated as an organization in alliance with the public education system and higher education institutions. This case represented a groundbreaking decision as the court determined the NCAA's current practices were in violation, therefore, discriminating against students with learning disabilities and favoring high ability students only.

Although the NCAA was found in violation, the Bowers' request for specific modifications to their son's experience was again dismissed because it would challenge the purpose of the NCAA. The court did not find the waiver process to be suitable to adequately modify the requirements, but there were again no alternatives or solutions provided by the court moving forward. Instead, after this court case, the NCAA relied on secondary education institutions to explicitly identify their educational tracks, making it evident which classes met the core course requirements. The NCAA responded by publishing their core course requirements publicly for individuals to interact with and be made aware of before enrolling in ineligible courses.

Chapter 3

Methodology

Data

This research project utilized secondary data collection and analysis to better approach the questions posed above. The methodology for data collection focused on the NCAA eligibility guidelines concerning the Individuals with Disabilities Education Act (IDEA). The policies for elementary and secondary education for students with learning disabilities were then compared with the National Collegiate Athletic Association's (NCAA) policy. The purpose of this method is to compare the guiding regulations and policies between elementary and secondary education and postsecondary education through the lens of athletics.

Consideration of another methodology for reviewing this population and sample is a clear look at federal policies that govern the postsecondary athletic practices. In particular, elementary and secondary education utilizes the Individual with Disabilities Education Act (IDEA), which affords for equitable opportunities for students. Postsecondary institutions fall beyond the scope of the IDEA, and instead, follow a combination of guidelines set by the Americans with Disabilities Act and the Section 504 Rehabilitation Act. The ADA provides for accessibility, as compared to the IDEA, which is designed to ensure entitlement and equity.

This researcher made use of the policy guidance created by the Office of Special Education and Rehabilitative Services (OSERS) in May of 2017. The guidance was

named a Transition Guide to Postsecondary Education and Employment for Students and Youth with Disabilities. The guidance outlines the expectations for outcome-oriented policies for students with learning disabilities and how postsecondary education requires an in-depth knowledge of a student's rights and responsibilities in the transition process. The guidance elaborates on the relationship between IDEA in elementary and secondary institutions and Rehabilitation Act Section 504 and Americans with Disabilities Act (ADA) for postsecondary institutions.

This researcher reviewed the NCAA 2018-2019 Guide for the College-Bound Student-Athlete containing information regarding course requirements and the necessary waiver process for accommodations to be made for students with education-impacting disorders. For this thesis, only the NCAA Division I academic eligibility and standards were reviewed. The guide outlined a necessary checklist to be completed during a student-athletes high school career with the assistance of guidance counselors, parents or guardians, and any necessary administrators.

The NCAA Division I Manual was investigated for meaningful bylaws and regulations for students with learning disabilities and eligibility requirements. The manual indicated the purpose, principles, and policies governing the NCAA currently. This researcher focused on Article 2, Principles of Conduct of Intercollegiate Athletics, and Article 14, Academic Eligibility. These Articles provided the basis and description of the necessary procedures for student-athletes with learning disabilities to qualify to compete at Division I postsecondary institution.

Data Analysis

The analysis process was based on secondary policy analysis of the NCAA in comparison to the guidelines set forth by the IDEA for students with learning disabilities transition process to postsecondary education. The policy analyzed was specific to the eligibility of student-athletes to compete in intercollegiate athletics. The IDEA represents federal policy for entitlement to services for students and youth with disabilities in elementary and secondary institutions. This researcher then analyzed the rhetoric of the IDEA policy guidance in comparison with the NCAA guide for future student-athletes and the Division I manual.

Table 3-1
Federal Policy Structures

Federal Policy	Institution Types	Description
Individuals with Disabilities Education Act (IDEA)	Elementary, Secondary	<ul style="list-style-type: none"> • Entitlement to advocacy, services, and comprehensive supports • Submits to Free and Appropriate Public Education (FAPE)
Rehabilitation Act (Section 504)	Elementary, Secondary, Postsecondary	<ul style="list-style-type: none"> • Entitlement to comprehensive supports under Free and Appropriate Public Education (FAPE) until student graduates from high school; self-advocacy in postsecondary institutions • Prohibits discrimination based on disability for recipients of Federal financial assistance
Americans with Disabilities Act (ADA)	Postsecondary	<ul style="list-style-type: none"> • Title II enforced by the Department of Education and prohibits discrimination based on disabilities by public entities • Title III enforced by the Department of Justice and prohibits discrimination based on disabilities by private institutions • Self-advocacy

A Transition Guide to Postsecondary Education, (2017, January). Retrieved June 17, 2019, from <https://www2.ed.gov/about/offices/list/osers/transition/products/postsecondary-transition-guide-2017.pdf>

The IDEA transition guidance outlined an educational structure for students with learning disabilities based on the appropriate federal policy. The structure of the federal government is illustrated by Table 3-1 to better explain how the NCAA policies were being evaluated based on rights afforded to student-athletes with learning disabilities throughout their transition from secondary institutions to postsecondary institutions.

The NCAA Guide for College-Bound Student-Athletes and Division I Manual was analyzed to see if they met the necessary conditions to accommodate the needs of student-athletes with learning disabilities. The language of the IDEA transition guide, which explicitly helped students with learning disabilities learn to self-advocate, as compared with the necessary procedures outlined by the NCAA. An evaluation of these guidelines was made regarding the equity for student-athletes with learning disabilities to qualify in intercollegiate athletics through the NCAA.

Chapter 4

Findings

Upon comparing the IDEA Transition Guidance for Students and Youth with Learning Disabilities and NCAA College-Bound Student-Athlete Guide, the recommendations shared the perspective that students with learning disabilities need to take an active role in understanding the rights and accommodations they need based on their Individualized Education Plan (IEP) or Section 504 Plan. The two guides emphasized the importance self-advocacy plays in the transition from secondary to postsecondary institutions, regardless of the entitlements to comprehensive supports offered during their secondary careers. The guides differed in the ease of access, rights, and accommodations for students with learning disabilities to transition.

The IDEA guidance offered a comprehensive overview of the fragmentation of policies for students with learning disabilities, and why these students need to be educated on the necessary steps to ensure success while attending postsecondary institutions. The IDEA guidance elaborated on how students are no longer entitled to support but can access these supports at postsecondary institutions only when identifying and disclosing their disability to their respective disability resource centers. The reason for the need for self-disclosure and –advocacy comes from the transition from being protected by the IDEA and Section 504 to Section 504 and ADA. Upon high school graduation, a student’s entitlement to comprehensive supports is no longer covered by Free, Appropriate Public Education (FAPE), and universities may exercise their

discretion and reasonable documentation to determine the accommodations necessary for a student.

However, the NCAA College-Bound Student-Athlete Guide failed to outline the necessary federal policy and regulations that impact how a student-athlete would have their disability accommodated by their University. Instead, the NCAA guidelines reference 16 core-courses required for gaining “qualifier” status as a freshman.

Table 4-1
Core Course by Years Required

Core Courses	Total Years Required
English	4
Math (Algebra 1 or higher)	3
Natural/Physical Science (including one year of the lab, if offered)	2
Additional (English, math, or natural/physical science)	1
Social Science	2
Additional Courses (any area listed, foreign language or comparative religion/philosophy)	4

Table 4-1 identifies the core courses and years required for college-bound student-athletes. These core courses must have approved curriculum and be approved as a part of the school’s regular academic level programming. The NCAA makes the only exceptions for students with approved education-impacting disorders; however, the principal must guarantee the coursework in any special education courses would be considered equivalent to the regular level courses taken by students without learning disabilities. The guidelines for course approval are explained in Table 4-2 based on the NCAA Bylaws. Students deemed to have education-impacting disorders under the

guidance of the NCAA must also submit a waiver for the Eligibility Center to review the curriculum of the courses and determine if it is an acceptable replacement. If ten of these sixteen are not completed before the start of a student's seventh semester in high school, they are ineligible to compete or receive financial aid for athletics.

Table 4-2
NCAA Core Course Requirement Bylaws

Core Course Requirements	
14.3.1.3A	A course must be a recognized academic course and qualify for high school graduation credit in one or a combination of the following areas: English, mathematics, natural/physical science, social science, foreign language or nondoctrinal religion/philosophy
14.3.1.3B	A course must be considered college preparatory by the high school. College preparatory is defined for these purposes as any course that prepares a student academically to enter a four-year collegiate institution upon graduation from high school
14.3.1.3C	A mathematics course must be at the level of Algebra I or a higher-level mathematics course
14.3.1.3D	A course must be taught by a qualified instructor as defined by the appropriate academic authority (e.g., high school, school district or state agency with authority of such matters)
14.3.1.3E	A course must be taught at or above the high school's regular academic level (remedial, special education or compensatory courses shall not be considered core courses). However, the prohibition against the use of remedial or compensatory courses does not apply to courses designed for students with education impacting disabilities

Two distinctions are made for students that do not meet these requirements: academic redshirt or non-qualifier. Academic redshirt refers to a student who:

Did not meet the criteria to be a qualifier but completed the required core courses with a high school grade-point average and corresponding sum ACT or SAT score as specified... or you did not complete at least 10 of the required 16 core courses

before the start of your seventh semester of high school. [NCAA Eligibility Requirements, 2018,7]

A non-qualifier refers to a student who fails to meet any of the above criteria listed. Academic redshirts are provided the opportunity to receive athletic-related financial aid and may practice but cannot compete during their first year of residence. Non-qualifiers are unable to receive athletic-related financial aid, practice, or compete during student-athletes first three semesters at a university. For any student failing to meet the NCAA core-courses who did not receive a waiver or accommodations, they lose a year and a half of eligibility and potential for athletic-related financial aid. These core course requirements disproportionately affect student-athletes with learning disabilities and present a structural constraint to qualify for intercollegiate athletics and financial aid based on their secondary educational track.

A clear distinction exists between the secondary and postsecondary policies and purposes that segregate students' eligibility. Although the universities being studied are public institutions, their admission process does not contribute in any way to the qualifying status of student-athletes through the NCAA. The NCAA is a private governing institution, meaning the ADA Title III, governed by the Department of Justice, not the Department of Education, would evaluate it. The Department of Justice does not follow the same accommodations and regulations necessary for an equitable educational experience. This means the academic driven mission of the NCAA is being lost in the current policy structure. For secondary institutions, the qualifications are based on a combination of state policy and individual school policies, which are deeply rooted in the

entitlement of all students, regardless of their disability status, to receive a fair and appropriate education.

The overarching framework presented for this research project reveals there is segregation between the eligibility of student-athletes in secondary to postsecondary institutions. A student meeting all of the appropriate needs of their public school who is admitted to a university may still be deemed a non-qualifier because of their failure to have completed the necessary ten of sixteen core courses upon entering their seventh semester. For students with learning disabilities, these restrictions aim directly at their curriculum in high school. The NCAA may not deem any course that requires in-class support or additional aids acceptable.

To refer back to the NCAA's mission statement, the purpose of promoting a positive image of student athletics with policies that isolate students with learning disabilities from ever meeting these standards, suggests a bias and inequitable educational opportunity in higher education. These policies also represent the failure of the ADA and Rehabilitation Act 504 from being able to provide the necessary support and protection for students with learning disabilities to prevail in higher education, but more specifically in the area of athletics.

Chapter 5

Discussion

The information suggests a dissonance between the educational policies of elementary and secondary institutions as compared with the policies of the National Collegiate Athletic Association (NCAA). The comparative analysis highlights the need for more specific education policies for student-athletes transitioning from secondary to postsecondary institutions. The particular distinction of the NCAA governed by Title III of the ADA; and therefore the Department of Justice, signifies the need for a reevaluation of policies. A mission married between academic and athletics drives the NCAA, but the guiding policies are not rooted or maintained by the Department of Education to assure the appropriate accommodations are being met for all students, especially those with a continual need for additional supports or interventions.

The commitment of the policies to promote self-advocacy represents an alliance between education and athletics to stimulate learning beyond the classroom. In comparison, the postsecondary institutions commit to the purpose and mission set forth by the NCAA thus distancing itself from equitable opportunities in favor of more commercial and profitable depiction of student-athletes. The institution may be driven by other factors in terms of research and education, but based on the alliance with the NCAA there lacks protection and support for those students with learning disabilities.

The findings suggest a rejection of student-athletes with learning disabilities from secondary education to compete at the desired postsecondary level following their high

school graduation. The eligibility requirements for the sixteen core courses are not satisfied by any special education courses taken. Although exceptions are made, the process itself does not guarantee a student will be approved by the NCAA Eligibility Center. The institutions themselves all accept these courses in their application and admissions processes, so students accepted to the university may still not compete because of their non-qualifier distinction made by the NCAA eligibility council. The interpretation of these policies is that student-athletes taking special education courses in high school are not representative of the academic excellence, or character, the NCAA wishes to portray for their student-athletes.

A disconnect exists between the transition from secondary to postsecondary institutions because of how the IDEA supports a system grounded in inclusion and entitlement for all students to ensure appropriate educational experiences. The ADA exists to provide access for students but is not rooted in a system to guarantee access to education for those in college. Instead, the NCAA becomes complacent with the minimum interpretation of ADA requirements that have vague applications due to their private status. They govern the institutions and are the powerbrokers in the education of student-athletes, yet they fail to amend policies to favor the interest of the students rather than stakeholders.

Chapter 6

Conclusion

The rigor and demands of collegiate athletics should never be overlooked when considering the policies created by the NCAA. These regulations aim to assure students being considered can meet the demands of education at the postsecondary level that will not only challenge them academically but also require a full-time commitment to their sport and team. It is the mischaracterization of these regulations to suggest that students with learning disabilities are incapable of academic excellence solely based on the education-impacting disorder that tracked their academic program during their secondary education, to ensure an appropriate education.

However, for students coming from low socioeconomic backgrounds with diminished cultural capital, they likely do not have powerbrokers in their lives supporting their educational attainment and assuring they are both college and NCAA eligible. Although the scholarships and stipends motivate student-athletes to dedicate time and energy into building a pseudo-career for their sport throughout secondary education, it may all be obscured by any present learning disabilities. It is this structural constraint imposed by the NCAA that prevents this specific population of students from finding alternatives to social mobility. Students' lack of cultural capital throughout secondary education contributes to the limited information they have on what being a college student-athlete truly means.

In their secondary experience, their public school lacked restrictions beyond grade point average, or credit acquisition, to deem students eligible or ineligible to compete in their sports. However, for postsecondary institutions, it is the use of an independent, private governing body that influences the ultimate judgment as to whether a student does or does not make the cut. It is a complicated system, particularly because the university may admit a student but the NCAA has the ultimate governing power on their eligibility (i.e. Michael Bowers). This perpetuates a discordant system where the system boasts an inclusive and diverse structure aiming to marry academics and athletics, but in practice and law, they are systematically oppressing and subjugating individuals who they deem unfit of their standards.

The failure of these policies to meet the needs of the population represents an increasing intolerant education structure isolating and alienating those that stray from being "normal" or meeting the standards-based model. This particular model and the governing organization failed to progress and embody the mission they voice to society. Rather, they present a new barrier to entry for those in need of additional supports and educational intervention because their secondary curriculum varied from the average person. As with the Bowers' court decision, the NCAA falls short of adapting to the changing landscape of higher education. Their policy alone represents a piece of the disparities present as a result of policy fragmentation existing between secondary and postsecondary education.

The federal and state governments need to acknowledge the urgency for interventions regulating and affording protections to students at postsecondary institutions. Policymakers are in the position to destigmatize learning disabilities through

informed and comprehensive policies at the federal, state, and even local level. The insufficient arrangement currently between secondary and postsecondary education limits the existence of protective policies to encourage improvements in the current philosophy of education. Building an infrastructure of education that offers support and resources at all levels would allow for more equitable opportunities to existing in the United States educational system.

This thesis intends to acknowledge a need for more research and analysis on the subject of students with learning disabilities, but more specifically looking at the equity of the NCAA policies for students transitioning from secondary to postsecondary institutions. As an independent agency committed to supporting students through their athletic and academic endeavors, there needs to be greater visibility and opportunities provided to all students, regardless of whether or not they have an education impacting disorder. More specifically, responsibility cannot fall on the NCAA to deem a student worthy of competing and taking courses at a university, but rather it should fall on the University Admissions Office to make that decision. As a private institution, the NCAA's existence is to protect and provide resources to acknowledge and encourage them to manage any psychological disorders or learning disabilities with the support of counselors and advocates given to them.

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