Disability IN THE German, Swiss, AND Austrian Higher Education Systems

JUSTIN J.W. POWELL, KAI FELKENDORFF, AND JUDITH HOLLENWEGER

INTRODUCTION: CROSS-NATIONAL STUDIES OF DISABILITY AND HIGHER EDUCATION

Disabled people’s exclusion from higher education continues even as their participation in primary and secondary schooling has expanded considerably, especially over the postwar period. Successes in achieving education for all and inclusive education have not automatically translated into equal opportunities in later stages of an educational career, even if such developments have led to a larger population eligible for postsecondary education and training. Transitions pose a major challenge for students in low-status tracks, such as most sections of special education. Around the world, even those higher education institutions that aim to equalize access, provide services, and make necessary accommodations have not yet succeeded in completely eliminating discrimination because of ableist policies and practices. Higher educational institutions have too long ignored the physical and attitudinal changes that they could make to reduce barriers that make studies difficult or impossible for students with disabilities.

Although education is an increasingly valued individual and public good, beyond minimal levels it has yet to be secured as a right for all citizens, even in self-proclaimed “information” or “education” societies (Peters, 2004). Access
rates as well as representative surveys. This cross-national comparison identifies a variety of barriers whose elimination would facilitate disabled students’ success in higher education. For the first time, a Swiss study presents a comprehensive picture of disability among Swiss institutions of higher education, combining surveys, case studies, and different forms of interviews with students as well as university and external counseling staff (Hollenweger et al., 2005). Relying on such decisive research projects, Disability Studies in education can provide recommendations for the reform of policies and practices.

TOWARD UNIVERSAL ACCESS? PATHWAYS AND BARRIERS TO HIGHER EDUCATION FOR YOUTH WITH DISABILITIES

Segregated schooling

The trend of participation in tertiary education is upward in all three countries, while access and accommodations for students with disabilities persist as areas in need of considerable further development. The most important limitation, found in all German-speaking countries despite recent reform efforts, is prevalent segregation of disabled children and youth. In Germany, ten separate types of special schools, differentiated on the basis of categories of educational support since 1994, continue to serve the vast majority of pupils classified as having special educational needs (Powell, 2006). School segregation is a major source of social inequality early in the life course and has cumulative negative effects on further educational participation among young adults with disabilities (Powell, 2003a). Because of highly selective primary and secondary schooling structures in all German-speaking countries, youth who were labeled early in school as “disabled” according to the relevant educational-administrative definitions of disability have historically been largely excluded from postsecondary education. In most states, curricular and credential requirements for postsecondary education (especially university study) could not, and indeed still cannot, be met while participating in special education programs. In Germany, only 48 of around 45,000 special school-leavers attained the certification necessary for university entrance in 2000, and 80 percent did not even receive the lowest qualified certificate (Hauptschulabschluss) (Krappmann et al., 2003: 773). By 2003, the number of special school-leavers holding a higher education entrance qualification had risen to 66 (KMK, 2005: 48).

Austria is the only country of the three that has a national law extending the right to school integration for pupils with special educational needs through the end of compulsory school age. This integration law has resulted in significantly rising integration rates since 1996, as more parents choose such settings for their
children (Dujmovits, 2004). As segregation rates in Austria decline, larger cohorts of integrated or even inclusively educated schoolchildren with special educational needs have begun to reach college age. In Germany and Switzerland, by contrast, school integration has only been achieved in some states, with inclusive education often offered only in pilot projects with consulting educational researchers. But most German states (Länder) and Swiss cantons do not even guarantee an effective right to school integration, defined as attending a general school, despite the forceful demands of parents and disability activists. Recommendations passed by the German and Swiss Standing Conferences of Ministers of Education in the 1990s aimed to establish integrated schooling as a fully viable form of schooling for pupils deemed to have special educational needs. However, these recommendations, as well as some amendments to state or canton school laws, have not yet resulted in lower segregation rates. In fact, there is an ever-increasing proportion of pupils in mainstream schools diagnosed as having some form of special educational need. Rates of pupils attending segregated special schools during compulsory education in German–speaking countries are consistently among the highest in world (Powell, 2006). Paradoxically, the segregation rate of all children in compulsory education in Germany has risen to 4.8 percent in 2003, up from 4.3 percent in 1995, when influential recommendations concerning integrated schooling had just been issued by the ministries of education (KMK, 2005: 25). In Switzerland, 6.2 percent of all schoolchildren were taught either in special schools (funded by the national “invalidity insurance” scheme), or in special classes (mainly funded and managed by the cantons) in 2004. There are striking regional disparities with regard to segregation rates in special classes, varying from 0 to 7.2 percent between Swiss cantons. Furthermore, male and ethnic minority children and youth are overrepresented in Swiss special education, as they are in Germany (Powell & Wagner, 2002). Pupils whose special educational needs are diagnosed in primary or secondary school risk segregation and are highly unlikely to return to general education (Preuss-Lausitz, 2001). Their subsequent learning opportunities are often reduced, and the possibility of meeting curricular requirements for accessing postsecondary education is seriously limited.

Postsecondary education structures and access to higher education

The German–speaking (and influenced) countries have extensive systems of vocational training that provide attractive apprenticeship opportunities at the upper secondary level. Because these educational systems place emphasis on upper secondary schooling and well-developed vocational training, a consequently smaller group participates in tertiary education. Further, university education has traditionally been reserved for members of higher classes. Thus, vocational training plays a far more significant role in preparing young adults for employment than it does in other European countries, and this is especially true for those youth who participate in special education. German–speaking countries combine in–school and in–firm education and training (apprenticeships) in a so–called dual system to utilize the benefits of both teaching/learning settings, and vocational training institutions are an integral part of secondary school structures. Due to the traditional definitions of “disability” in educational systems and the early segregation of disabled and disadvantaged children into lower–status tracks, research concerning transitions of youth with disabilities to the labor market focuses almost exclusively on transitions through structures of upper secondary level vocational training (Felkendorf & Lischer, 2005).

However, students in Germany and Switzerland stay in secondary education longer (Figure 29.1). Austria’s students transition faster, with a smaller proportion than the Organisation for Economic Co–operation and Development (OECD) mean remaining in secondary education at age twenty. This comparison indicates that even within the German–speaking world, pathways from school to work are considerably differently structured: At age eighteen, Germany has 40 percent more students still in some form of secondary education than does Austria. At age twenty, a fifth of young adults in both Germany and Switzerland are still enrolled in public or private secondary schools. Societies differ in the pathways and support they provide youth transitioning from secondary to tertiary educa-

![Figure 29.1. Exiting secondary education: Transitions at ages 15–20 (Net enrolment rates in secondary education, public and private institutions), 2002. Source: Authors' figure based on OECD 2004a: Indicator C1.3.](image_url)
tion. Cross-national research suggests that regulated and vocation-oriented systems, such as those in the German-speaking countries, tend to lead to relatively smooth transitions to the labor market, reducing the risk of underemployment and unemployment for those with vocational training; however, these systems also tend to foreclose these individuals’ access to higher education (Shavit & Mülher, 1998). In other words, secondary school tracking systems and vocational education can play two contrary roles simultaneously—as a safety net for some, but as a mechanism of social exclusion for others.

Since most people in the younger cohorts hold vocational (or academic) qualifications in these countries and access to coveted apprenticeships increasingly requires qualified lower or even intermediate level secondary certificates, youth with disabilities face particular difficulties. Their chances at the next stage, such as into Germany’s certificate-oriented and training-focused labor markets, will be considerably constrained for those who have not participated in the dual system. As Seibert (2005) has shown for ethnic minority youth, equalizing access to vocational training itself, rather than attempting integration at the stage of transition into labor markets, promises greater equality of opportunity. As in the United States, in Germany certain ethnic minority groups are disproportionately represented in special education and face higher risk of remaining less educated (Powell, 2006).

In most OECD countries, the proportion of low-skilled persons has decreased considerably over the last two decades, but the remaining, smaller group faces heightened stigmatization (Solga, 2005). Germany seems to be an exception in having an increasing percentage of less-educated persons in the 25–34 age-group, over the same time period in which more of that age-group in Switzerland and Austria were attaining upper secondary certificates, but this may be related to the unification of East and West Germany in 1990 (Table 29.1). All three

<table>
<thead>
<tr>
<th>Age-group</th>
<th>1992</th>
<th>2001</th>
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<td>Germany</td>
<td>18</td>
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<td>Switzerland</td>
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<tr>
<td>Austria</td>
<td>32</td>
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<td>OECD avg.</td>
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German-speaking countries are at least 10 percentage points below the OECD average, pointing to high educational standards and participation rates in these nations. The majority of students graduating from upper secondary level participated in programs that prepare for and provide access to tertiary education (OECD, 2005). Without such upper secondary qualifications, youth with disabilities will face higher unemployment rates (23) and compete in labor markets at a considerable disadvantage. In fact, not only is the estimated long-term effect on economic output of an additional year of education in the OECD between 3 and 6 percent, but analyses also indicate a causal relationship between higher educational attainment and better mental and physical health (27).

Thus, equality of opportunity for students with disabilities implies access to high expectations and learning opportunities throughout compulsory schooling as well as to college preparatory curricula in upper secondary education. Given the increased importance of holding educational certificates in all three societies, youth transitioning from school to higher education, vocational training, and employment need enhanced support to participate and attain qualifications. On the basis of a cross-national comparison, Wetzel (2002) outlined general requirements educational programs must fulfill to facilitate successful transitions of disabled youth: Explicit and stable, long-term institutional frameworks to ensure planning security; a regionally decentralized and individually personalized and flexible support system; intervention beginning before secondary school-leaving; and no division between more or less favored groups to avoid large effects of “creaming out” in the selection of participants.

Comparing the proportions of students completing first tertiary-level degrees (of their age-group), the German-speaking countries hover around 20 percent, considerably below Japan and the USA at around a third and Australia at nearly 50 percent (OECD, 2005: 13). Thus, tertiary education plays a less significant role in Germany, Switzerland, and Austria than in these other countries, which has to be taken into account when we discuss the participation of persons with disabilities in tertiary education.

**STUDENTS WITH DISABILITIES IN HIGHER EDUCATION**

**Participation rates**

Obtaining an adequate picture of the prevalence of "disability" or "special educational needs" among the relevant age-groups requires Disability Studies research to look beyond data generated by schools or welfare administrations and their sometimes contradictory, rarely compatible conceptions and measures of disability.
The quantity and quality of groups of youth and young adults with disabilities—measured with currently utilized sociological, legal, educational, or medical concepts of disability—need not be, and are empirically not identical (Felkendorff, 2003a; 2003b; Hollenweger et al., 2005; Powell, 2003b). For decades, German-speaking sociology has emphasized that disability and disableness, but also concepts like impairment and illness, can only be understood as shifting, contingent and highly value-laden sociopolitical constructs and practices (Cloerkes, 2003). Other disciplines, especially related to the medical, pedagogical, or legal professions, have generated and implemented a multitude of concepts of disability that shape social reality. Thus, social scientists have to take into consideration these concepts as social facts when undertaking empirical research before going beyond. Disability Studies calls on all these disciplines to problematize their understandings of “disability” and critically engage the complexity of disableness.

The most obvious evidence for the shortcomings of present definitions and statistics concerning disability in childhood and youth is the fact that young adults whose impairments or chronic illnesses were of little direct relevance for schooling structures have attained higher education entrance qualifications in large numbers in all three countries. It is solely this group’s access to higher education that can account for the participation rates of disabled and chronically ill persons in higher education that we present here. Recent changes toward more inclusive education throughout Europe emphasize the need for data gathering efforts to explicitly analyze the current situation of disabled pupils (EADSNE, 2003). The rights and responsibilities of both persons with disabilities and institutions shift considerably from secondary to postsecondary education (OCR, 2005). In order to enhance reliability and validity, data collection efforts and analyses must attend to these differences.

In 2003, the proportion of students in German higher education self-reporting a disability reached 2.5 percent, but 10 percent of students reported living with chronic illness (BMG, 2004; DSW, 2000). In Austria’s national survey of 2002, 11.7 percent of all students defined themselves as “physically handicapped,” varying from 6 percent to 16 percent by university. Of the Austrian national average of nearly 12 percent, 7.6 percent of all students reported having a serious chronic illness, and 4.1 percent reported having a disability (IHS, 2005: AT 4). In an earlier survey, 12 percent of students in Austria self-reported an “impairment.” Over half of the students with an impairment indicated allergies or respiratory problems, one-fifth a chronic illness, 15 percent mentioned a mental impairment, 15 percent a visual impairment, nearly 10 percent a physical or mobility impairment, 6.9 percent other impairments, and 5.5 percent a hearing impairment; but a third mentioned multiple impairments—yet only 1 percent of all these individuals self-identified as “disabled” (Wroblewski & Unger, 2003). Comparing students with impairments and those without, the former are older, start their studies later and take longer to complete, switch their course of study and drop out more often, are more likely to live with their parents, and have higher costs related to their impairments (ibid.).

A survey of 16,554 university students carried out in Switzerland during the 2003/2004 academic year brought forth similar data: 2.2 percent of all students reported having a disability, but 10.5 percent reported chronic illnesses, with no significant differences between men and women (Hollenweger et al., 2005: 43). Nearly half of all students reporting chronic illness or disability indicated allergies or respiratory problems (45.7%), 21.5 percent an impairment of mobility functions, 13.9 percent chronic skin problems, 12.9 percent mental impairment, 12.6 percent impairments of inner organs, 5.2 percent a serious visual impairment, 4.9 percent chronic pain or difficulty sleeping, 4.6 percent a hearing impairment, 3.9 percent impairments of the central nervous system, 3.6 percent addiction problems, and 1 percent reported learning problems such as dyslexia. Multiple impairments are quite common: Four-fifths of all students reporting addiction, for example, also indicated another form of impairment (48). Interestingly, substantial differences in disability rates with regard to subject fields were found: while in theology, 21.9 percent of all students reported a disability or chronic illness, only 8.2 percent of students in economics did so (47). Prima facie, these rates appear to be rather high, compared to the data summarized in the European Union’s “Eurostudent Report 2005” that as little as 1 percent of all students in Italy, Ireland, and Spain, or 3–4 percent in France, the Netherlands, and Latvia “feel impaired in their studies” (HIS, 2005: Figure 4). For the German-speaking countries, if we take into account national census, household panel or health survey data on the relevant age-groups, there seems to be no underrepresentation of disabled people and those with chronic illnesses among the higher education student population. A valid and reliable matching of the available data, however, is not possible. National census or household panel data collection instruments like the German Socio-economic Panel Study, when gathering disability data, almost exclusively apply items that ask persons whether they hold a legal disability status. Process-generated statistics from national welfare schemes are even less reliable. Furthermore, the boundaries between the key concepts of “chronic illness” and “impairment” are far from clear, even highly contested (e.g., Barnatt & Altman, 2001 on disability measurement). In accordance with influential social science models of disability, most people self-reporting chronic illnesses in health surveys are counted as “disabled people” when they cannot participate fully in any significant domain of social life.

The legal classification processes of “disability” in the German-speaking countries still reflect the historic concept of “(work) invalidity.” This is especially
higher education facilities and maintain infrastructure, and to reduce disparities in living conditions between the Länder, which differ considerably by size, economic conditions, and cultural diversity. Promoting the concerns of students with disabilities is considered in policy relating to social assistance, but is not treated independently (in contrast to gender equality, which is). Concerns about accessibility not only fall victim to this disregard, but also to a much larger problem of German federalism, characterized by conflicts of interest and policy preferences between the levels of government. Indeed, recent conflicts over education reform caused the failure of the very commission charged with considering constitutional change to reduce the serious problems associated with federalist (non-) decision-making (Scharpf, 2005). In 2005, a compromise concerning the reform of German federalism was reached. The forthcoming reform will reduce effective competencies of the federal government in the educational sector even further. Yet for disabled students, national legislation such as the Federal Education and Training Assistance Act (BetrAgG) that supplies financial support to all students and the specific national directives on disability equality remains crucial, especially those rules that stipulate that all institutions of higher education must improve access for students with disabilities (Federal Disability Equality Law, Social Code IX, 2002).

In Austria, higher education policy has traditionally been a domain of the federal government. A major reform that paved the way for institutional autonomy of Austrian universities was the University Organization Act of 1993, which shifted extensive decision-making powers from the Federal Ministry to individual universities. This change was to facilitate the introduction of management principles and service orientation “to achieve efficiency and quality enhancements” (BMBWK, 2006).

Only recently has federal disability equality legislation (Behindertengleichstellungsgesetz) come into effect in Germany, Switzerland, and Austria in 2002, 2004, and 2006, respectively. Public debates, disability movement pressure, and legislative processes led to the passage of disability equality bills on federal and, subsequently, on state levels. The passage of these detailed laws was enhanced by constitutional amendments made during the 1990s that explicitly forbid the negative discrimination of persons “because of their disability.” However, as part of public law—like the constitutional amendments—the potential effect of disability equality acts in all three countries has thus far been limited to those arenas in which federal government has direct authority. Thus far, mostly physical and communication barriers as well as certain fields of social life, such as public buildings, public administration, and transport have been addressed. Since higher education institutions in German-speaking countries are mostly governed by public law, higher education may be one of the fields where such disability equality
legislation could have significant impact. Even there, however, comprehensive and fast change cannot be expected to result directly from these laws, since extensive "transition periods" apply, especially in the field of public works construction. Thus, it remains unclear whether and how fast disability equality legislation can reduce even the most glaring barriers to and within higher education institutions for students with disabilities.

In private law, no comprehensive legislation concerning disability equality has come into effect until now. Presently, EU guidelines urging member states to implement antidiscrimination legislation into private law have led to some intense debates in Austria (Naue, 2006) and in Germany (Köbsell & Waldschmidt, 2006), where just days before the May 5 "European Protest Day for Disability Equality" finally a compromise was reached. Long-running debates concerning precise legal definitions of key terms like "disability" and "equal treatment" are intertwined with ideological debates about the state's right to interfere with decisions made by citizens and businesses. The compromise reached by the majority in Germany's federal parliament does not contain many of the key elements demanded by the disability rights movement, such as eliminating an exemption whereby insurance companies can refuse to insure persons with preexisting conditions. In Switzerland, which has the least interventionist welfare state model of the German-speaking countries and which is not a member of the European Union, legal projects like a comprehensive and effective antidiscrimination bill governing private law still do not have reasonable chances of passage.

Perhaps the most pressing problem in these countries' higher education systems is a lack of funding in general, with the degree of (under)funding varying between states, universities, and disciplines or courses of study. Whereas the numbers of beginning students and the number of graduates in Germany have doubled since the 1970s, the number of students has quadrupled (Mayer, 2003: 596), pointing to the need for fundamental reform, for more effective courses of study and better matching, and for renewed investment. The conditions at not a few universities in the German-speaking countries seriously constrain learning opportunities, such as when there are not enough chairs for students, subscriptions to journals are suspended, or when high student-faculty ratios render mentoring impossible. Symbolizing students' dissatisfaction with the original university and/or course of study in which they enrolled, approximately 15 percent of all German first-degree students transfer to another university before degree completion (DSW, 2002). College choices in Germany remain a blend of individual decision-making and administrative fiat without provision of much systematic information, guidance or counseling that help prepare youth for successful transitions from schools to universities. For example, the current lack of information on the new university programs has consequences: Despite the massively expanded supply of bachelor's degree programs, only one-quarter of incoming students in the Winter semester 2003/2004 even considered them as an option (Heine et al., 2005: 3). Students need more information, about courses of study and accessibility, prior to and during their studies. Such information is particularly important for potential students with disabilities as they organize diverse services to facilitate their access to the curriculum (in Germany, a good source is the guidebook published by the National Association of Student Affairs, Studentenwerk).

Types of institutions

In the German-speaking countries, most tertiary education institutions are publicly funded. These provide courses of study in a broad range of subjects, combine teaching and research, offer varying degrees of specialization (including technical, medical, theological, or arts foci), and have the exclusive right to award doctoral degrees. While some private universities have been established in recent years, many specialize on a limited range of subjects. Applied science institutions (Fachhochschulen), which may now grant B.A. and M.A. degrees instead of their traditional Diplom, represent the higher education sector expanding fastest in all three countries. Most of them have developed from precursor institutions of non-university tertiary or upper secondary education over the past few decades. They offer training in a growing variety of fields, combining applied research and comparatively extensive practical training. Besides these major types of institutions, some German states maintain colleges of advanced vocational studies (Berufskademien) that offer courses of study that combine postsecondary-level training with an apprenticeship or training contract with a private or public employer. Some Fachhochschulen in these countries have started offering such dual courses as well. In Austria, several forms of separate professional colleges persist, whose courses of study in Germany and Switzerland have either been integrated into the Fachhochschulen or are still formally part of upper secondary level education, such as midwifery or paramedic training courses in Germany. Formal distinctions between all postsecondary institutions are breaking down with standardization in Europe.

A most significant process of change affecting all institutions of higher education throughout Europe is the so-called Bologna process which aims to harmonize European higher education to enhance European education's attractiveness and competitiveness worldwide (Reinalda & Kulesza, 2005). The introduction of consecutive bachelor's and master's degree courses and the formal accreditation of individual achievements through the "European Credit Transfer System" (ECTS) bring about major changes in higher education systems. Within a short period of time, differing by country, all traditional degrees and courses will be replaced by the new system, based more or less upon Anglo-American models of sequential
college and university courses of study and degrees. The Bologna process aims to increase permeability between diverse types of institutions with traditional status differences as well as geographic mobility within Europe. This should provide perspective and motivation for many students who previously were confined to certain status tracks or regions. Furthermore, in assessing the status, prestige, or other features of “success” of tertiary institutions, its formal type will likely play a less significant role than it does currently as these institutions differentiate. Rankings of universities and fields, carried out by private or public agencies, are relatively new to German-speaking higher education, but they have become increasingly common, shaking up governments and university administrations as public discourse on higher education proliferates.

These developments are accompanied by a gradual shift of competencies from the respective state governments to universities, giving universities more financial and administrative autonomy and, to an increasing extent, competencies to autonomously select prospective students. In Austria, public universities became separate legal entities under public law in 2004. Other major recent changes include the 2001 introduction of tuition fees in Austria and in many German states and Swiss cantons. Whereas previously, tertiary education was a freely provided public good for a select group, the costs of higher education participation for all individuals are on the rise, and competition between universities and students is increasing throughout higher education. The consequences these developments may have for students with disabilities have yet to be fully analyzed. What is clear from the above analysis is that many of these institutions are engaged in fundamental change processes. Most of these institutions lacked the support provisions needed to level the playing field for students with disabilities. What effects increasingly structured and standardized but more expensive education will have on students with disabilities remains unclear, especially given the complex institutional arrangements that serve students with disabilities or chronic illnesses.

Provisions for students with disabilities

Higher education policy, welfare policy, health policy, and labor market policy (including various forms of counseling) form rigidly separated systems in the German-speaking countries, each maintaining its own agencies and local level offices. Many crucial services and supports for students with disabilities are neither related to student status nor provided by the higher education institutions themselves: Such key resources include personal assistance and care, income support and allowances, employment-related support in vocational training, therapy, personalized technical equipment, career services maintained by the states’ employment agencies, and public transport.

Services disabled students may request are provided by an enormous variety of agencies and organizations inside and outside higher education institutions. Thus, extensive referral systems force disabled students to spend considerable amounts of time and energy on administrative issues in order to claim their rights. Bureaucratic hurdles pose one of the most difficult of all challenges that students with impairments and chronic illnesses face. It seems that instead of being treated first and foremost as students who also happen to have a disability, most disabled students are treated like disabled persons who happen to be students as well. Despite attempts to integrate counseling and services for disabled students, policies and administrative processes with regard to students with disabilities generally do not work in collaboration. Specialized on-campus services include library services for students with visual impairments (only at a few universities); voluntary peer counseling by local self-help associations, with availability varying between universities and by year of study, and psychotherapy. Detailed descriptions of the forms of support and assistance available to students with disabilities cannot be presented here (Fekendoff, 2003b: 133 for a selected overview concerning Germany; Hollenweg et al., 2005: 111–146, for detailed examination of students’ experiences with these structures in Switzerland). However, under the legal frameworks available in all German-speaking countries, it is clearly the duty of higher education institutions and their funding bodies to reduce the extent barriers, to understand the challenges students face on a daily basis, and to assist when asked.

In an increasing number of universities in German-speaking countries, posts of “disability affairs representatives” have been created in recent decades. Similarly, in Switzerland, this process is ongoing. By contrast, in those Austrian universities in which representatives are available, these managers have the most far-reaching competencies. Depending on the funding available, the degree of professionalization, and the legal position of the representatives, their activities include providing orientation and information for prospective students; informing about aspects of financial, personal, technical assistance as well as modifications to examination procedures; and advising building experts on accessibility issues and facility management. In most cases, however, these posts are filled on a voluntary basis by members of the (academic) staff, and these representatives have limited rights and resources compared to the considerable legal and administrative powers of equal rights coordinators working to reduce gender inequality.

In Germany, Student Affairs Associations have local responsibility to reduce barriers, to supply counseling, support, and technical equipment, and to guide students with disabilities through the bureaucratic hurdles or refer them to other sources of assistance. Some of them maintain specialized full-time counseling services for students with disabilities. On the national level, only Germany has a specialized “Advice Center for Studies and Disability” (www.studentenwerke.de), which offers
various kinds of information materials, training courses for students and representatives of disability affairs, coordination of local counseling institutions, and individual counseling. It also represents the interests of students with disabilities vis-à-vis governments, administrative bodies, and the public. Moreover, in both Germany and Austria, students with disabilities have formed nationwide special interest groups or formal associations (www.behinderung-und-studium.de). Helpful information is regularly collected by local and nationwide self-help associations, mainly on the Web. The regular editions of the handbook Studies and Disability (Studium und Behindung, DSW, 2005), published by the German center mentioned above, are regarded as the key reference in the field of counseling for students and university applicants with disabilities in Germany. Such publications, however, often resemble a legal textbook crossed with an address book, indicating to readers that it requires some initiative to gather all the relevant information, support, and services necessary to gain full access to the myriad offerings in higher education.

Recent areas of improvement in general conditions of study common to the three German-speaking countries include reductions in required attendance (through distance learning), improvements in architectural access, renewed service provision in such areas as personal assistance, dictation and sign language interpretation services, and less bureaucratic inflexibility in dealing with study interruptions and modifications of examination regulations. Generally speaking, the rise of distance learning and new assistive technologies has lowered barriers to university studies for certain groups of disabled people.

Dimensions of persistent disablement

Summarizing the progress made in the last few decades, the Joint Commission on Higher Education Reform of Germany's largest state of North Rhine-Westphalia stated that very few higher education institutions had achieved the goals of integration of disabled students emphasized by the Standing Conference of Ministers of Education and Culture (KMK), the Conference of University Rectors (HRK), and the National Association of Student Affairs (DSW) since the early 1980s: adequate technical and building provisions; high quality counseling before, during, and after college studies; and laws amended to specifically include disability (NRW, 1999). Whereas the latter dimensions were addressed generally, and some physical barriers were removed in particular locations, typical special programs for disabled students, most of which are additional and segregating measures, remain unsatisfactory. German higher education institutions must still integrate their services in support of the education of all students.

In 2002, for the first time, not only did the national Austrian student survey ask about impairment, chronic illness, or disability, but it also had an additional questionnaire addressed to this group specifically. Wroblewski and Unger (2003) report that this group of students has, on average, less scholarship support, receives more aid from their families, and spends more of their monthly income on health-related products and services, but the main difficulties that this group reports are such issues as meeting performance standards, difficulties learning or working, and private problems such as insecurities and fears. Whereas students with chronic and mental illnesses were more likely to be disabled in their studies, over a third of students reporting some health issue reported that their impairment had no effect on their everyday life as a student (ibid.). The authors also indicate that health and financial difficulties, along with insufficient information and consultation in advance, together lead to significantly higher transfers and dropouts. Students with disabilities in Austria emphasize that, changes in the organization of courses of study, more understanding and awareness among teachers, enhanced financial support, improved guidance and counseling, as well as technical and communication assistance would help them complete their studies. The major problem areas in Austrian higher education for students with disabilities include limits on choice of courses of study and lack of understanding and flexibility among teachers and administration regarding completion of required courses, organizational issues such as overfilled seminars and physical barriers, as well as general lack of information (ibid.). Finally, the study also reports that especially students with mental illness exhibit an increased tendency to drop out and note difficulties in learning and exam situations in addition to interactions with lecturers.

Similar patterns were found in Switzerland. The aforementioned Swiss study shows that students with mental health problems, chronic pain, addiction, and learning difficulties are most likely to feel severely disabled during their studies (Hollenweger et al., 2005: 56). Perhaps surprisingly, however, the range of individually perceived degrees of disablement in this specific life domain is complete in all groups: One student with tetraplegia (spinal cord injury), for example, reported that his studies were hampered only slightly, whereas another student with tetraplegia reported being severely disabled by the context in which he pursues his studies. Both of them indicated a high overall quality of life and a good state of health. On the other hand, activity limitations that are typically regarded as being specific to "disabled persons" can also be found among large groups of students who indicated no disability or chronic illness (148–157). These findings represent further pieces of evidence supporting the hypothesis common in Disability Studies that models of disability that assume a causal link between impairment and disability fail to explain sometimes contraintuitive or contradictory empirical results reflecting the complex phenomenon of disablement as a process deriving from social interaction and movement within barrier-filled environments.
In the future, it seems plausible that many purely technical barriers will be removed. In addition, even in the German-speaking countries, bureaucracies may develop toward greater user-friendliness. Yet perhaps the most decisive and difficult-to-ameliorate mechanisms that have failed to reduce inequalities are those related to public or semipublic counseling, administrative, and teaching staff acting within ablest institutions. Hidden or implicit forms of disability disadvantage and discrimination in everyday, face-to-face interactions between disabled students and university staff are caused by deeply rooted ablest attitudes and misconceptions. Narrative interviews point to the fact that disabled students are confronted with manifold forms of ableism on every step of their higher education careers, from access procedures to final exams (Holzweiler et al., 2005; Jäger & Jussen, 2002; Meister, 1998). Expert interviews carried out with Swiss universities' counseling staff indicate an enormous lack of information even among specially trained staff. For example, more than two-thirds of the university representatives surveyed would generally not recommend deaf students to take up any course of study at their institution (Holzweiler et al., 2005: 163). The following narrative told by a female sports student with a visual impairment who, against the odds, successfully completed her studies, provides a graphic account of the process of overcoming attitudinal barriers in education:

"One day it was snowing very heavily. My classmates were all standing on their snowboards like drunkards; were no longer able to ski downhill properly. It came as a surprise to them when I skied downhill as if the weather conditions didn’t make any difference. Afterwards the skiing instructor, who had hitherto failed to be of any assistance to me, told me that he had finally realized that my ability to see was always limited to the impaired level of vision they had experienced in that stormy weather. From then on this skiing instructor admired my skills and my performance and he started to act in a more respectful way towards me, which was not of much use to me, however, since I was about to finish my studies anyway." (translated from German by Susan Gärber)

Furthermore, this study emphasizes that inequities in lower and upper secondary education hinder a large number of potential higher education students—not only in Switzerland—from attaining the necessary entry certificates (147). Analyses of the cross-national Trends in International Mathematics and Science Study (TIMSS) of pupils’ math and science achievement demonstrate that unequal distributions of basic educational resources and failure to counterbalance the concentration of educational difficulties—such as low achievement, attainment, and dropout—among disadvantaged youth lowers a nation’s overall educational performance and thus international standing (Baker et al., 2005). Neither nations nor localities or schools can afford to ignore those students having difficulties in schools and universities if they are to compete. The German-speaking countries’ traditional emphasis on extensive and intensive vocational training has long mediated the disadvantage in terms of low educational attainments of disadvantaged youth; however, high unemployment rates and shifts in supply and demand for apprenticeships and other training opportunities threaten that international standing—especially as many countries increase the proportion of postsecondary level students.

**PERSPECTIVES OF DISABILITY EQUALITY IN HIGHER EDUCATION**

Summarizing an extensive comparison of disability policies in higher education, OECD researchers point out that

> neglecting the mechanisms at play in universities and other higher education institutions would amount to making the disabled more vulnerable and increasing the discrimination against them. The gradual substitution of a participatory model involving everyone in every facet of economic, political and social life, for the more traditional integration model that seeks to adapt and normalise people with disabilities, requires that the disabled become increasingly skilled individuals who see themselves as stakeholders in their own future (Ekerold, 2002). Access to higher education means acquiring the knowledge and know-how to live in a society that views itself as a partnership of responsible, co-operative stakeholders with the ability to define and shape their own roles. This perspective puts the onus on individuals to build the world in which they live. (OECD, 2003: 9)

Not only for the German-speaking countries, the mechanisms of exclusion operating both prior to tertiary level and within higher education institutions need to be further examined, but, above all, concrete reforms following the many research-based recommendations should be implemented more completely.

On the basis of more than sixty interviews with disabled students throughout Germany, Meister (1998: 145–147) synthesizes their general suggestions as follows: Societal change vis-à-vis disability (e.g., from an individual deficit to a social model) that extends the antidiscrimination principle in Germany’s Constitution into everyday reality; professional counseling to assist in the individual process of finding and accepting her or his strengths and weaknesses that are a precondition for optimizing learning opportunities within tertiary education’s requirements; preparation for this phase beginning early in school and in the family of origin. More specific recommendations were also put forth, including: The need for orientation programs, for specific guidance in selecting a course of study (not just those understood to be typical), and for continuing support; awareness-raising and continuing education of teachers in accessibility-related pedagogical techniques; clear statements regarding accommodations in testing situations; student service
office operating on some campuses should be established elsewhere to further equality of opportunity; technical aids could be offered for multiple campuses and requested on an ad hoc basis; and finally, universities should coordinate the financial transfers that individual students often have to fight for with multiple bureaucracies, waiting too long for their rightful claims to be processed, a key source of dropout (147-153).

Addressing many of these very concerns, the leaders of the German Association of Student Affairs in 2004 passed a “Resolution for Barrier-free Higher Education Institutions” (DSW, 2004) to require both federal and state governments as well as the higher education institutions and the student services providers to assist students with disabilities and chronic illnesses to achieve equal participatory rights by implementing the following key elements needed to achieve a barrier-free higher education system: (1) secure equality of opportunity in terms of access to courses of study, (2) set forth in law adequate accommodations to address individual disadvantage in study and testing situations, (3) build and expand existing barrier-free structures, (4) secure and develop financial supports, (5) maintain and extend professional information, consultation and service offerings during their studies and in the transition phases between school and higher education and career, and (6) design a framework for equalizing participation in higher education within Europe and internationally. Thus far, attempts to harmonize European higher education have focused on facilitating change and standardizing credits, certificates, and courses of study. Given the findings presented here about Austria, Switzerland, and Germany, issues of accessibility and inclusive education, from primary and secondary schooling onwards, must also be acknowledged and enter into these European deliberations. It is not necessary to find a common and agreed-upon definition of “disability” before reforming education systems, especially when the challenges disabled pupils and students face emphasize vast disparities between the rhetorical goals of equality and quality and the realities on college and university campuses of ableism and disadvantage.

NOTES

1. Ableism refers to discrimination against people with disabilities and favoring of people who are able-bodied based on the belief that disabled people are inferior. Helir (2002) suggests that educational programs could counteract ableism by acknowledging disability within diversity programs, helping disabled students develop in ways most effective and efficient for them as individual learners, and promoting high standards as well as universal design. Universally designed campuses would be constructed to be usable by all potential students, to the greatest extent possible, without the need for adaptation (cf. Mace, 1997). Yet physical and communication barriers still hinder access at nearly all campuses in Germany, Switzerland, and Austria.

2. Whereas activists and advocates in the disability movement in the German-speaking countries have been active and published quite a few articles and books over the past few decades (for overview, e.g., Clooerkes, 2001; 2003), Disability Studies has only very recently emerged as a cohesive field of inquiry—with Germany witnessing a much faster and more diverse development of discourse than Austria and Switzerland, thus far (Kobsell & Waldischmid, 2006). Recent DS contributions in those countries include Naue (2006) and Weisser & Renucci (2004). One major event with 500 participants from all German-speaking countries was a two-week series of conferences and workshops held in 2003 at the University of Bremen “Disability Studies in Germany: Re-thinking Disability” as part of the European Year of Disabled Persons (Hermes & Kobsell, 2003; Waldischmid, 2003). A useful selection of DS literature in German can be found at http://www.disability-studies.deutschland.de/.

3. Given that by 2005, 40 countries have become involved in the Bologna process, it is no longer just a European program of standardizing higher education, but far more an international project. Key tenets of the Bologna Declaration (1999) include (1) an understandable and comparable system of academic grades, including the introduction of a supplement to educational certificates to facilitate cross-national transparency and recognition of qualifications, (2) a modular system based on two levels, the first (Bachelor) geared to labor markets at least three years’ duration and a second level (Master) that requires successful completion of the first level, (3) application of the European Credit Transfer System (already in use in the Socrates and Erasmus programs) to regulate accumulation and transfer of credits, (4) mobility of students, teachers and researchers, and (5) cooperation with regard to quality assurance. No less than to make the higher education systems in Europe converge toward a more transparent system was set as the aim of the process that ultimately should make European higher education more attractive worldwide.

REFERENCES


The Reasonable Adjustments Duty FOR Higher Education IN England AND Wales

KIM MARSHALL

INTRODUCTION

While the Disability Discrimination Act (DDA) (1995) gave rights to people with disabilities to be protected from discrimination with regard to employment and the provisions of goods, facilities and services, there were many lacunae in the Act. One of these areas of omission was that of education. It was believed by the government of the time that it would not be appropriate to apply the provisions of the DDA 1995 to education as “the Further and Higher Education Act 1992 (FHEA 1992) [had] established a comprehensive framework for meeting the requirements of students with disabilities” (Mackay 1995). Although the amendment of the FHEA 1992 by the DDA 1995 placed duties on the Higher Education Funding Councils for England and Wales (HEFCE/W) to “have regard to the requirements of disabled persons,” (FHEA 1992, s 62(7A)), there was no legal obligation for higher education institutions (HEIs) to make provision for disabled students other than to produce a “disability statement” (FHEA 1992, s 5(7A)(a)). A “disability statement” is produced by every HEI and sets out the provision that the HEI makes for disabled students.

Financial support for students with disabilities was recognised in 1990 with the introduction of the Disabled Student’s Allowance (DSA), an Act that