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## Advocates for Students With Disabilities Criticize Education Dept. Ruling on Study-Abroad Program

BY SARA HEBEL

**A**DVOCATES for students with disabilities say a decision by the federal government to deny a deaf student an interpreter for a study-abroad program could cause some colleges to begin denying many students accommodations when they want to study overseas.

Increasing budget pressures on many states and colleges might further tempt institutions to avoid paying for costly services if they may not be under a legal obligation to do so, some advocates said.

The U.S. Education Department's Office for Civil Rights ruled last month that Arizona State University did not have to provide a deaf student who wanted to participate in a study-abroad program in Ireland the same interpreter services that, by law, it must provide on a campus in the United States.

In a letter to Lattie F. Coor, the university's president, department officials said neither the Americans With Disabilities Act nor Section 504 of the Rehabilitation Act of 1973 required the university to provide auxiliary aids and services to disabled students in its overseas program. The protections for students under those laws do not extend outside of the United States, the officials wrote.

"We have concluded that the university's refusal to provide and/or pay for interpreter services for the complainant while participating in the Study Abroad Program in Ireland is not prohibited discrimination," they wrote.

### LEGAL OBLIGATIONS

In May, Arizona State officials had informed the student, whose name was not released, that they believed they did not have a legal obligation to pay the nearly \$10,000 that he would need for note takers and interpreters during a year of studying

in Cork, Ireland, at University College. The student, who filed a complaint with the Office for Civil Rights in June, has since decided not to participate in the study-abroad program.

Cynthia Jewitt, associate general counsel at Arizona State, said the university had refused to cover the costs of the student's accommodations in Ireland because he was participating in an optional program that was not run by the university. It was the Irish college that had admitted the student into the study-abroad program, which is run by Butler University.

### 'A PERSONAL CHOICE'

Arizona State has paid for accommodations overseas under other circumstances, Ms. Jewitt noted. For example, it paid for interpreter services for a deaf student who went to Mexico as part of a doctoral program in the university's College of Education. It did so, she said, because it ran that study-abroad program and required students to complete it to graduate.

"In a perfect world, it would be great if we were able to pay" for all accommodations in study-abroad programs, Ms. Jewitt said. "But is it justifiable to use public dollars for a personal choice?"

She also said she hoped that the decision in this case would help clarify a murky legal area for colleges.

In 1992, the U.S. Office for Civil Rights ruled that the College of Saint Scholastica, in Minnesota, was obligated under the Rehabilitation Act to pay for an interpreter to accompany a deaf student during the college's study-abroad program in Ireland. In that decision, officials said the law prohibited institutions that receive federal funds from keeping a student from participating in a program because of a physical or mental handicap.

However, some legal experts and campus officials who work with disabled stu-

dents remained unsure about the entirety of what the law requires of institutions. Neither the Rehabilitation Act nor the titles of the Americans With Disabilities Act that apply to accommodations for college students specifically say that the protections provided under the law apply outside of the United States. In other sections of the disabilities act and in other laws, Congress has specified that such provisions do apply overseas.

### 'IT ISN'T FAIR'

In 1991, the U.S. Supreme Court ruled that a U.S. citizen working for an American company overseas was not protected by the Civil Rights Act of 1964, because the law, at the time, did not spell out that it applied to Americans living abroad.

Ward Newmeyer, compliance officer for disabilities issues at the University of California at Berkeley, said he was not surprised by the Education Department's recent decision. "Once you get outside the United States, many laws do not apply," he said. "But whether it's the law or not, it isn't fair."

He said Congress could go back and amend the disabilities act to make it apply to study-abroad programs, as it did for the civil-rights act after the 1991 Supreme Court decision. Or a federal lawsuit could produce a more definitive description of institutions' obligations to students with disabilities who study overseas.

In the meantime, said Sid Wolinsky, director of litigation for Disability Rights Advocates, a nonprofit legal center that works to defend the civil rights of people with disabilities, the department's Arizona State decision amounts to "an outrageous interpretation and a very damaging one."

"This tends to embolden universities to continue on their discriminatory path," he said. ■