

Defining Disability Down

It's just a matter of time before these American follies reach Canada.

By Ruth Shalit

Last May, a student afflicted with dyscalculia — math disability — filed a complaint with the San Francisco Office for Civil Rights (OCR) after her college declined to waive the math course required of all business majors in paralegal studies. Despite the college's earnest attempts to accommodate her impairment — the student would receive extensive tutoring and extra time on tests — OCR issued a finding of discrimination anyway, writing on May 30 that “absolute rules against any particular form of academic adjustment of accommodation are disfavored by the law.” When the school asked if they could require learning-disabled students to at least *try* to pass a required course, OCR said no way.

This is the new frontier, the learning disability as an opportunistic tautology. The fact that one displays a marked lack of aptitude for a particular intellectual discipline or profession establishes one's legal right to ensure at least a degree of success in that discipline or profession. That is not a fanciful conceit, but an adjudicated reality. Several judges have recently ventured the enterprising claim that any person who is not performing up to his or her abilities within a chosen endeavor suffers from a learning disability.

The most common estimate cited by advocacy groups and frequently repeated in government documents is that between 15 and 20 percent of the general population have learning disabilities. Any hypochondriac can test himself. In a recent booklet, the American Council on Education supplies a checklist of symptoms for adults who suspect they may be learning-disabled. Some of us will be disturbed to recognize in the checklist possible symptoms of our own: according to the council, tell-tale signs of adult learning-disablement include “a short attention span,” impulsivity,

“difficulty telling or understanding jokes,” “difficulty following a schedule, being on time, or meeting deadlines” and “trouble reading maps.”

As the ranks of the learning-disabled swell, so too do the number of boutique diagnoses. Trouble with numbers could signal dyscalculia, a crippling ailment that prevents one from learning math. Dozing in class is evidence of latent ADD, perhaps even ADHD (Attention Deficit/Hyperactivity Disorder). Many tykes also exhibit the symptoms of ODD — Oppositional Defiant Disorder. According to the American Psychiatric Association, the defining feature of ODD is “a recurrent pattern of negativistic, defiant, disobedient, and hostile behavior ... characterized by the frequent occurrence of at least four of the following behaviors: losing temper, arguing with adults, actively defying or refusing to comply with the requests or rules of adults, deliberately doing things that will annoy other people, blaming others for his or her own mistakes or misbehavior.” Rates of up to 16 percent have been reported.

In the last couple of years, testing agencies have been bombarded with requests from students who proclaim that they are learning-disabled and will therefore need additional time. According to a spokesman for the Educational Testing Service, 18,000 learning-disabled examinees received “special administration” for the SAT in 1991-92. By 1996-97, that number had more than doubled, to 40,000.

Of course, a legally-recognized disability means more than just extra time on tests — or even extra privileges in the classroom. Under the Individuals With Disabilities Education Act, a diagnosis of LD also qualifies a child for an Individual Education Program — a hand-crafted educational program, replete with techno-goodies and other kinds of specialized attention.

In Orange County, where “executive function disorder” (difficulty initiating, organizing and planning behaviour) reigns, parents have begun demanding that schools foot the bill for horseback riding lessons. In Holliston, Massachusetts, parents of children with Attention Deficit/Hyperactivity Disorder hanker for a trendy new treatment called “educational kinesiology,” a sort of kiddie Pilates for angst-ridden tots. Unfortunately, the treatment can only be done by a “licensed educational kinesthesiologist” who charges \$50 an hour.

And then there's Michael F, a ninth grader who was thriving at his school — earning A's in honours courses and demonstrating “overall cognitive functioning in the very superior range (99th percentile).” He had also written a book, played in the school band and successfully completed bar mitzvah training. It emerged that Michael did all of this while fighting off the ravages of “attention deficit disorder, language-based specific learning disabilities, neuro-motor dysfunction and tactile sensitivity.” Despite the generous dose of special-education services he was already receiving, however, his parents wanted even more. Michael's low grade on his honours geometry midterm, they argued, revealed evidence of a new, previously unsuspected disability “with the concepts of quadratic equations and the Pythagorean theorem.”

For the students themselves, the important thing seems to be that their self-esteem has been salvaged. Ben Freedman, a 21-year-old senior who has maintained a 3.6 GPA, despite a reading and writing disability and dysgraphia, likens his crusade to the civil rights movement of the 1960s. “I don't want to compare myself to Dr. King, but there are great similarities,” he says.

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