

The Americans With Disabilities Act (ADA), enacted in 1990, requires educational institutions to make "reasonable modifications" in their practices, policies, or procedure, or to provide "auxiliary aids and services" for persons with disabilities, unless such modifications of auxiliary aids and services would "fundamentally alter" the nature of the facilities or other benefits offered, or would result in an "undue burden" upon the educational institution.

Recently Eric Delisle, a student who is quadriplegic, has sued the University of Miami, where he is enrolled as a freshman, under the ADA. The lawsuit asserts that it is the university's responsibility to recruit and pay, if necessary, a qualified* note taker to take notes in class for Eric. The University takes the position that a qualified note taker is unnecessary. The University proposes instead to recruit student volunteers enrolled in the same classes as Eric and to supply them with carbon paper. Would it be unfair not to require the University of Miami to provide a qualified note taker for Eric, or would such a requirement impose an undue burden on the University?

ANSWER: Society gains from enabling intellectually able and highly motivated students who happen to be disabled to pursue a college education. The cost of a qualified note taker does not seem excessive in light of the benefits both to Eric and to society as a result of his earning a college degree. The University may be concerned about setting a precedent that would open the door to demands for prohibitively expensive assistance on the part of disabled students. At this time, however, such demands are only speculative and cannot morally justify denying what appears to be a reasonable request under the ADA.

*Qualified note takers must pass a test of their abilities and show that they can work with disabled students.

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