

Academic standards for learning-disabled athletes fluctuating

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degree.

Students with learning disabilities who do not meet the criteria can apply for a waiver to receive qualifier status.

For example, non-qualifying students may claim their learning disability prevented them from meeting the criteria, and a waiver committee may grant them qualifier or partial-qualifier status.

Phil Grayson, coordinator of academic and disability issues for the NCAA, said in an interview from Indianapolis that NCAA rules used to provide little help for potential student-athletes with learning problems.

For example, NCAA rules prohibited special education or remedial classes from counting as core courses.

Accommodations that would remove the effect of a learning disability—for example, untimed tests or tests read out loud—were rarely allowed.

As awareness of learning disabilities increased, Grayson said, both the NCAA and society at large became more aware of the need to provide accommodations for students with learning disabilities.

Al Papik, who recently retired from his position as senior associate athletic director and academic compliance coordinator at UNL, agreed.

"There is a pretty good rationale to support the theory that learning-disabled students cannot complete the requirements in the same amount of time as students without learning disabilities," he said.

Justice for Athletes

The NCAA standards' alleged discrimination against students with learning disabilities became the subject of several lawsuits and caught the attention of the U.S. Department of Justice, beginning in 1995.

The Justice Department began an investigation to determine whether NCAA academic standards violated the Americans with Disabilities Act. The investigation concluded that the standards were "too rigid" and violated the act.

In May 1998, the Justice Department and the NCAA reached an agreement, known as a consent decree, in which the NCAA agreed to make several changes in order to comply.

Representatives of both the Justice Department and the NCAA said the changes have gone smoothly.

"Yes, I think it's working," Grayson said. "We have not gotten anything from the Justice Department requesting we modify our policies."

Daniel Sutherland, a trial attorney in the Disability Rights Section of the Justice Department, pointed to a number of positive results of the consent decree in an interview from Washington, D.C.

"We can see that their changes have really helped," he said.

First, he said, the number of lawsuits against the NCAA on behalf of students with learning disabilities has dropped sharply.

Secondly, the new system provides "a more realistic assessment of what a core course is," he said.

In the year after the consent decree, the number of courses certified as "core courses" jumped from about 900 to more than 13,000, Sutherland said.

Finally, the overwhelming majority of students who have applied to the NCAA to claim a learning disability have had their claims approved.

Between June 1, 1998, and March 1, 1999, Grayson said, 1,691 student-athletes claimed learning disabilities. While 1,463 were approved, just four were denied, with 224 cases unresolved at that time.

Because any applicant requires a diagnosis of a learning disability by a licensed psychiatrist or psychologist, Sutherland said, those numbers indicate the accommodations are pinpointed for students with genuine learning disabilities—and are not a loophole for underachieving students.

"There has not been a flood of new athletes trying to take advantage of the new system," he said. "We're not getting all kinds of lazy athletes saying, 'Here's a way to get by the requirements.'"

Dennis LeBlanc, associate athletic director for academic services at UNL, agreed that students with learning disabilities have a legitimate need for accommodations.

Horn, the interim director of UNL's Services for Students with Disabilities, said the consent decree did much to improve the fairness of initial eligibility requirements for students with learning disabilities.

"In terms of learning disability students, I think it was a good decision," she said.

Limitations off the Field

One issue that remains controversial, however, is the limits that some conferences, including the Big 12,

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Christy Horn

UNL interim director of Services for Students with Disabilities

place on the number of partial- and non-qualifiers who may compete.

The Big 12 allows each member university to admit four partial qualifiers: two men, two women, no more than one in each sport.

The conference does not allow non-qualifiers to enter Big 12 schools directly if they want to compete later. Non-qualifiers must enroll at junior colleges before entering the Big 12.

Jo Potuto, a NU law professor and faculty athletics representative, said those restrictions may undercut the

CONSENT ABOVE

The NCAA agreed to make academic changes for athletes with learning disabilities. Among the key points they:

- ▶ Certified classes taken by students with learning disabilities as core classes - regardless of a "remedial" or "special education" label - if they taught the same skills as classes taken by other college-bound students.
- ▶ Allowed students with learning disabilities who do not meet the initial eligibility requirements to earn a fourth year of competition if they complete 75 percent of their degree requirements after four years.
- ▶ Ensured that committees reviewing student waiver applications include experts on learning disabilities.
- ▶ Allowed students with learning disabilities to file for waivers on their own. (Other students must file through the institution they plan to attend.)

source: NCAA

goal of the consent decree, which provides students with learning disabilities the opportunity to prove they could complete college course work.

"The Big 12 does not appear to have any ability to look at an individual case and make an accommodation," she said.

Horn said the Big 12's ban on non-qualifiers, which went into effect for the conference's first academic year of 1996-97, prevented UNL from accepting many athletes with learning disabilities who could have succeeded in academics.

"Traditionally, many of our non-qualifiers were learning-disabled students," she said. "The reason we brought them in was that we knew they could be successful with the right accommodations."

"The Big 12 took away our ability to take those kinds of students."

Although UNL and the NU Athletic Department are careful to protect the identities of students with learning disabilities, those students included a virtual "who's-who list" of Nebraska football players from the mid- to late-1980s, Horn said.

"There were a whole slew of really high-caliber athletes who wouldn't have played under the current rules," she said.

But those players were not only superb athletes, Horn said. Most of them were successful in college and went on to successful careers.

"The university doesn't have any right to bring in Prop 48 athletes to compete in athletics when they have no chance to graduate," she said. "For many students, playing football gave them an opportunity to get a college degree. The Big 12 rules took away our ability to provide that opportunity for young people."

Horn said she suspected the Big 12's rules were partly a result of the

WHAT IT TAKES					
This is the sliding scale used by the NCAA for academic eligibility for college athletes. The sliding scale was instituted in 1996. Athletes must fulfill the core GPA and either the ACT sum score or SAT score.					
Core GPA	2.5 & above	ACT	68	SAT	820
	2.475		69		830
	2.450		70		840-850
	2.425		70		860
	2.400		71		860
	2.375		72		870
	2.350		73		880
	2.325		74		890
	2.300		75		900
	2.275		76		910
	2.250		77		920
	2.225		78		930
	2.200		79		940
	2.175		80		950
	2.150		80		960
	2.125		81		960
2.100	82	970			
2.075	83	980			
2.050	84	990			
2.025	85	1000			
2.000	86	1010			

Source- NCAA

David Jané/DN

clout of the Texas conference schools.

Unlike most other members, those universities—Texas, Texas A&M, Texas Tech and Baylor—have access to a well-developed junior college system in Texas.

This essentially provides them with a "farm system" that feeds into their programs junior college students who originally failed to meet the Division I academic standards, Horn said.

But a recent agreement between the Southeastern Conference (SEC) and the Department of Justice could force a change in Big 12 policy.

The SEC case arose when a learning-disabled male student applied to the University of Tennessee, where he was offered a spot on the swim team.

Originally, he did not meet initial eligibility criteria. But he applied for a waiver and was granted partial-qualifier status.

SEC rules stated that athletes had to be full qualifiers on the day they enrolled, with a set of exceptions.

Like the Big 12, the SEC placed limits on the number of partial- and non-qualifiers who could play on teams: two in football, one in men's basketball, one in women's basketball, one in all other men's sports and three in other women's sports.

Because the partial-qualifier spot for other men's sports was already filled, the student could not enroll. He then filed a complaint with the Department of Justice.

In June 1999, the Justice Department and the SEC reached an agreement: The SEC, though not admitting to a violation of federal law, would exempt all students with learning disabilities from the limits on partial- or non-qualifiers.

"The importance for Nebraska, if we're reading this correctly, is that presumably the Justice Department would take the same position with respect to the Big 12 rule," said Potuto, the faculty athletics representative.

The Big 12 allows member schools to apply for a waiver of limits, but that may not be enough to ensure it doesn't violate the Americans with Disabilities Act, he said.

Beth DeBauche, associate commissioner of the SEC, said in an interview from Birmingham, Ala., that the conference doesn't have a specific waiver process in its bylaws.

However, the SEC commissioner

iNnEsBIRdAs K A	
A TOUR AT THE CORNHUSKER EMPIRE	
DAY ONE	The System
DAY TWO	The All-Americans
DAY THREE	Athletes and their tutors
● DAY FOUR	Learning Disabilities
DAY FIVE	The Sports Major
DAY SIX	Corruption in the System
DAY SEVEN	Isolation and Its Counterparts Athletes After Graduation The Social Scene for Athletes Athletes as Role Models A Day in the Life
DAY EIGHT	The Academic/Athletic Tradeoff
DAY NINE	Gameday

has the authority to review any request for a waiver, and "we do entertain waiver requests somewhat on a regular basis," she said.

If the Big 12's waiver process is no more acceptable to the Department of Justice than that in the SEC, the Big 12, too, may eventually have to make exceptions to the limit on partial-qualifiers and the ban on non-qualifiers in order to accommodate students with learning disabilities, Potuto said.

"The purpose of the consent decree was to give learning-disabled kids a chance to prove they could do college work," she said.

"The cap is inconsistent with that. It limits the number given that chance."

Sutherland, of the Department of Justice, said that in order for the Big 12 rule to be changed, a student would have to file a complaint.

At that point, Potuto said, the Big 12 might have to decide whether to reach agreement with the Justice Department, as the SEC did, or litigate the issue.

She said she plans to raise the issue at a future Big 12 Conference meeting, with the hope that the conference will address the issue.

Sutherland acknowledged that conference limits on partial- and non-qualifiers may come under further attack.

"Other conferences are going to have some trouble when someone challenges them on this."

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