

The Qualified Professional with a Disability in Public Education:
Responsive Strategies to Accommodation Dilemmas through Analysis of the
Americans with Disabilities Act and Narrative Portrayals

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This dissertation portrays a narrative inquiry into dilemmas that arise when the educational leaders who are authority figures in public school districts are asked to provide workplace accommodations for the professionals with a disability. To surface the dilemmas, actual life experiences told by individuals with a disability are juxtaposed with the Americans with Disability Act of 1990 [ADA]. Through deeper understanding of the dilemmas facing professionals with a disability and public school districts, it is hoped that by understanding disability, more responsive strategies for reasonable accommodation can be identified for the benefit of the employer as well as the qualified professional with a disability.

There lies in me a desire to determine what they should do to treat individuals with a disability with more acceptance, compassion, and respect. I want to be an advocate for other qualified professionals with a disability who face similar struggles. I want to ensure that whenever school administrators encounter adults with a disability, the response will be within the spirit of the Americans with Disabilities Act.

To Adam, Hannah, Millie, Luke and Jules:

Please accept my sincerest appreciation for sharing your lived stories for this study.

Your generosity and courage to share will continue to make a difference of things to come.

All labors put forth towards earning a Doctorate in Education

are devoted with deep love and gratitude to

Joseph D. Somerville

Rosemary P. Somerville

Natalie E. Somerville

Mary A. Flynn

and

the memory of Edward B. Flynn

I thank you for your never-ending inspiration.

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PROLOGUE

Out of the Blue

On Becoming a Qualified Professional with a Disability

I was filled with joy and excitement as I drove home that beautiful November afternoon. A cooling breeze streamed through the open sun roof of my cream colored Maxima. The orange and pink tones of the sky settled behind the mountains ahead of me. I sang along with Aerosmith as “Angel” and “Permanent Vacation” played on the CD. With a deep sense of accomplishment, I savored the grueling events that were now behind me. I had passed the day-long leadership assessment that was conducted at the university. Now I qualified for membership in my school district’s human resource pool of potential administrators. Now I could watch the position postings and apply for a promotion. Never had my dream of becoming a school leader been closer to becoming a reality. I never saw the deer that came through my windshield.

Mercifully, I was already unconscious as the deer, desperate to escape, kicked wildly. In a matter of seconds, I was reduced from a confident aspiring administrator to a mangled body, so bloodied and battered that my husband did not recognize me as he rushed past the ER gurney where I lay barely clinging to life.

Having miraculously survived the initial trauma, I faced a prolonged and difficult recovery. Three ribs were broken. My arm was broken in several places, severe enough to require a bone graft to fuse one break. My wrist needed to be rebuilt after the bones were smashed, as one surgeon described it, like potato chips. My collarbone was fractured and teeth were chipped and fractured. My nose was broken, and the nasal cavity was knocked out of

alignment. The right orbital bone of the eye socket was fractured. The extensive soft tissue damage still plagues me with chronic pain.

For the years to follow, I had begged my husband Joe from time to time to remove the glass as it resurfaced and jabbed through my skin. He would scrape the glittered pinhole on my face to try to grip the splinter of glass with the tweezers and slowly pull it through the layers of skin. We never knew how big the glass chip would be as they were removed.

The nurses and therapists continued to come to the house to care for me. Recovery took years of surgeries, occupational and physical therapy.

Now the damage is not evident but for some scarring on my right arm and slight scarring visible when the sunlight strikes my face at a certain angle. I no longer use a wheelchair or cane. The damage left is not obvious, but it is irreversible and is now an unavoidable reality of my life. I can bathe myself again, but I carefully select clothes for manageability. When desperate, I still seek dressing and undressing assistance from family members. Chronic pain is alleviated through regular acupuncture treatments. Post traumatic migraines come and go, and the humidity in the air and temperature control the magnitude of facial and joint pain.

I walk a little slower and with caution. My sedentary life is created by equilibrium challenges on foot. Uneven surfaces are tricky to navigate. Obstacles cause me to link arms for steadiness. I take an elevator when overwhelmed by the steps. Reduced activity has added an extra hundred pounds to my already stressed body.

I have partial use of my right upper extremity. My right hand remains weak. I do not lift or carry items. Holding a stylus such as a pen or pencil quickly fatigues and pains my fingers, hand and arm. Fortunately, I can still keyboard like there is no tomorrow!

My speaking pace is a little slower.

In the long years of recovery, I have had a great deal of time to think about the moments of fate that reshape lives. As fate would have it, two men witnessed the accident and courageously came to my rescue, grabbing hold of the lethally thrashing legs and breaking the deer's neck. But as fate would also have it, out of the blue, I became part of a minority- a person with a disability. As I began to win the struggle to regain use of my traumatized body, I entered into a new struggle--the right to reclaim my status as a productive professional.

In this latter struggle, I encountered resistances, opposition, and obstacles I had never imagined. Regrettably, the struggle turned into protracted legal battle. For years, I was challenged to prove disability status through medical verification of my limitations. Plans for accommodation did not proceed smoothly--sometimes in spite of the best intentions of all concerned; at other times, because of fear or ignorance.

Now, more than ten years after that fateful November evening, I am once again working as a professional educator. I have learned to adjust and compensate. I am grateful for what I have. Still, I am also deeply troubled by the difficulties I have encountered on my road back to a meaningful career.

There lies in me a desire to tell others what they should do to treat individuals with a disability with more acceptance, compassion, and respect. I want to be an advocate for other qualified professionals with a disability who face similar struggles. I want to ensure that whenever school administrators encounter adults with a disability, the response will be within the spirit of the Americans with Disabilities Act.

My professors at the university have told me that I must be cautious not to over generalize from my experiences. Advocacy is crucial. It is central to good leadership. But advocacy, while

fueled by passion, must also be informed by a depth and breadth of understanding. It is to gain such understanding that I embarked on the inquiry recounted in this dissertation.

1. Introduction of the Study

This dissertation portrays a narrative inquiry into dilemmas that arise when educational leaders who are authority figures in public school districts are asked to provide workplace accommodations for professionals with a disability. To surface the dilemmas, actual life experiences told by individuals with a disability are juxtaposed with the Americans with Disability Act of 1990 (ADA). Through deeper understanding of the dilemmas facing professionals with a disability and public school districts, it is hoped that by understanding disability, more responsive strategies for reasonable accommodation can be identified for the benefit of the employer as well as the qualified professional with a disability.

1.1. Disability as a Social Construct

The qualified professional with a disability has the right to actively participate in the productive processes of our society by working for a living. Kavka (2000) writes, “Employment is a right, not a duty” (p. 175). The qualified professional with a disability has the right to employment, the right to earn income.

School districts with fifteen or more employees are mandated to comply with the ADA, prohibiting discriminatory practices in the hire, retention, and promotion of a qualified professional with a disability. A search of 130 school administrators through the University of Pittsburgh’s Principal’s Academy found three administrators from rural districts who admitted having experience regarding reasonable accommodation for the qualified professional with a disability in public school districts. The relative lack of experience is a bit puzzling given that of the 16.2 million workers in America with a disability, 441,000 are teachers (Stoddard, Jans, Ripple, & Kraus, 1998).

The ADA protects school districts as employers through assurance that a professional with a disability is qualified to perform the essential functions of the position. If unable to perform the essential functions of the position without accommodation, an employer is required to work with the employee by providing reasonable accommodation so the essential functions of the job can be done.

An individual who claims disability is required to meet the established criteria for ADA protection. Ambiguous language of the law is interpreted and clarified through Supreme Court decisions. The impact of understanding the language is important to the school districts and the millions of people with disability.

Stoddard's (1998) research through the National Institute on Disability and Rehabilitation Research (NIDRR) indicate that 10.5% or 16.2 million of the working age people between the ages of 16-64 have work limitations (p. 6). Further research by the NIDRR indicates the likelihood of employing individuals with a disability varies among the functional limitations, such as having the ability to walk a quarter mile distance without resting, to climb a flight of stairs, to lift or carry ten pounds, to be able to speak clearly or hear normal conversation. Statistics indicate that for people who are unable to walk three city blocks, 22.5% are employed. For those unable to climb stairs, 25.5% are employed. Of the individuals unable to lift or carry ten pounds, only 27% are employed. Almost 60% of those unable to hear conversation are employed. Of all the functional limitations mentioned, a total of 32.2% are employed. Statistics from the NIDRR study further indicate that 25% of the individuals who use a cane, crutches, or walker are employed, and 22% of the individuals who use a wheelchair are employed (pp. 10-11).

According to Charlton (1998), the oppression of individual disabled bodies is not the basis for the oppression of people with disabilities, but rather the oppression of a collective body of persons with disabilities that is the basis for the oppression of the body. Poorly understood limitations of the persons with a disability are conveyed through efforts to conduct the bodily activities of every day life. Such limitations may be physical, sensory or cognitive, and send impulses for the production, transmission, and reception of images, meanings, rituals that create cultural meaning (p. 57).

Once a professional with a disability feels trapped, helpless and destined to fail, the feeling of oppression takes over. Charlton (1998) wrote that oppression happens when persons are systematically subjected to degradation that is economic, cultural or social in nature because they are members of a certain group. Oppression is the outcome of domination and subordination structures, which correspond with the philosophy of superiority and inferiority (p. 8).

Relative to domination and subordination structures are the various forms of power. Intrinsically, “power” is a neutral word that may be derived from the old French word *poeir*. Shields (2003) identified the etymological roots of the term *poeir* as a noun (*le pouvoir*), meaning power, and a verb (*pouvoir*) meaning to be able (p. 183).

Since power is actually a neutral word, an understanding of what power is and how it is used creates an understanding that pulls it from its neutral state. Power influences culture. Power is found in the ADA, among educational leaders with clout, and within each qualified professional with a disability.

The quality of life for a qualified professional with a disability is a social construct. Andrews & Hibbert (2000) recognize that meaningful factors that affect the quality of life, such as education, friends, and meaningful work, are both obstacles and rights in the lives of the

qualified professional with a disability (p. 321). The more knowledge educational leaders and the qualified professional with a disability gain about employment rights, the more likely power and influence will forbid casts of discrimination and throes of oppression.

Scrutinized about having disability, particularly when the disability is not evidenced by use of an assistive device, such as a wheelchair or crutch, claiming disability is fearfully viewed as a problem or a threat in the workforce. Technological and medical advancements can often accommodate and eradicate the severity of impairment. In spite of efforts to align disability through accommodation, Batavia (2000) wrote about the large discrepancies between individuals with and without disability (p. 283). Supported by Bickenbach (2000), the complex phenomenon of disability occurs when interactions between intrinsic fears of minds and bodies interact with features of physical and social environments where people live and act. No one can reduce or predict disability. It is not a state that people either have or do not have. Disability is a universal experience that is fluid and continuous, in various forms and degrees. Disability is dependent on the physical and social environment of each person's life (p. 344). Disability is a social construct.

1.2. Scope of the Problem

The United States Census Bureau (2002) identified the individual with a disability as a member of the largest minority in America. Over 54 million people qualify by ADA standards as disabled. As reported by Weighner-Marti (2000), changes in employers' and others behavior to ensure equal employment opportunities are mandated for the qualified professional with a disability (p. 354). Distinguished as the most significant civil rights law since the Civil Rights Act of 1964 by Burriss and Moss (2000), the ADA does not enforce affirmative action (p. 19).

Qualified professionals with a disability who do not confront questionable practices enable the perpetuation of discriminatory practices and incidents of mistreatment, found as synonymous with abusive behaviors as described in the works of Blase and Blase (2003) and evident in the biographical stories included in this study. The qualified professional with a disability who confronts discriminatory practices is empowered and protected through Title I of the ADA, forbidding discriminatory practices and retaliation.

In spite of the ADA federal statute, qualified professionals with a disability continue to be challenged by obstacles in productive career pursuits. Overall the Census Bureau (2002) estimated that 54 million Americans have a disability, which is about 19% of our population. About 56% of the individuals who expressed they had the ability to work have been able to find full or part time work, compared to 81% of those without a disability.

The qualified professional with a disability in public education is required to perform the essential functions of the job, with reasonable accommodation if necessary. Though the professional is required to have specific credentials, seeking rights for accommodation can create dissonance. The dilemmas between the qualified professional with a disability and the public school district can be complex. Though no affirmative action is in place for the qualified professional with a disability, preconceptions or fears that restrict the hire, retention, or promotion is prohibited. The refusal to hire or promote based on preconceptions or fears may lead to allegations of discrimination. It is documented in Moss' (2003) research, as of November, 2002, in addition to the 4,393 ADA discrimination suits filed in the courts. More than 319,000 ADA employment discrimination complaints were filed.

According to the ADA (1990), the individual with a disability is required to meet criteria within the ambiguous language and interpretation of the law for protection. Consequently, if a

request from an individual who claims to have a disability requires reasonable accommodation, it behooves the educational leaders of the public school district to understand the language and spirit of the law. Though the language can be ambiguous, interpretation of the ADA is guided by dispute resolution through the Supreme Court decisions as well as circuit and district court decisions. It is through the Supreme Court decisions, with no appeal, that offers a sense of decisiveness and closure.

Blanck (2000) and Pickering, Francis & Silvers (2000) have concluded through research that one of the greatest challenges between an employer and the qualified individual with a disability pertains to the issue of reasonable accommodation. Reasonable accommodations may or may not be costly modifications that permit an individual with a disability to participate in the workforce. If the costs of the accommodation are the sole responsibility of the employer, it is the employer's responsibility to pay the additional expenses to employ the qualified professional with a disability.

Kelman (2000) argues that though accommodation may cost nothing, the potential of additional costs in the hire and retention of the qualified professional with a disability who requires reasonable accommodation is less enticing than the hire and retention of the qualified professional who requires no reasonable accommodation. The qualified person is expected to do the job, even with a disability. Determination of requests for reasonable accommodation is processed, granted, or denied, and sometimes found to be a hardship. Further compounding issue of accommodation are suspicions by the employer over true "needs" and "wants" (p. 94).

Given the highly charged nature of these issues, it would be useful for school administrators to have a deeper understanding of the complexities associated with determining disability status and making reasonable accommodation.

The intent of this narrative inquiry is to portray dilemmas that arise when public school districts are asked to provide workplace accommodations for qualified professionals with a disability and to recommend strategies that are responsive to the requests for reasonable accommodation.

1.3. Narrative Inquiry

Layers of narrative used in this dissertation are based on the work of Richardson (1990). Narrative is the way people make meaning from experiences. By telling stories through different layers of narrative, aspects of disability, accommodation, abuse and power are shared through a cultural story of social significance. The biographical stories present information based on lived experience. The stories are designed to reach a variety of audiences with hopes of affecting the storied lives of the future.

The inquiry was guided by the following questions:

1. What is the rationale for studying workplace accommodations for professionals with a disability in public education?
2. How are the concepts of “disability and “workplace accommodation” portrayed in legal and educational discourse?
3. What is the rationale for engaging in a narrative inquiry into the dilemmas of workplace accommodation and what procedures were used to carry out the study?
4. How are stories of accommodation portrayed and how were the stories interpreted to identify and probe dilemmas of workplace accommodation?
5. What strategies for workplace accommodation are recommended to address the types of dilemmas exemplified in the stories?

1.4. Overview of Contents of the Remainder of the Document

The remainder of Section I includes Chapters 2 and 3. The second chapter, Narrative Inquiry and Research Procedures, describes the rationale for engaging in narrative inquiry to research the dilemmas of disability and workplace accommodation. Procedures used to carry out the study are described by the layers of narrative based on the work of Richardson (1990).

The third chapter, Cultural Narrative of Disability, Employment, and Reasonable Accommodation in the United States, contains law and educational based literature on disability and accommodation in as determined by our society. Concepts of “disability” as employees in public education and “workplace accommodation” are portrayed primarily in the legal discourse.

The limited reference in the educational discourse further emphasizes the importance of this study. The Cultural Narrative includes information from Title I of the Federal statute (ADA), the attempt toward civil rights and social order regarding individuals with a disability. The Supreme Court decisions are a part of the Cultural Narrative, as they interpret the language of the law and set precedents for understanding the ambiguous language of the ADA.

Section II is comprised of Chapters 4 through 9.

Chapters 4 through 8 are Biographical Narratives. The Biographical Narratives are stories of disability and accommodation. Five professionals who work or have worked in public education within the past five years are devoted to the stories with their own story. It is hoped that reflections on what I have learned from doing the study will provide insight for educational leaders and qualified professionals with a disability that will affect public education work experiences and storied lives that have yet to be told.

2. Narrative Inquiry and Research Procedures

2.1. Chapter Purpose and Organization

The purpose of this chapter is three-fold: (1) to provide a rationale for engaging in narrative inquiries based on the work of Richardson's (1990) types of narrative to uncover and respond to dilemmas of disability and workplace accommodations in public education; (2) to create profiles of the participants and outline research procedures used for gathering information; (3) to present a framework for relating the stories of qualified professionals with a disability in the public education system.

The next three sections of the chapter describe the criteria and recruitment of the participants, and the research procedures used in the guided conversational interviews (Rubin & Rubin, 1995). How information from the interviews was managed is explained in the two subsequent sections, followed by the portrayal of experiences from the Cultural and Biographical Narratives were used to discover and interpret themes and dilemmas.

Themes of power and responses are present in the stories of the professional with a disability and the educational leader's response to disability and reasonable accommodation. A deeper understanding of dilemmas and decisions concerning the qualified professional with a disability in the field of public education are generated through the stories of actual lived experiences, the law, and some educational literature.

2.2. Rationale for Engaging in Narrative Inquiries into Dilemmas of Disability and Workplace Accommodations in Public Education

I begin with a discussion of the reason for choosing narrative research within an interpretive tradition as a theory, data, and procedure. The following section discusses narrative inquiry as an appropriate genre for studying the dilemmas of disability and workplace accommodation in

public education. Specifically, I draw from the works of Bruner (1986), Connelly & Clandinin (1991), Denzin & Lincoln (1998), Piantanida and Garman (1999), Richardson (1990), and Van Manen (1990) to explain how this study aims to present the qualitative research design and the theoretical issues of narrative.

Qualitative research is a broad concept with many meanings. Knowledge is socially constructed through discourse in interpretive communities (Piantanida and Garman, 1999, p. 4). The assumption is understood that any concept, such as disability and reasonable accommodation, has multiple meanings, multiple perspectives.

Those who use narrative interpretive concepts make meaning from the context of how the concept is used. Tensions and contradictions are constant within the study, and are embraced as the methods as they form findings. The findings enable the interpretations to evolve. Denzin & Lincoln (1998) explain that the sequencing of three interconnected activities occurs in the qualitative research process, through theory, method, and analysis. Consequently, rather than having a definitional way of knowing, narrative interpretive is a social construct.

The stance I take throughout the dissertation fluctuates from researcher as the narrator or author, researcher as the storyteller, and researcher as the interpreter. My voice throughout the research is compelled to respond to the spirit of the ADA as I understand it, on the behalf of the school districts as employers and the qualified professionals with a disability.

Few qualified professionals with a disability were found as employees in public education with reasonable accommodation. The contradictions between the cultural and biographical narratives drove me to respond through research and writing, giving me a voice as a moral responsibility (Richardson, 1990, p. 27) for educational leaders in public education and the qualified professional with a disability.

Narrative constructs were generated through the interviewing process. The information gathered represents occurrences in the lives of the professional with a disability who agreed to tell their story. Through the interview process, I have recorded and listened carefully to understand and document the narrative meaning made through the lived experiences in the stories. Those stories are the biographical narratives of the dissertation.

I have constructed the beginnings of a collective narrative, based on my interpretation of what I have been told. The interpretations deepen my understanding about issues and dilemmas of disability and reasonable accommodation, for both educational leaders and the professional with a disability.

I want to know about people who have a life experience as a qualified professional with a disability in public education. There is a bigger story to be told because of the challenges encountered when searching for individuals to participate in this research. I am haunted by the fact that 16.2 million workers in America with a disability, 441,000 are teachers (Stoddard et al., 1998) but so few were found to participate in this research. Very few people were found to come forward to tell their story, which leads me to speculate that either stigmatization continues to be an issue for disability, or the qualified professionals with a disability are not employed in public education. I have pursued an understanding in truth based on the lived experiences of the qualified professional with a disability, hoping the impact will narrow the socially constructed gap for the qualified professional with a disability working in public education with reasonable accommodations as needed.

Narrative knowing is filtered through interpretation. The qualified professionals have already constructed a story of their disability, so they have constructed the narrative through the interpretation of their lives. Views of others are represented in the information that was obtained

through the conversational interview process. My task has been to hear as carefully as possible the narrative meanings, which the qualified professional has made of his or her life through the biographical narrative.

Themes and dilemmas faced by education leaders and the professional with a disability were discovered through repeated, in-depth reading of Title I of the ADA, repeated, in-depth readings of the biographical narrative transcripts, and repeated listening of the recordings to inquiry of the biographical narratives. Dilemmas surfaced from the biographical and cultural narratives are based on literature, the law, and viewed through the theme of power, which brings possibilities of transforming to social identification of consciousness and belonging.

2.3. Narrative as a Mode of Inquiry

Experiences of living with a disability and issues surrounding accommodation as a qualified professional in education are constructed through narrative portrayals. The narrative portrayals are based on the data gathered through the guided conversational interview of the narrative inquiry process. Therefore, the narrative mode of inquiry is an appropriate genre for studying themes and dilemmas of workplace accommodation in the public education setting.

Determination of whether individuals have a disability is not necessarily based on the name of diagnosis of the impairment itself, but rather on the effect of that impairment on the life of the individual. Disability as defined by the ADA (1990) is determined on a case- by-case basis. Therefore, narrative as a mode of inquiry is embedded in this human experience. Narrative research has enabled me to uncover the themes and dilemmas of issues of the professional with a disability in public education using an interpretive, naturalistic approach. My inquiry was shaped through the socially constructed nature of reality-based experiences that reflect the spirit of outlawing discriminatory practices toward the qualified professional with a

disability. I have identified themes and dilemmas that lie within the biographical stories. I have attempted to make sense of the information shared through lived experiences.

Bruner (1990) claims narrative to be one of the most powerful discourse forms in human communication. Narrative represents the human experiences through the connections from one event to another, the way we experience the world. Connelly and Clandinin (1990) found that narrative is increasingly used in studies of education experience. The theory recognizes that people are storytelling organisms who lead storied lives, socially and individually. Therefore, narrative study is the study of ways we experience the world.

Understanding that educational research is actually the construction and reconstruction of personal and social stories, I am the storyteller and a character of my own and others' stories. Richardson (1990) pinpoints narrative as the best way to understand the human experience. Narrative is the way we understand our own lives. To understand the deepest and most universal human experiences, I put the narrative within the human sciences in the foreground of my research. In doing so, a variety of readers may be reached. School districts, educational leaders and employees will become empowered through my research to make informed decisions regarding qualifications, essential functions, and reasonable accommodation. Knowledge gained from individual experiences and life stories will strengthen the impact of the ADA for school districts and its employees.

2.4. Types of Narrative

Our lived experiences are created from our point of view, our assumptions, our biases, what we already know, and what we think we know. The every day experience of narrative (Richardson, 1990) may not be useful to other people because of the relevance held by the interpretation of the lived experiences.

Richardson (1990) offers a useful distinction among two specific types of narrative used in this dissertation: cultural and biographical. Through the various levels of narrative, Richardson offers a way of moving from the idiosyncrasies of individual experience to more universal themes. The significance of recounting these individual stories emerge as they are interpreted to form themes and dilemmas encountered involving the professional with a disability. Some issues and dilemmas embedded within the biographical story stand in contrast to the cultural story of accommodation as represented by the ADA and Supreme Court decisions.

2.4.1. Cultural Narrative

Cultural stories are actual narratives that have real consequences for the destiny of the individual, community, and nation. The cultural story of narrative is told through the contents of the following chapter. The stories about one's people, nation, social class, and so on, are cultural stories that affect confidence, ambition, and the probability of the successful participation of the qualified professional with a disability in the workforce.

According to Richardson (1990), "The cultural story is told from the point of view of the ruling interests and normative order, and it bears a narrative kinship to functionalism" (p. 25). The cultural story portrayed in this dissertation reflects an official version of disability and accommodation that is based on the federal statute, scholarly writings, and Supreme Court decisions. The federal statute and Supreme Court decisions serve as the foundation from which decisions regarding employment issues of the qualified professional with a disability refer and cite. The government monitors compliance of the ADA as part of the American culture, prohibiting discriminatory practices toward individuals with a disability.

2.4.2. Biographical Narrative

The biographical narratives represent the lived experiences of qualified professionals with a disability for others to understand. The heart of the narrative lies within the stories of lived experience. By putting the lived experiences forward, efforts for the qualified professional with a disability to remain in the workforce, with and without accommodation, are put into words.

Richardson (1990) explains that social interaction and cooperation depends upon the capability of making sense of one another from a biographical perspective. The ability to empathize with life stories of others is expected to generate discussion towards unification and social change. The capability of striving to understand and cooperate with one another is grounded in narrative.

2.5. The Selection Process of Participants of the Biographical Narratives

Several criteria were used to recruit participants, ensuring relevance to research. All participants have public education teaching or administrative experience within the past five years. This criterion allowed me to gather information that reflects most current practices pertaining to reasonable accommodation in the workplace. This criterion also establishes that the participant was qualified to work, based on certification and licensure. However, in accordance with the ADA, the individual is required to perform the essential functions of the job as teacher or administrator, with or without accommodation, to be qualified. Essential functions of the job are procedurally determined by the employer and available through current, written job descriptions, designed to guide the hire and promotion processes for the most qualified candidate.

Participants also needed to meet the criteria of the ADA as an individual with a disability. Specific conditions must hold true for the individual with a disability to have rights protected by

the ADA. Dynamics that affect the experience of each participant, with or without accommodation, are disclosed in the study.

2.5.1. Search for Participants

I explored various avenues for recruitment. Informal inquiries occurred in different forums, including the Principal's Academy at the University of Pittsburgh, to determine if educational leaders who represented over one hundred school districts accommodated the qualified professional with a disability. Networks through the "Key Disabilities Policy Issues: Accessibility, Attitudes, and Assistive Technology" forum (2002) through the University of Pittsburgh Institute of Politics, the Health Policy Institute, School of Health and Rehabilitation Sciences, UCLID, and the Disability Initiative Steering Committee, were established.

Referrals from one individual to another were made in the fields of policy, government, education and medicine. E-mails and announcements to invite potential participants were sent and provided with means to contact me as the researcher by telephone, e-mail, or through the U.S. Postal System.

Veteran teachers from different districts were approached and asked to talk about my research to encourage potential participants to contact me. Various special interest groups were contacted. The following excerpt is from an administrator of one special interest group, who spread the word of my search for participants in the dissertation study. "She wants to include in her research an individual or individuals who are living with HIV/AIDS while being employed as a teacher or administrator in a school system. This seems to me important work as we continue to confront a disease that so significantly defines a person's life, and at the same time, is a condition that so many feel they must keep hidden from the world around them. So, if you know of someone for whom this invitation is an opportunity, please let them know."

Attorneys were notified to encourage the professional with a disability to share his or her story on disability and the effect it has on work. I continuously networked with professionals. Intermediate Units posted e-mails from one county to another. Professors from several universities supported the research project and forwarded hundreds of notices through e-mail and class discussions. Local and state unions with affiliations to education were asked to notify groups about the study.

Rubin & Rubin (1995) noted that qualitative interviewees are frequently chosen through social networks. I was confident that a great number of professionals in public education, teachers and administrators, who require reasonable accommodation to perform the essential functions of the job, would step forward to tell his or her story.

Confidentiality and anonymity are key components in the research. Though experiences from various school districts are told, no particular school district is identified in the study. Pseudonyms are used for each biography. Options to cease participation, edit information for accuracy, and withdraw information were given to each participant.

Most of the contacts made expressed intrigue in the research. However, results of the strategies explored for recruiting participants resulted in a small sample of candidates for conversational partners.

Identifying the qualified professional with a disability who requires reasonable accommodation to perform the essential functions of the job was a difficult task. The search and networking was an ongoing process. Ultimately, connections were made when qualified professionals with a disability who are employed or have been employed within the past five years in public education learned about my study and agreed to take action by courageously stepping forward to share his or her lived experience.

2.5.2. Interviews

The intent of my research is to portray themes and dilemmas when public school districts are asked to provide workplace accommodations for qualified professionals with a disability and to recommend strategies that are responsive to requests for reasonable accommodation.

Each participant was a conversational partner because of the cooperative experience to reach the shared objective of

2.5.3. Eliciting Stories of Experience

The meaning of being a qualified professional with a disability needs to be found in the experience of the qualified professional with a disability. Van Manen (1990) wrote about the transformation of life experience. The moment a life experience is captured and conveyed, the experience is transformed. The transformation takes place the moment the life experience is recollected and captured, through a taped interview or transcribed conversations. The undisturbed existence of the experience has been resurrected for our interpretation and meaning. What is gained from the invaluable experience is not a quantifiable entity.

Sometimes it is easier to talk about a personal experience than to write about it. A survey or questionnaire would not compare to the depth of data obtained through the interviewing process. Van Manen (1990) wrote that writing might force a person into a more reflective attitude, distancing him or her from the closeness of the experience as it is immediately lived. As others are interviewed about certain phenomena, it was imperative to stay as close to the lived experience as lived. The research questions oriented the most appropriate direction of questioning and discussion with each individual. To explore the whole experience, it was impossible to offer ready-made questions. There is no cookbook for effective questions (Seidman, 1998).

Each participant was a conversational partner because of the cooperative experience to reach the shared objective of understanding dilemmas that may have arisen between a public school district as the employer and the professional with a disability in public education. The conversations mattered to us, and were interesting and important, which, according to Rubin and Rubin (1995), gain in depth and reality (pp. 10-12).

The guided conversational interviews were semi-structured with purpose, focus, and intent. By talking through experiences and probing, concepts emerged and deepened, relevant to the experience of the conversational partner to remain a productive professional in public education. Conversational partners directed the timing and tone of interactions. They shaped the discussion with a natural flow of dialogue while exchanging information. We went with the flow of changing circumstances that naturally occurred. We had a high comfort level with the ambiguity and uncertainty, and a trust to disclose information that emerged for the analytical process (Schramm, 2003). At the same time, it was through the intense, concentrated listening that led to an engaged conversation. The genuine interest in the story of each individual conversational partner was strong because each story offers substantial information that may have led to more effective responses to reasonable accommodation (Seidman, 1998). Just as in ordinary conversation, each time an interview was conducted, it was invented. Further supported by Rubin & Rubin (1995), each conversational partner invited me to explore actual life of the qualified professional with a disability in public education providing the thick description that constructs the overall picture.

The ever presence of narrative supports the socially constructed nature of reality that is expressed in the lived experiences of the conversational interviews. The narrative portrayals are constructed from my interpretation of the conversational interviews.

2.5.4. Open-Ended Questions

Each participant reconstructed experiences as a qualified professional with a disability who is working or has worked in a public school system. Open-ended questions enable participants to express information in his or her own words, guided by the statement of the problem and shaped by what was said from the previous question. Van Manen (1990) noted one specific purpose of interviewing as a vehicle to develop a conversation with a partner about the meaning of an experience. Semi-structured, guided conversational interviews with open-ended questions were used to gather information. Examples of open-ended questions used for interviewing participants included:

- Tell me about your disability
- Explain how your disability affects your daily life
- Describe how your disability affects and impacts your professional work experience
- Tell me about the restrictions caused by your disability and how they affect your job performance
- Discuss the process used for professionals with a disability to obtain reasonable accommodation
- Describe the work relationships with your supervisor and co-workers.

2.5.5. Gathering Information

The information gathering tool in my narrative inquiry was the conversational interview, used to gain the unique, personal insight into lived experiences of the professional with a disability. According to Seidman (1998), one aspect of qualitative interviewing emphasizes concern for detail and completeness in accounts (p. 207). The guided conversational interview channeled the

conversational partners to reconstruct their experience and to explore the meaning of the experience.

Trigger questions and corresponding inquiries were used with the responses of the conversational partners' lead following each inquiry. I pressed on aspects I did not expect to hear, and pursued issues that came into view through the conversation at hand. Guided conversational interviewing enabled me to shift the conversation to get the information needed for the research, which is similar to guiding the interview to remain focused as to avoid manipulating the responses of the conversational partners (Seidman, 1998).

With the conversational partners' permission, the interviews were tape recorded to provide the stable text, which I worked from. As soon as possible after the interview, I personally transcribed the tape-recorded information verbatim. Transcribing the information myself preserved the tenor of the comments. I carefully listened to the tapes over and over again, and transcribed them with great care to really attend to what each conversational partner was saying.

The researcher is the instrument of inquiry. According to Piantanida & Garman (1999), “. . . an interpretive inquirer, much like a tuning fork, resonates with exquisite sensitivity to the subtle vibrations of encountered experiences” (p. 140). As described by Eisner (1991), I am the instrument that engages and makes sense of the situation. As the instrument of inquiry, I used my abilities to see and interpret the significant aspects of what I was being told. The characteristic of self provides unique, personal insight into the experience of the qualified professional with a disability (p. 33). By listening, transcribing, and reflecting on the text, my efforts to resonate with the text to craft meaning from the biographical narratives have been enhanced. I have analyzed the transcripts to identify the themes and dilemmas relative to themes of power that lie within the biographical narratives.

2.5.6. Interpretation and Portrayal of the Research Texts

The intent of this narrative inquiry is to portray themes and dilemmas that arise when public districts are asked to provide workplace accommodations for qualified professionals with a disability. I have drawn various dilemmas faced by the public school districts and employees from within the biographical narratives, which require an interpretive narrative.

Information has been structured by first organizing information according to individual respondents. Dilemmas emerged from interpretive content analysis of each individual story through analysis of the transcripts. The narrative portrayal of experiences with disability, dilemmas associated with disability and accommodation at the work place, and responses that facilitate or halt productive career pursuits in public education of the qualified professional with a disability are constructed through interpretive content analysis. The biographical narratives were constructed by working with transcripts to identify the dilemmas that are present within the stories.

Webster's Ninth New Collegiate Dictionary (1985) clarifies through definition that a dilemmas involves "1: an argument presenting two or more equally conclusive alternatives against an opponent; 2 a: a choice or a situation involving choice between equally unsatisfactory alternatives; b: a difficult or persistent problem (p. 355). Essentially, a dilemma has no good solution. What ever the tradeoffs might be between choices, there is not clear advantage of one over the other. As I reviewed the transcripts, I have looked for places where tough choices had to be made and there was no good choice. The consequences of either choice would be problematic. For example, where costly accommodations permit an individual with a disability to participate in the workforce and the costs of accommodations are the responsibility of the employer, the employer then has additional expenses from employing the qualified professional

with a disability. The results of retaining an individual who requires costly reasonable accommodation as compared to the person who does not require accommodation is an unwanted added expense. The qualified individual is expected to do the job, whether or not disabled, with or without accommodation. Further compounding the issue of the accommodation lay the suspicions between the “needs” and “wants” of requested accommodation. Kelman (2000) concludes that the qualified professional with a disability will always be scrutinized (p. 94).

As I reflected on the dilemmas embedded in each individual conversational partner’s story, I began to see how to construct the narrative out of the transcript. I remained open to and aware of examining competing explanations and discrepant information to avoid my research to become a self-fulfilling description of events and ideas (Schram, 2003, p. 128).

Dilemmas evolve around the review of law and literature by recognizing supportive and unsupportive acts towards successfully overcoming obstacles in productive career pursuits in public education, based on the experiences of the professional with a disability. The tension that exists creates the dilemmas.

2.5.7. Portrayal of Experiences with Disability and Workplace Accommodation

Each conversational partner described his or her experience as an individual with a disability. Each individual was asked how the disability affects major life functioning and to describe his or her own strategies of incorporating life with a disability into a world designed primarily by able-bodied individuals.

Crafting a profile based on the responses of the conversational partners portrays stories of dilemma and accommodation. The words of the participants used to form each biographical narrative, which has a beginning, middle, and end, reveals a sense of conflict or agreement to

overcome obstacles in productive career pursuits in public education as a professional with a disability, which are used throughout the dissertation.

Each conversational partner was also asked to identify components that qualify him or her for the professional position they hold or have once held. Discourse of comparison between the qualified professional with a disability to the qualified professional without a disability in general emerged, which lead to further investigation of dilemmas associated with the accommodation process.

Through examination of the text from the conversational interviews, dilemmas and hardships encountered by the school districts and the qualified professional with a disability are evident. I studied, through the interview process, ways for handling conflict or dilemma with wisdom and justice.

The messages that I need to convey to the readers that have not been a part of the guided research conversation materialized by a course of portraying dilemmas that arise when public school districts are asked to provide workplace accommodations for qualified professionals with a disability. Though the dissertation is a written document that appears to stand still in time, Connelly & Clandinin (1990) have written about the narrative insights of the present representing the chronological events of tomorrow.

2.5.8. Interpretation and Portrayal of Dilemmas Associated with Workplace Accommodation

The conversational partners have identified whether or not workplace accommodations are needed for him or her to fulfill the obligation of performing the essential functions of the job. Through discussion, processes of attaining necessary accommodation were explored.

The analysis of the interview transcripts has lead to dilemmas encountered when the qualified professional with a disability seeks accommodations in the public school district. The words of the professional with a disability seek accommodations in the public school district. The words of the professional with a disability reflect responses to the need of workplace accommodation in the narrative portrayals.

I have identified strategies to address the dilemmas. The dilemmas may be bigger than any one person's experience. Specific examples from stories are used to illustrate a broader category of dilemma based on responses, the literature, and the law.

The letter of the law is covered through policies and procedures established in public school districts. The policies and procedures echo the language of the ADA, but the stories of my conversational partners are in the forefront. Results of the inquiry are embedded in the larger set of circumstances relative to dilemmas that arise when public school districts are asked to provide workplace accommodations for the qualified professional with a disability. Responsive strategies to requests for reasonable accommodation can be generated and individualized through the realization and reflection of how requests and obligations are understood and tolerated.

I have probed into the transcripts of interviews to determine specific strategies that might successfully overcome obstacles in the productive career pursuits of the qualified professionals with a disability in public education. The strategies generated are based on the words of lived experiences and dilemmas epitomized within each individual story.

The dilemmas that arise when public school districts are asked to provide workplace accommodation for qualified professionals with a disability are portrayed through power and documented treatment of teachers in education. Strategies for workplace accommodation were recommended to address the kinds of dilemmas exemplified in the stories, relative to power and

responses. The intent of my research is to portray dilemmas that arise when public school districts are asked to provide workplace accommodations for qualified professionals with a disability and to recommend strategies that are responsive to requests for accommodation. Though discrimination towards the qualified professional with a disability is strictly prohibited, the effectiveness of the ADA to protect the qualified professional from discriminatory practices in the workforce is contingent upon knowledge of the law and rights for the employer and the employee, as well as how we as individuals respond to one another.

3. The Cultural Narrative of Disability in the United States

3.1. Chapter Purpose and Organization

This chapter is a compilation of literature researched on disability and accommodation of disability in the United States, as influenced by society. The cultural narrative reflects the history and language of the federal statute, an attempt towards social order regarding individuals with a disability through the ADA. Supreme Court case decisions are a part of the cultural narrative because it interprets the language of the law and sets precedents for other ambiguities related to decisions made in regard to the ADA. Supreme Court decisions are summarized text boxes, woven throughout the chapter as part of the cultural narrative.

An abundance of literature related to practices of reasonably accommodating the qualified professional in the workplace was found throughout law journals. Most of the related literature was found in the text of the law itself and in documentation related to Supreme Court decisions; government agencies and publications, which include the EEOC, the Department of Justice, and the Department of Labor; the Job Accommodation Network (JAN) at West Virginia University, dissertations, books, and anthologies.

Though the law is in place, and the Supreme Court decisions clarify the ambiguous language of the law, the spirit and intent of the ADA is to prohibit discriminatory practices against the individual with a disability. ADA compliance can be viewed as using a common sense attitude of treating others as you would want to be treated, to move closer to meet the requirements of the law while creating a more competent and diverse workplace. Millions of individuals with a disability are capable and willing to work.

3.2. An Awakening of Human Potential

According to Spechler (1996), “The cost of neglecting people with disabilities as a viable work force has been enormous - an estimated \$200 billion annually in public and private payments, according to White House statistics. What’s more, another \$100 billion is lost each year in unrealized wages and taxes – a very unfortunate bottom line, most executives agree. Not to mention the human potential. These economic factors along with the civil rights issues of discrimination toward people with disabilities were the prime driving factors in the passage of the ADA” (p. 9).

The ADA has been regarded by Burris and Moss (2000) as the most significant civil rights law since the Civil Rights Act of 1964 (p. 9). Individuals with a disability have had to fight for legal protection of civil rights because the Civil Rights Act of 1964 was passed to guard against discrimination of the rights of women, individuals of color, and religious minorities, but not the rights of the individuals with a disability. It was believed that the struggle for legal protection of discrimination towards the individual with a disability had ceased through the passing of the ADA in 1990.

Heralded by President George Bush, the ADA of 1990 was the declaration of independence for individuals with a disability. Congress approved the ADA with the intent for civil right action aligned with advocates of the disability rights movement. The individual with a disability had become a member of a class protected by the federal statute. The ADA mandated non-discriminatory actions toward the individual with a disability.

3.2.1. Cultural Changes through Legislation

The ADA law ensured that employers, business, and public accommodations view the abilities of the individual with a disability free from biases, stereotypes, or preconceived notions. Similar to the women, individuals of color, and religious minorities, the Americans with a disability were

recognized as a minority and now have the support of legislation to pursue workplace equality with dignity.

In my attempts to investigate and research the current employment status of the qualified individual with a disability, I acknowledge that the ADA was written by Congress in the spirit of identifying and protecting the civil rights of individuals with a disability as members of the largest in number, ever growing minority. Thomson (1997) identified the right to work as a civil right to participate in the social gains of employment. “(And) while in the movement toward equality, race and gender are generally accepted as differences rather than deviances, disability is still most often seen as bodily inadequacy or catastrophe to be compensated for with pity or good will, rather than accommodated by systemic changes based on civil rights” (p. 23).

Employment is a right. Identified by Thomson (1997) as the core to moral life, work is a right. The individual with a disability has the right to earn income, just as all other members of our society. The impact of accepting physical differences within our social construct of normative bodies as described by Thomson (1997) has been challenged for centuries.

The U.S. Congress passed a resolution in 1945, the “National Employ the Handicapped Week”, to encourage employers to recall the individuals with a disability to their former jobs. Veterans were supported by the government and sent to rehabilitation with the hope of somehow fitting back into society after suffering from a disabling injury. Some veterans with a disability successfully returned to the workforce with the support of the government and cooperation of the employer. Once shunned and denied, the men and women with a disability were recognized as productive members of society.

Two years after the “National Employ the Handicapped Week” resolution, President Truman established by Executive Order, the President’s Committee on Employment of People

with Disabilities (PCEPD). More than twenty-five years following the establishment of the PCEPD, the Rehabilitation Act of 1973 prohibited discrimination toward the individual with a disability by programs or activities receiving federal funds, or by Executive Agencies or the U.S. Postal Service.

Two landmark decisions before the passing of the ADA were decided based on the protection of the ADA predecessor, Section 504 of the Rehabilitation Act of 1973. The Rehabilitation Act of 1973 prohibited disability discrimination in the federal sector. Any entity who received federal funds was obligated to comply with Section 504 of the Rehabilitation Act of 1973. Each decision that follows has significant impact on the language, interpretation, and evolving implementation of the Americans with Disabilities Act of 1990.

Critical terms defined in the statutory definition to determine whether an individual is handicapped include “physical impairment” and “major life activities”. Physical impairment had been defined as: “[Any] physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive, digestive, genitourinary; hemic and lymphatic; skin; and endocrine” (45 C.F.R. §84.3(j)(2)(i)(1985)).

The regulations executed by the United States Department of Health and Human Services defined “major life activities” as “functions such as caring for one’s self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working” (45 C.F.R. §84.3(j)(2)(ii)(1985)).

The Rehabilitation Act of 1973 was one of the most profound, anti-discrimination laws enacted by Congress. The Civil Rights Act of 1964 prohibited discrimination of minorities. The

Civil Rights Act was an anti-discrimination model for the Rehabilitation Act. The minorities identified and protected by the Civil Rights Act address social differences of races, color, and religion. The individuals with a disability were not identified as a segregated minority during the civil rights movement. The Civil Rights Movement did inspire the Disability Rights Movement, which brought civil rights of the individuals with a disability to light.

The Disability Rights Movement was an awakening time that advocated for the largest hidden minority in America. It was time for the focus of using impairments as reason for being unable to participate fully in society to change. The dawning of removing barriers to enable full participation in society, according to Ashley Stein (2000), is contrary to the previous social construct. Mook (1999) noted that the social implications of the disability rights movement were to be more inclusive and diverse. Disability civil rights activist Justin Dart expressed his view of the way the American mainstream viewed the individual with a disability. As quoted by Ashley Stein (2000), Dart proclaimed, “Our society still is infected by an insidious, now almost subconscious, assumption that people with disabilities are less than fully human and support systems that are available to other people as a matter of right” (p. 54).

Ashley Stein (2000) noted that interference of the potential impact that the disability rights movement may have had included the lack of organization and coordination to make a significant impact for the civil rights of the individual with a disability. The Civil Rights Movement pertained to a significant social change under the leadership of people like Martin Luther King and Jesse Jackson. Concerns and desires had been voiced through avenues such as the NAACP.

The language of Section 504 of the Rehabilitation Act of 1973 was almost identical to the anti-discrimination language of Title VI of the Civil Rights Act of 1964 (Mook, 1999). Civil

rights continue to go through a paradigm shift with the largest minority in America, as per the U.S. Census Bureau. Bristo (2000) supported that the individual with a disability requires diminished barriers in society for full participation rather than blame the impairment for diminished participation in society. The anti-discrimination language of the law started with the Civil Rights Act of 1964, used for impact in Section 504 of the Rehabilitation Act of 1975, and yet was extended to the word of the Americans with Disabilities Act of 1990.

The qualified professional with a disability can successfully participate in the workforce. Some qualified professionals with a disability require reasonable accommodation to perform the essential functions of the job. The qualified professional with the disability has the responsibility of making the needs known by first, qualifying as an individual with a disability based on the language of the ADA.

Public Law 101-336, The ADA, is a federal law designed to clearly and comprehensively prohibit disability discrimination. Congress found that an increasing number of the population has one or more physical or mental disabilities, and individuals with a disability were subject to segregation and isolation within the American social structure. The findings and purposes of the ADA in 1990 estimated that some 43,000,000 Americans had one or more physical or mental impairments.

Through information gathered by sources such as the U.S. Census Bureau and national polls, the individuals with a disability were identified as a minority who occupy inferior status in our society. Information further indicated that the individuals with a disability as a whole were found to experience profound social, vocational, economical, and educational deprivation (42 U.S.C. §12101(a)(6)). As anticipated, the aging American population gave reason for the numbers of individuals with a disability to rise (42 U.S.C. §12101(a)(1)).

Great diversity lies within the realm of individuals with a disability. Shapiro (1993) wrote about the hundreds of different disabilities. “Some are congenital; most come later in life. Some are progressive, like muscular dystrophy, cystic fibrosis, and some forms of vision and hearing loss. Others, like seizure conditions, are episodic . . . Some conditions are static, like the loss of a limb. Still other conditions, like cancer and occasionally paralysis, can even go away. Some disabilities are ‘hidden’, like epilepsy or diabetes. [Some conditions, like] obesity or stuttering . . . are not disabling but create prejudice and discrimination. Each disability comes in differing degrees of severity. Hearing aids can amplify sounds for most deaf and hard of hearing people but do nothing for others. Some people with autism spend their lives in institutions; others graduate from Ivy League schools or reach the top of their professions”(p. 3).

3.2.2. Purpose of the Legislation

Congress documented that individuals with a disability faced outright, intentional exclusion continually, and the disability discrimination was a serious, pervasive social problem. (42 U.S.C. §12101(a)(2)). Discriminatory experiences had been the result of architectural, transportation, and communication barriers, overprotective rules and policies, failure to make modifications to structures and practices, exclusionary criteria and qualification standards, and relegation to diminish services, programs, activities, benefits, jobs, or other opportunities (42 U.S.C. §12101(a)(5)). The individuals with a disability had no legal recourse as victims of discriminatory practices, unlike individuals who have experienced discrimination based on race, color, sex, national origin, religion, or age (42 U.S.C. §12101(a)(4)).

Thrown into a position of political powerlessness in society, the individual with a disability continuously faced unequal treatment, restrictions, and limitations based on characteristics that could not be controlled. Consequently, social assumptions were made in

regard to the ability of individuals with a disability. These social assumptions contributed to stereotyping (42 U.S.C. §12101(a)(7)). Unnecessary patterns of discrimination and prejudice denied the individuals with a disability to pursue those opportunities to participate in the free society of the United States. Unnecessary patterns of discrimination and prejudice resulted in the expense of billions of dollars in America by setting the norms for dependency and not productivity (42 U.S.C. §12101(a)(9)). Congress passed Public Law 101-336, the Americans with Disabilities Act of 1990, to assure equal opportunities, full participation, independent living, and economic self-sufficiency for the individuals with a disability (42 U.S.C. §12101(a)(8)).

3.2.3. The Spirit of the ADA

The purpose of the ADA was to eliminate discrimination against the individuals with a disability through a clear, comprehensive national mandate (42 U.S.C. §12101(b)(1)). Standards were to be clear, strong, and consistent to eliminate discrimination against the individual with a disability (42 U.S.C. §12101(b)(2)). The federal government was to become the central enforcer with congressional authority, of standards on behalf of the individuals with a disability (42 U.S.C. §12101(b)(3-4)).

The ADA was passed to protect the individuals with a disability from discriminatory practices in employment, public transportation and services, public accommodations, and telecommunications. The effectiveness of the ADA for the millions of people, who are qualified, with the desire and drive to exercise the right to work, is the focus of my dissertation.

3.2.4. Interpretation of Language in Layers within the ADA Statute

The ADA was designed to clearly define aspects of disability. Based upon the definition of “handicap” from the Rehabilitation Act, the term “disability” was defined with respect to the

individual with “a physical or mental impairment that substantially limits one or more of the major life activities of such individual; a record of such an impairment; or being regarded as having such an impairment” (42 U.S.C. §12101(2)(a-c)). The ADA definition of disability has three prongs and subparts within each prong.

3.2.4.1. Physical or Mental Impairment

The first prong of the ADA definition of disability, a physical or mental impairment that substantially limits one or more major life activities (42 U.S.C. §12101(2)(A)), has components that require analysis and interpretation.

The Rehabilitation Act regulations were issued by the Department of Health, Education, and Welfare in 1977. These regulations remain unchanged by the ADA. Issued by the Department of Health and Human Services, physical impairment is defined as, “. . . any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular, reproductive, digestive, genitor-urinary; hemic and lymphatic; skin; and endocrine” (45 C.F.R. § 84.3(j)(2)(i)(2001)).

The ADA provided guidelines for the employer and the employee to work toward abolishing discriminatory treatment of individuals with a disability. Though no federal agency has been given authority to issue regulations that interpret the term *disability* under the ADA, the federal enforcers were the U.S. Department of Justice (DOJ) and the Equal Employment Opportunities Commission (EEOC) ((29 C.F.R. § 1630.2(g)(j)(2001)). The vague language of the law was open to interpretation, which resulted in dispute to be settled through the justice system. Thousands of cases have been presented, disputed, and resolved through the process of the nine circuit courts, from where decisions can be appealed and altered.

The National Council on Disabilities (1986) recognized four general categories of disabilities that substantially limit major life activities. Impairments recognized by the National Council on Disabilities (1986) have four categories with a list of conditions that may substantially limit major life activities, indicated in Figure 1.

Figure 1 Four Categories of Impairments

| Sensory Impairments | Physical Impairments | Mental or Emotional Impairments | Cognitive Impairments |
|----------------------------|--|--|------------------------------|
| Blindness | Multiple sclerosis | Paranoid schizophrenic | Mental retardation |
| Vision in one eye | Paraplegia | Schizophrenic | Learning disabilities |
| Color-vision deficiency | Diabetes | Obsessive compulsive disorder | Dyslexia |
| Deafness | Heart disease | Borderline personality disorder | |
| Impaired hearing | HIV infection | Post-traumatic stress disorder | |
| | AIDS | Manic depression | |
| | Epilepsy | Paranoid personality disorder | |
| | Cerebral palsy | Suicidal depression | |
| | Osteoarthritis | | |
| | Parkinson's disease | | |
| | Tuberculosis | | |
| | Knee injury | | |
| | Chronic back problem | | |
| | Chronic fatigue immune deficiency syndrome | | |
| | Headaches | | |
| | High blood pressure | | |
| | Alcoholism, drug abuse | | |
| | Asthma | | |

The ADA did not specifically include all the impairments that are covered by the statute. The EEOC and the Civil Rights Division of the Department of Justice (2001) have published general samples of impairments and conditions that might be protected by the ADA. This interpretation of the ADA statute clearly stated that the individual with impairments that substantially limit major life activities, as summarized in Figure 2, may be eligible for protection.

Figure 2 Major Life Activities Affected by Impairments

| Examples of Major Life Activities | Examples of Impairment by Name |
|--|--|
| Seeing | Epilepsy |
| Hearing | Paralysis |
| Speaking | HIV infection |
| Walking | AIDS |
| Breathing | Substantial hearing or visual impairment |
| Performing manual tasks | Mental retardation |
| Caring for oneself | Specific learning disability |

Individuals who have found protection under the ADA include the individual with a history or record of mental or emotional illness, cancer, heart disease, or other debilitating illness. Also, individuals who have been misclassified or misdiagnosed as having an illness or condition have found protection under the ADA. The individual’s current substantial limitation in a major life activity bore no weight because of the established history (42 U.S.C. § 1630.2(g)(j)(2001)).

Individuals with impairment who are perceived by others as having substantial limiting impairments, or limitations in major life activities only as a result of attitudes of others toward the impairment, are protected by the ADA (42 U.S.C. § 12102(2)(c)). Stereotyping and fear create barriers out of myths for the individual with a disability. The individual with a disability may have an impairment that was not substantially limiting because of the impairment itself, but rather because of attitudes of others toward the impairment. Such an individual may actually have no impairment, but may be regarded by an employer as having a substantially limiting impairment. That individual may be protected by the ADA (29 C.F.R. § 1630.2(l)(1-3)(2001)).

Supreme Court decisions have further defined the language of the ADA. The following resolutions have resulted with questions about the spirit of the law, to determine if the statute helps or hinders the employability of the qualified individual with a disability. Supreme Court decisions are highly significant because the decisions build foundation for future reference. The Supreme Court decisions clarify the language of the statute and are used to settle disputes.

Clarification to determine who is qualified for protection, how essential functions are determined and what are reasonable accommodations are woven throughout the following summaries of Supreme Court decisions. Supreme Court decisions interpret the language in order to help determine just what it is that constitutes disability.

The first Supreme Court case cited is Murphy versus United Parcel Service, which started with a determination of whether Murphy was entitled to ADA protection.

Murphy v. United Parcel Service

119 S.Ct. 2133 (1999)

The ADA prohibits an employer from discriminating against a qualified individual with a disability (42 U.S.C. §12112 (a)). The ADA includes in the definition of *disability*:

(1) a physical impairment that substantially limits one or more major life activities, or (2) being regarded as having such an impairment (42 U.S.C. §12102(2)(a), 42 U.S.C. §12102(2)(c)).

Murphy was fired from his position with United Parcel Service as a mechanic. The United Parcel Service, the employer, believed that Murphy's blood pressure was in excess of the regulation stipulated by the Federal Department of Transportation for commercial motor vehicle drivers. Murphy was required to drive commercial motor vehicles as a mechanic.

Murphy was erroneously granted certification to operate a commercial vehicle safely. Murphy alleged that his dismissal was in violation of the ADA.

The court concluded that through mitigating measures, Murphy was not identified as an individual with a disability as defined by the ADA. The ADA includes in the definition of disability a physical impairment that substantially limits one or more major life activities (42 U.S.C. §12102(2)(a)). The mitigating measure which controlled Murphy's hypertension was medication. By taking medication for hypertension, Murphy could function normally and engage in activities that other persons normally do. The hypertension was not found to significantly restrict one or more major life activities, because of the mitigating measures. Murphy could essentially function as individuals in the general population, thus was not protected by the ADA.

3.2.4.2. Record of Impairment

The individual rejected from a position based on myths, fears, and stereotypes associated with disability could possibly be protected by the ADA. "As the legislative history notes, sociologists have identified common attitudinal barriers that frequently result in employers excluding individuals with disabilities. These include concerns regarding productivity, safety, insurance, liability, attendance, cost of accommodation and accessibility, workers' compensation costs, and acceptance by coworkers and customers." (29 C.F.R. § 1631 (1)). The following Supreme Court cases are relative to the record of impairment component to qualify for ADA protection. The first case was decided using the Rehabilitation Act as the guide, as it was determined three years prior to the passage of the ADA.

School Board of Nassau County, Florida, et al. v. Arline

107 S. Ct. 1123 (1987)

An elementary school teacher had contracted and recovered from tuberculosis. Twenty years later, a series of relapses occurred. The local school board discharged her after the third relapse because of her susceptibility to the disease and concerns in regard to contagiousness. The teacher was denied relief and filed action against the school board, claiming to be a member of the protected class of an individual with a handicap in a federally funded program. The teacher was discharged based on her contagiousness.

The Rehabilitation Act of 1973 prohibits discrimination based on myth, stereotype, or fear. An individual who has been determined to have “significant risk of communicating an infectious disease to other” was to be based on medical or scientific evidence rather than a good faith belief. The Rehabilitation Act of 1973 encourages employers “to replace . . . reflexive reactions to actual or perceived handicaps with actions based on medically sound judgments”. (480 U.S. 284 - 285). Therefore, the Supreme Court determined that the School Board of Nassau County was discriminatory (480 U.S. 273 (1987)). The school board dismissed Arline because she was subject to recurrent attacks of tuberculosis. There was no finding in regard to the duration and severity of the condition or the probability of transmitting the disease. Regulations stipulated by the United States Department of Health and Human Services were able to assist. The relevance was in whether the risk of contagiousness was significant.

The remaining court cases were filed as disability discrimination cases and have had the language of the ADA clarified through the Supreme Court decisions.

Bragdon v. Abbott

118 S. Ct. 2196 (1998)

Though Bragdon is not relative to employment, it has huge implications for HIV-based discrimination. Dr. Bragdon had a patient with a cavity and refused to treat her because she was infected with HIV. Relative to the ADA, those infected with HIV, including those who were found to be asymptomatic, are protected by the ADA.

The two major issues from Bragdon v. Abbott were whether the individual infected with HIV was protected by the federal disability law, and whether workers in the health field can refuse treatment to those who are infected.

Relative to the ADA and employment discrimination, it was found that an individual infected with HIV was protected by the ADA. The individual had the viral infection, which was a physical impairment; was substantially limited in the ability to engage in sex and reproduction, as well as in the ability to fight infections and disease; and was regarded as having a handicap by the individuals discriminating against them.

Chevron U.S.A., Inc. v. Mario Echazabal

122 S. Ct. 2045 (U.S. 2002)

Mario Echazabal, an employee of an independent contractor at an oil refinery, was laid off because medical evidence warned that exposure to toxins at the refinery would exacerbate his liver condition. Chevron requested that the independent contractor reassign the individual to a job without exposure to toxins or remove him from the refinery because of the direct threat to Echazabal's health.

The language of the ADA addressed conditions that would pose as direct threat to the health or safety of other individuals in the workplace others (42 U.S.C. § 12113(B)), but the EEOC's regulation written as a precursor to the Rehabilitation Act of 1973 allowed an employer to screen out a potential worker with a disability for risks related to his or her own health.

The ADA statute recognized threats only if they extend to another. The Supreme Court unanimously agreed to permit the EEOC regulation, which predated the ADA, which recognized the employer's right to consider threats to other workers and to the threatening employee himself. The EEOC was the only agency that interpreted the Rehabilitation Act of 1973 that considered the threats to self-equivocal with treats to others. The three agencies with interpretations of the Rehabilitation Act of 1973, the Department of Justice, Department of Labor, and Department of Health and Human Services, did not recognize threats to self with threats to others in the statute.

3.2.4.3. Substantial Limitation of Major Life Activities

In the evolution of the ADA, it was determined that the definition of what constituted a major life activity under Section 504 of the Rehabilitation Act should be followed by the ADA. The impairment must interfere with the individuals' ability to perform one or more of the major life activities. As summarized in Figure 3, examples of the major life activities include caring for oneself; performing manual tasks; walking; seeing; hearing; breathing; learning; and working. The EEOC recognized and added more functions as major life activities, which include sitting; standing; lifting; and reaching (29 C.F.R. § 1631 (1)).

Figure 3 Major Life Activities

| Rehabilitation Act: Major Life Activities | EEOC Major Life Activities |
|--|-----------------------------------|
| Caring for oneself | Sitting |
| Performing manual tasks | Standing |
| Walking | Lifting |
| Seeing | Reaching |
| Hearing | |
| Breathing | |
| Learning | |
| Working | |

The EEOC provided interpretive guidance for reference and served as the Federal agency that attempts to resolve disputes prior to court action. The EEOC regulatory guidelines are not regarded as a checklist of approved disabilities. Determination of whether individuals have a disability is not necessarily based on the name or diagnosis of the impairment itself, but rather on the effect of that impairment on the life of the individual. Disability as defined by the ADA is determined on a case-by-case basis.

Substantial limitation, as defined by the EEOC, is when an individual is, “. . . unable to perform a major life activity that the average person in the general population can perform; or significantly restricted as to the condition, manner or duration under which an individual can perform a major life activity as compared to the condition, manner or duration under which the average person in the general population can perform the same major life activity” (29 C.F.R. § 1630.2(j)(1)(i)& (ii)). The effect of the impairment or condition on the major life activity is compared to the life activities of people in general.

There have been estimates of well over a thousand impairments that could qualify an individual as disabled, thus protected by the ADA (29 C.F.R..App. §1630.2(b)(j), 56 Fed. Reg. 35,726, 35,741 (1991)). The spirit of the law has been found to protect a limited class of people who suffer from impairments more severe than those encountered by the average person in every day life. Mild limiting or temporary impairments are not covered under the ADA. Therefore, an impairment that is disabling for one person may not be for another. When compared to the general population, a person who can walk ten miles continuously but experience pain on the eleventh mile would not be considered impaired. Typically, most people would experience discomfort on the eleventh mile, therefore the discomfort experienced by an individual with the disability on the eleventh mile would not be a substantial limitation.

The medical name of the disability alone does not constitute ADA protection. What constitutes a *disability* under the ADA is determined by factors beyond the name of the physical or mental impairment itself. The determination of whether an individual is disabled under the ADA is determined by whether impairment exists and if the impairment substantially limits one or more major life activities. The EEOC pointed out, “many impairments do not impact an individual’s life to the degree that they constitute disability impairments” (29 C.F.R..App. § 1630.2 (j)).

Simply because a physical condition exists does not qualify it as a disability through a medical diagnosis. The impairment must substantially limit a major life activity. (42 U.S.C. § 12102 (2)(A)).

The EEOC Technical Assistance Manual analyzes the major life activity of working. An individual who is found to be substantially limited in performing a particular job for one employer, or unable to perform a special job in a particular field, would not be considered as

substantially limited in working. If an applicant is disqualified for a position of captain for an airline because of a visual impairment, but the individual still qualifies as a co-pilot based on the vision requirements, the individual would not be considered substantially limited in working because he or she could not perform the particular job of captain. The EEOC further stipulates if an individual is substantially limited in any other major life activity, it would not be necessary to determine that the individual is substantially limited in the major life activity of working as well. The determination of substantial limitation helps identify individuals who are protected by the ADA.

Sutton v. United Air Lines, Inc.

119 S. Ct. 2139 (1999)

Impairment is to be measured by comparison with the average or typical person. Twin sisters were commercial airline pilots for regional commuter airlines. They shared the goal to fly for a major air carrier. Following an interview, the twins were informed that their vision uncorrected disqualified them from pilot positions with United Air Lines. Applicants for pilot positions with United Air Lines must have uncorrected vision of 20/100 or better in each eye. The twins' uncorrected vision was 20/200. The Sutton twins were not qualified for the pilot positions as major air carriers with United Air Lines because of the uncorrected vision requirement.

The Sutton twins believed they were disabled under the ADA because the uncorrected vision limits the major life activity of seeing. Without corrective measures, major life activities such as driving, watching television, or shopping would not be feasible.

Since the visual impairment was correctable through lenses, the Sutton sisters did not qualify for protection under the ADA. Allegations from the Suttons included treatment based on myth, stereotype, and unsubstantiated fears. United Air Lines requirement for 20/100 uncorrected vision was based on the rational job-related safety requirements of the jobs sought by the Sutton sisters.

The visual impairment did not constitute disability or a substantial limitation on a major life activity because with corrective measures, the vision was 20/20 or better, therefore the individuals were not actually disabled. Millions of people don glasses or contacts daily for improved visual acuity. That would drive the scope of identifying all individuals who wear corrective lenses as disabled, which was far reaching and illogical.

There was no statutory definition to determine “substantially limits”, however the Supreme Court determined that the term “substantial” suggests “considerable” or “specified to a larger degree”.

The language of the ADA was written in the present tense. A disability exists only where impairment “substantially limits” a major life activity, not where it “might” or “could” or “would” if corrective measures were not taken. Corrective lenses enabled the Sutton sisters to function identically or better than the average person without similar impairment. The Sutton sisters did not qualify as individuals with a disability to be protected by the ADA for alleged discrimination based on the identified visual impairment.

Factors to consider when determining whether impairment substantially limits any major life activities are defined within the regulations. The regulations state that “substantially limits” means: “(i) unable to perform a major life activity that the average person in the general

population can perform; or (ii) significantly restricted as to the condition, manner or duration under which the average person in the general population can perform that same major life activity. The following factors can help in determining whether an individual is substantially limited in a major life activity: (i) the nature and severity of the impairment; (ii) the duration or expected duration of the impairment; and (iii) the permanent or long term impact, or the expected permanent or long term impact of or resulting from the impairment” (29 C.F.R. § 1630.2(j)). Impairments vary in severity and restrict individuals to different degrees or in different ways.

The third prong of the defining disability pertains to the substantial limitation of one or more major life activities (42 U.S.C. § 12102(2)(A)). Major life activities were defined by the EEOC as activities that an average person can do with little or no difficulty.

The major life activity of working as a substantial limitation would require careful analysis if the individual is not substantially limited with respect to any other major life activity. To determine whether the impairment substantially limits an individual in the major life activity of working refers to a broad range of jobs in various classes. Comparison is drawn upon the training, skills, and abilities of the average person to determine substantial limitation to the major life activity of work. (29 C.F.R. § 1630.2(j)(3)).

Toyota Motor Manufacturing, Kentucky, Inc. v. Williams

122 S.Ct. 681 (U.S. 2002)

Williams claimed to be disabled from carpal tunnel syndrome with related impairments and sued Toyota for failing to provide reasonable accommodation to perform her job. Tasks that Williams were unable to perform included the gripping of tools and repetitive work with hands and arms extended at or above shoulder levels for extended periods of time.

The lower courts analyzed Williams' impairments to determine that she actually qualified as an individual with a disability under the ADA. However, in the analysis of whether the impairments prevented or restricted Williams from performing tasks which are central to most people's daily lives. It was found, in this case, that repetitive work with the upper extremities extended at or above shoulder levels for extended periods of time was not an important part of most people's daily lives. Considered an important part of most people's daily lives include household chores, bathing, and brushing one's teeth.

Having impairment alone does not qualify an individual as having a disability under the ADA. Consequently, analysis of Williams' restrictions and inabilities as a result of her impairments proved irrelevant to performing tasks that are of central importance to most people's daily lives.

Williams claimed, even after her condition worsened, that she could still wash her face, brush her teeth, bathe, tend to her flower garden, fix breakfast, do laundry, and perform household chores. Her medical conditions caused her to avoid sweeping, quit dancing, seek help dressing on occasion, and decrease the amount of time spent playing with her children, gardening, and long distance driving. It was found by the Supreme Court that such changes in her life did not amount to restrictions that are central to most people's daily lives.

3.2.4.4. Qualified Individual

A general rule protecting the individual with a disability from employment discrimination specifically states, "No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training, and other terms, conditions, and privileges of employment" (42 U.S.C. § 12112(a)). The qualified

individual is one who, with or without reasonable accommodations, can perform the essential functions of the job.

The qualified individual is to be determined at the time of the employment decision, based on the capabilities, regardless of disability. The individual satisfies the prerequisites such as skills, education, experience, and licensure. Secondly, the individual must be able to perform the essential functions of the position to qualify for the position. (29 C.F.R. § 1630.2(m)). The employer has to disengage from speculation about increased health insurance premiums or workers compensation costs because such speculation could be perceived as discriminatory when making a hiring, promotion, or retention decision.

Southeastern Community College v. Davis

99 S. Ct. 2361 (1979)

A student sought training to become a registered nurse through a program at the Southeastern Community College in North Carolina. She suffered from a serious hearing disability and was denied admission to the nursing program of the community college, a recipient of federal funding. Though Davis was able to understand speech with the assistance of a hearing aid and lip reading, it was determined that her handicap would prevent her from safely performing in the program and profession of nursing.

“No otherwise qualified handicapped individual in the United States, as defined in section 706 (7) of this title, shall solely by reason of his handicap, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance” (29 U.S.C. § 794). Unwillingness of the community college to make major adjustments in its nursing program was found to be the nursing program unless the standards were substantially lowered. Accommodation does not

nondiscriminatory. Through much scrutiny, it was undisputed that Davis could not participate in require to lower or to substantially modify standards for the individual with a disability. The community college further ensured that no graduate will pose a danger to the public in any professional role by significantly altering program requirements and lowering standards. (99 S. Ct. 2361).

Albertson's v. Kirkingburg

119 S. Ct. 2162 (1999)

Kirkingburg was a truck driver for Albertson's Supermarkets, Inc., for ten years in Oregon. Kirkingburg held the job without incident. An error in the results of a visual test for Kirkingburg to qualify as a truck driver for Albertson's was discovered, and he was fired when found to have significant visual acuity deficit.

The Department of Transportation's standard for visual acuity was used as a standard for Albertson's truck driving standard. Kirkingburg was not qualified for the position held for ten years. He was told to obtain a waiver from the Department of Transportation for his visual acuity deficit, which was found to be more common than not.

Even when Kirkingburg obtained the waiver from the Department of Transportation, Albertson's was not required by law to adopt the Department of Transportation's standards or waivers. Albertson's kept their standard requirement of visual acuity for the truck driver position, and Kirkingburg did not meet the criteria to qualify for the position. Evidence proved to the Supreme Court that Kirkingburg's impairment did not substantially any limit major life activities, which are of central importance to most people's daily lives.

3.2.4.5. Essential Functions

Essential functions are tasks and criteria, determined by the employer, that are required, based on the function and purpose of the particular position. Essential functions of a job are identified, prepared before advertising or interviewing applicants for the job, and documented in a current, written job description, by the employer (42 U.S.C. § 12111(8)). Essential functions vary from position to position.

3.2.4.6. Reasonable Accommodation

An individual with a disability may or may not require reasonable accommodation to do the job. Sometimes, reasonable accommodations must be provided to the qualified individual with a disability unless the employer can prove cause for undue hardship on the operation of its business (42 U.S.C. § 12112(b)(5)(A)). A reasonable accommodation is any change in a job or work environment that facilitates the qualified person with a disability to enjoy equal employment opportunities.

Reasonable accommodation may include: making existing facilities readily accessible; and changes such as, but not limited to job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations. An action required that poses significant difficulty or expense could be considered an undue hardship. The burden of proof for undue hardship was designed to fall on the employer, based on the costs of accommodation, the financial resources of the employer, and the overall operations (42 U.S.C. § 12111(9-10)(A-B)(i-iv)).

USAirways, Inc., v. Barnett

122 S. Ct. 1516 (U.S. 2002)

Robert Barnett worked as a cargo handler for USAirways, Inc.. Following a back injury, Barnett, identified as an individual with a disability, invoked seniority rights and transferred to a less physically demanding position in the mailroom. Like other USAirways' positions, that particular position became open to seniority based bidding.

Barnett discovered that two other employees were interested in bidding on the job he held in the mailroom. Barnett requested that USAirways, Inc. make an exception that would allow him to remain working in the mailroom. Five months later, USAirways, Inc. decided not to make the exception because the exception would create disruption of seniority based practices. Barnett lost his job.

Barnett alleged that he was capable of performing the essential functions of the mailroom job. Barnett further alleged that the mailroom position was a reasonable accommodation of his disability, and the airline had discriminated against him because an employee with more seniority replaced Barnett. The airline's established seniority system interfered with Barnett's perceived accommodation, and Barnett lost his job in the mailroom.

USAirways, Inc. claimed that the requested accommodation was in conflict with the seniority rule, established decades ago, within the corporation. The accommodation was no longer reasonable because it would pose as an undue hardship for the airline company and its nondisabled employees.

The evidence provided did not convince the need of special circumstances for reasonable accommodation that would make the seniority rule an exception in this particular case.

USAirways, Inc. could alter the system unilaterally, reducing employee expectations that the system will be followed, which would clearly create an undue hardship to its employees without a disability. To violate the seniority system's rules would prove to be an undue hardship in this case because the seniority system has been in place for decades, and it affected thousands of employees. The seniority system prevailed over reasonable accommodation. USAirways, Inc. contended that the ADA seeks equal treatment for the individual with a disability, not preferential treatment or exceptions from job expectations when compared to an employee without a disability.

The language of the ADA was scrutinized. "Reasonable accommodation" was clarified as being *effective* accommodation, not *enabling* accommodation. In actuality, the reasonable accommodation provision of the ADA does in fact allow preferences to enable the individual with the disability to participate as a member of the workforce. The language of the statute itself provided examples of reasonable accommodation, which ". . . may include - job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, appropriate adjustment or modifications of examinations, training materials or policies, the provision of qualified readers or interpreters, and other similar accommodations for individuals with disabilities" (42 U.S.C. § 12111(9)(B)).

Accommodation does require the employer to treat the individual with a disability differently, and sometimes with preferential treatment. Decisions have to be made on a case by case, individual basis.

A puzzle in the U.S.Airways v. Barnett decision lied in the seniority system that opened the position for bidding, considering it "vacant" though it was actually held by Barnett. Barnett

held the position and was able to perform the essential functions of the position. USAirways, Inc. reserved the right to change any and all policy and procedures in its personnel policy guide at any time without advance notice.

3.2.5. Discrimination Defined

Employment discrimination includes “limiting, segregating, or classifying a job applicant or employee in a way that adversely affects the opportunities or status of such applicant or employee because of the disability of such applicant or employee; participating in a contractual or arrangement or relationship that has the effect of subjecting a covered entity’s qualified applicant or employee with a disability to the discrimination prohibited by this subchapter; utilizing standards, criteria, or methods of administration that have the effect of discrimination of others who are subject to administrative control; excluding or otherwise denying equal jobs or benefits to a qualified individual because of the known disability of an individual with whom the qualified individual is known to have a relationship or association” (42 U.S.C. § 12122(b)(1-4)).

Discrimination is further defined in refusal of reasonable accommodations unless the employer can prove that the accommodation would impose an undue hardship (42 U.S.C. § 12122(b)(5)(A)). Denying employment and promotional opportunities to the otherwise qualified candidate (42 U.S.C. § 12122(b)(5)(B)) was also written to enable and enhance the participation of individuals with a disability in the American workforce. Disability discrimination is prohibited.

3.3. ADA Ambiguity and Dissonance

The EEOC and Courts have been inundated with disputes and charges that required accurate interpretation that reflects the spirit of inclusive social participation of the individual with a disability. The words of the statute have repeatedly been dissected to establish if an individual claiming to have a disability is found to have a disability in accordance with the law. Further study determined whether an individual found to have a disability was a qualified individual with a disability. An entity must further decipher if the qualified individual with a disability can perform the essential functions of the job. If the qualified individual with a disability can perform the essential functions of the job with accommodation(s), decision have to be made to determine if the accommodations are reasonable or found to be an undue hardship.

It is through the determinations from the Supreme Court, the highest, most powerful, definitive Court system, from which there is no appeal, that the language of the law is interpreted. Though lawyers refer to lower court decisions relative to his or her case, interpretation of the law is based on the ultimate decision of Supreme Court cases.

The Supreme Court has recently made decisions, which contributed to the evolution of the ADA impact. The ADA was passed to outlaw discrimination against the individual with a disability from participating in our society. However, the language of the law was seen in conflict with the spirit and purpose of the ADA. On the other hand, the Supreme Court decision may clarify the ambiguity of the language within the statute. No matter what the decision, one party is vindicated.

Measures to ensure enforcement of the ADA's employment provisions were the same procedures used for claims of discrimination under the Civil Rights Act. As with charges of discrimination associated to race, color, sex, national origin, and religious affiliation, complaints

concerning disability are to be filed with the EEOC and/or state human rights agencies. Charges of discrimination may include the failure to accommodate, failure to hire, failure to promote, harassment, and retaliation. The outcome of such actions have been investigated with resolutions that include hiring, reinstatement, promotion, back pay, front pay, restored benefits, reasonable accommodation, attorneys' fees, expert witness fees, and court costs. Additional costs have been awarded where an employer has failed to make good faith efforts to provide a reasonable accommodation, or where intentional discrimination has been determined. Compensatory and punitive damages may be awarded in addition to other remedies.

Within the text of the ADA, alternative resolutions for disputes have been identified. "Were appropriate and to the extent authorized by law, the use of alternative means of dispute resolution, including settlement negotiations, conciliation, facilitation, mediation, fact finding, mini-trials, and arbitration is encouraged to resolve disputes arising under this chapter" (42 U.S.C. § 12112).

3.4. Implications for the American Workforce

The Census Bureau estimate of individuals with a disability increased from 43,000,000 in 1990 to approximately 54, 000,000 in 1995. The 54,000,000 represents one in five Americans, with 26 million people, or one in ten, claiming to have a severe disability. One in two seniors, age 65 or older, had a disability. Adults between the ages of 22 to 44 claim some type of disability. More than half of the individuals who claimed to have a severe disability were between the ages of 22 and 64 (U.S. Census Bureau's Public Information Office, 2001).

Compared to Americans without a disability between the prime employable ages of 21 to 64, 77% of the individuals with a nonsevere disability had a job or business, 26% with a severe disability, and 82% of the Americans with no disability had a job or business. Chances of being

employed with a disability were based on the disability and its severity. 64% of individuals with difficulty hearing were employed, compared with 44% who had trouble seeing, 41% with a mental disability, 34% who had difficulty walking, and 26% who used an assistive device for mobility, such as a wheelchair, crutches or a walker.

Of all persons employed between the ages of 21 to 64 years old, 10% had a nonsevere disability, and another 3% had a severe disability (U.S. Census Bureau's Public Information Office, 2001).

The Census Bureau facts found that the presence of a disability may be associated with lower earnings. Among men between the ages of 21 to 64 years old, the median monthly earnings were \$2,190 for individuals with no disability, \$1,857 for men with a nonsevere disability, and \$1,262 for individuals with a severe disability. For women between the ages of 21 and 64 years old, the median monthly earnings were \$1,470 for women with no disability, \$1,200 for women with a nonsevere disability, and \$1,000 for women with a severe disability (U.S. Census Bureau's Public Information Office, 2001).

ADA pioneer and advocate, the late Justin Dart, spoke at the joint hearings before the subcommittees on employment opportunities and select education in 1989. Ashley Stein (2000) quoted disability rights activist Justin Dart assertion from the joint hearings: "Although America has recorded great progress in the area of disability during the past few decades, our society is still infected by the ancient, now almost subconscious assumption that people with disabilities are less fully human and therefore are not fully eligible for the opportunities, services and support systems which are available to other people as a matter of right. The result is massive, society-wide discrimination" (p. 54).

The questions about discrimination toward the individual with a disability confront the actions of society through intentional segregation, exclusion, denial of benefits and services or opportunities. The words, actions, or decisions create barriers that discriminate by intent or design, through thoughtlessness or indifference.

The Harris Poll conducted a survey that addressed perceptions of workplace discrimination, published on November 13, 2002. 21% of all adults surveyed felt that people with disabilities are often discriminated at the workplace. Examples of discriminatory action included being fired or dismissed, harassed, or denied promotions (<http://www.harrisinteractive.com>).

The language of the ADA statute is ambiguous. Similar to the Civil Rights Act, Circuit Courts and Supreme Court decisions reflected analyses that clarify the language and intent. No two cases are alike. Emphasis is placed on equal opportunity rather than privileged or special treatment.

The public education employers claim compliance of the ADA statute through written employment policies and procedures. Accommodations in the workplace are common for the students we serve, particularly the children who have been identified with special education needs. Individual differences in the classrooms are starting to be addressed through differentiated instruction practices. The intent is to address the needs of all children on an individual basis. The written policies and procedures for the adults to participate in the privilege of work indicate compliance with the ADA. Each sheet of district stationary boasts of being an equal rights and opportunity school district.

Beyond the written policies and procedures, I seek evidence through research of actual responses to dilemmas that may be addressed with the purposes of the ADA in the workforce.

Realizing that no two experiences are the same, each situation has its own set of circumstances that make it unique. The limitations that disabled people experience result more often from the social and physical environment interactions, which are typically designed for individuals without a disability. Thomson (1997) claims, “In other words, people deemed disabled are barred from full citizenship because their bodies do not conform with architectural, attitudinal, educational, occupational, and legal conventions based on assumptions that bodies appear and perform in certain ways” (p. 46). Once an individual is identified with a disability, they become members of a social category that is faced with human vulnerability, stigmatization, and exclusion. The inclusion of the individual with a disability to participate in our workforce is a social challenge. Work is a system of production in exchange for distribution of economic resources.

The qualified individual with a disability, who can perform the essential functions of a particular job, with or without reasonable accommodation, is entitled to perform in the privileged world of work, just as the nondisabled individual. Efforts are reflected in the policy and procedure manuals that sit upon the shelves throughout school districts, used to indicate awareness of and compliance with the ADA. Procedures used for accommodating the qualified professional with a disability should be determined individually, on a case-by-case basis. Accepting the experiences of qualified professionals with a disability through lived experiences will help clarify the dilemmas of accommodation.

Interactions among the millions of individuals with a disability, educational leaders, and co-workers have determined the effectiveness of the ADA in public education. Knowledge attained by understanding individual experiences will affect the future actions toward any

qualified professional, which will determine a change in effectiveness of the ADA. Our knowledge and responses to individual life stories will shape change that is yet to come.

4. Use of Power and Its Impact

4.1. Purpose and Organization

The purpose of this chapter is to define concepts and identify sources of power, which is the lens I have chosen as the adhesive of all previous chapters, used to address dilemmas that have surfaced within the cultural and biographical narratives. Recognition of power by concept and example, through the cultural and biographical narratives, will heighten awareness and better equip education leaders to determine the most effective response for dilemmas pertaining to reasonable accommodation.

4.2. Power

Power is an interesting phenomenon that is perceived in many different ways. Research has been conducted to identify various forms of power and different kinds of power. Intrinsically, “power” is a neutral word that may be derived from the old French word, *poeir*. Shields (2003) identified the etymological roots of the term power, *poeir*, is both a noun (le pouvoir), which means power, and verb (pouvoir), meaning to be able. (p. 183.)

Since power is actually a neutral word, an understanding of what power is and how it is used creates an understanding that pulls it from its neutral state. Power influences the culture.

According to psychologist Rollo May (1972), the cause of change through power is at a future time. The future change is considered as a *possibility*, which is related to the French verb *pouvoir*, meaning to be able. The combination of power and possibility creates endless promise for the qualified professional with a disability.

It is through the power of the law that the professional who is protected by the ADA meets the criteria to compete for opportunities of hire, retention, or promotional opportunities. As described in the biographical chapters, positions of power can sometimes lead to

marginalizing or excluding the qualified professional with a disability. Descriptions of participation in the school district like other able bodied colleagues have emerged from the biographical stories. The cultures differ from district to district, influenced by the positions in power and implementation of decisions.

4.2.1. Forms of Power

Psychologist Rollo May (1972) found a creative tension between power and consciousness.

“Consciousness can disturb the establishment of power. It leads to conflicts, which can be turned into new integration. It is the function of consciousness to keep us alert, to keep our imaginations functioning, to keep us forever curious, forever ready to explore infinite possibilities. Whereas power requires decision and dispatch, consciousness requires a loosening of controls, a freedom to wander where the spirit listeth, an exploration of new forms of existence which may be far out on the frontiers of knowledge.” (pp. 104-105).

May (1972) proposed five forms of power, which are all present in the same person at different times.

The most destructive of the five forms of power described by May (1972, pp.105-113) is exploitative power. This form of power subjects a person to whatever use they may have to the one who holds the power. The forcefulness of exploitative power is obvious in situations such as slavery, or those who have been radically rejected that they have no other way of relating to others except through exploitation. This form of power allows no room for spontaneity at all from the victims. Exploitative power is power used on another person with no options in exchange, as it always presupposes the threat or act of violence. Exploitative power is negative power.

Manipulative power is the second of May’s form of power. It is power over others, a second negative power. Manipulative power is used by persons with more power influences the other persons behavior. Positions of power and resources are unequal, thus the manipulative

power is unfair. During times where hopelessness and anxiety dominate, any indication of hope may seem utopian as an escape of anxiety.

The impact of both exploitative power and manipulative power exercised toward the qualified professional with a disability is damaging. Though competitive power, the working *against* another has potential of being constructive, it also has the potential of being destructive, with success lying in the hands of the weak link.

4.2.2. The Shift in Power

The forms of power shift from destructive in nature to what has the potential of being constructive. Competitive power is power against another, and it can be positive or negative. Gains occur at the cost of another's loss. Positively, competitive power can give zest and vitality in relationships. Improved achievement, results, and efficiency are reached by competitive power. According to May (1972), "To have someone *against* you is not necessarily a bad thing; at least he is not *over* you or *under* you, and accepting his rivalry may bring out dormant capacities in you" (p. 109).

Nutrient power is viewed as the construct of political and diplomatic power. Nutrient power is power *for* others, showing concern and care for others. Nutrient power is necessary and valuable in relationships with friends and loved ones.

The most constructive use of power is integrative power. It is used *with* another. New truths can be the result of integrative power, as inquiry leads to stimulation and compellation to alter or defend a position with new insight. Morale and conscience are exposed by integrative power, and it is a disarming, nonviolent power. Gandhi is cited by May (1972) as a living antithesis who forced the British to move to a new synthesis in their own ethics (p. 112).

Fear of criticism can lapse one from the integrative power of criticizing to provide antithesis to a thesis for a new or better synthesis, to the negative impact of manipulative power (forcefully silencing the critic) or pulling the neutrality of competitive power towards the negative side (making the critic look stupid). Such regression inhibits new truths from coming forth.

Power requires a form of expression, which vary greatly and overlap from one form, as described in the work of Rollo May, to another. Power is an ever-present reality in all living persons. The range of the span of power, from destructive to constructive, is having power *on* another, which is the most destructive, to power *over* others, to the either constructive or destructive power *against* another. The range continues toward a more constructive source of power, which is *for* others, to the most constructive use of power, used *with* others.

Evident in the several of the biographical stories, hierarchies used for decision making, continue to marginalize and exclude many others who have a right to full participation and membership in the school community. The qualified professional with a disability who requires reasonable accommodation is seen as and treated different from the mainstream. Shields' wrote, "Unfortunately, schools as traditionally organized implicitly perpetuate forms of power that advantage people from mainstream cultures. These forms of power are so deeply rooted that we sometimes fail to identify or understand their operation." (p. 183).

4.3. Effects of Various Forms of Power from Biographical Narratives

Words and actions of education leaders have great impact on the culture in which they work and live. All five forms of power identified by May (1972) are present in the next five chapters of biographical stories.

5. Adam

5.1. A Narrative Sketch

An instructor at the university gave Adam's name to me. The instructor had known Adam for years and suggested that I call Adam.

Adam was very willing to tell his story to the dissertation. His wife Mary graciously welcomed me to their brand new home as Adam greeted me from the couch on a sunny Sunday afternoon. Just one week before, sixteen people helped move Adam and Mary to their new home, surrounded by wide-open views of picturesque hillsides.

Adam was diagnosed with MS when he was in his mid forties. The disease became progressively disabling. The debilitating affects of Adam's MS took years to manifest to the intriguing story of changes that Adam experienced in his life as a public school professional.

He began his career as a teacher in public education. Within several years, he was hired as an administrative assistant to the principal. He was promoted to assistant principal, then principal, and worked his way to superintendent of a public school system. Adam was a few years shy of sixty when he retired from over thirty years of service in public education.

5.2. “Good Timing the Whole Way Through”

It was about 1992, when we were approaching another contract with the teachers. I was meeting with our school board and the attorneys on Saturday morning. The meeting was over around 1 PM, maybe 2 PM. I got up to leave and felt this strange feeling from the waist down, like my legs were asleep . . . like pins and needles.

I figured I must have been sitting in the same place for too long. I needed to get up and walk around a little bit. I did that, but it didn't go away. I thought it was no big deal, but there must be something wrong.

Sometime in the next several weeks, I went to the doctor. I went for an MRI, and one of my best friends, an OB/GYN sent me to a number of neurologists. They would not show me the x-rays, but since my friend was a doctor, he was able to connect with the doctors directly.

One morning, my friend called my wife and told her there were three possibilities of what could be wrong. I could have a tumor on my brain; a tumor on my spine; or MS.

The good news was the diagnosis was not life threatening. The bad news was I would probably never dance again. I told him that's not a big deal . . . I've never danced well anyway. I have MS.

When I first got it, my life hardly changed at all. I was able to do everything I used to do. It seemed like I should be glad it wasn't life threatening. I would survive. It was not going to kill me. Since I could do everything I used to be able to do, it was just a nuisance, and it was not any big deal.

Gradually, it's got to a point where while it is still not a really big deal, it's just that my life has changed. Some of the things I used to be able to do poorly, I can't do at all. Now I'm on disability. It's just more of a nuisance.

We moved to a one-floor home. It's much easier living here than where I used to live. I used to worry about going up the steps and getting the grass cut. In that regard, as you list disabilities from the worst to the least difficult, this would be on the least difficult end.

I think of people that have cancer. I think of people that have heart disease. I know they're likely to pass away as a result of one of those disabilities. In that regard, that would bother me more than this.

MS changes your life and the way you do things. Even to this day however, there are people around who can't tell I have MS.

When it gets real bad, I use a cane. People then want to know, “What happened?” When I tell them I have MS, they don’t know what MS is. It sounds worse than it is, but I would certainly rather not have it at all.

I think people are concerned. People are more understanding and helpful with certain things. They don’t know. They feel bad, and they feel obliged to be more considerate of the things that you do. They don’t realize that sometimes they do too much or some make you feel that you’re an invalid, more than you are.

How do I tell people, “I’m OK. Please don’t make me feel worse than I am.” Two weeks ago, there were sixteen people here moving us. I didn’t do anything. I just sat here on the couch and could have watched the football game if I wanted to. I know that some of that was, “This guy can’t do anything.”

That’s fine. That’s great! But, sometimes I think cognitively it bothers me more than anything just because physically I can’t do anything. I worry that cognitively I can’t do anything either. Or that people notice there’s a difference cognitively in what I can do. They would never tell me that, but maybe that think that I am losing the ability to think, the ability to be a serious student.

MS attacks people in different ways. Some people have no movement in their legs at all. Everything else is perfectly normal.

MS to me has given my bladder a problem, my walking is a problem, and I think cognitively, I’m not as sharp as I used to be. Maybe that’s just age, because no one has been able to separate them. No one at 57 is as sharp as they were at 27. I know that, but I don’t know how much different I am.

I worry about that.

But nobody will tell you. . . .

I'm going to take a test that will be like an intelligence test, just to see how much this has progressed. The first time I took the test, I was off the charts! About three years later I took it a second time, and measured a little less. Now, two years later, I will see how much my sharpness has been affected.

I first started noticing changes in my last five years of work. During the last five years of my contract, I realized that I was getting to the end of my career. The MS had made things more difficult. Perhaps it was a combination of reaching the end of my career and the affect of MS.

MS is extremely fatiguing. During those weeks when I had to return to work at night when meetings would start at 7:30 PM and last until 10 PM or 11 PM, it would be extremely difficult. I didn't see any change in the needs, the requirements, the job in terms of the demands. Some great people helped me out throughout that time. More so, and what happened was I got less of the chance to be an educational leader and more of the chance to be a manager as superintendent.

I began to feel that people, including board members, were overly compensating for my disease. Perhaps they were assuming more than was appropriate. They were assuming I could do less than I really could do. I mean really, I couldn't do everything. But I thought that I could still do my job.

If I couldn't do my job, they ought to have enough nerve to say, "Look, you can't do your job anymore. Take disability and retire." I would rather have that said vocally than have acted like it. I began to think things that maybe weren't true, maybe weren't realistic.

People from other districts and the citizens of my district didn't act like that. I kind of resented the fact that the school board acted like that. After spending more than thirty years in

the district, I just expected to feel a little more comfortable, to be more like an educational leader, less like an obstacle.

I began to doubt myself. I was honored among my peers in education leadership with a highly prestigious award in 2002, and I don't want to think that people gave me that because I was an invalid. I began to think that everything that comes out was a gift, overcompensating for what I really could do.

I let it be. I didn't want to hear, "Well, crazy people do that." I put a lot of time there, a lot of effort. I did not want to be looked at as the residing invalid.

I am glad I am retired. I am glad I moved out of the community. I am comfortable here. I like it here.

I got tired of people at the grocery store saying, "Well, what are you going to do now?" I don't know what I'm going to do now. . . I'm going to sit on my ass. But, I always felt like I had to say something intelligent, like, "I'm going to cure cancer" or "I'm going to do something that really fixes the problem of kids not paying attention."

I don't know what I'm going to do next.

I keep thinking something will emerge. I am open to anything and will reject what I don't want to do. I would rather that happen rather than not wanting to do anything.

While I was still at work, I realized I might need some kind of accommodations. I used to drive all over the place and go in different schools all the time. I was always visible in the schools. I noticed as I got closer and closer to the end of the line, I spent more time in the office and less time in the schools. I had to really force myself get in the car and drive somewhere to do something.

You never knew where I was when I was younger. I would just get into my car and go anywhere, to any school. I spent a lot of time at the high school because if you have problems as superintendent, 90% of them are in the high school. So, I would spend time there. I really enjoyed being there. I would go to the cafeteria and sit. The kids never made me feel as if I was intruding. I could go anywhere I wanted in the high school.

As I got older, I realized that it was more trouble. First of all, I had to find a place to park. I slipped one day on the snow and ice. I thought I broke my leg. I realized then not to put myself into that kind of situation because I can't walk on ice like I used to be able to do. No school is ever cleared of snow as much as it should be. So, I started using the handicapped spaces and hoped that they were clear of snow and ice.

It got easier just to stay in the office. I drove in to the garage, walked up the steps, which was a little hard. I had to walk up two flights of steps. It would be easier to park in the parking lot on the corner, and walk straight in. Then, I would just use the telephone. I think staying in the office became easier than it had to be.

It's a relief for people to know that MS is not life threatening. I am still looking forward to a good part of my life, just with accommodations. Most people don't know anything about MS.

Three hundred thousand of us have this disease, and I am not as debilitated as many other people with this disease. Many more people have AIDS and other things.

I think it's OK to be considerate, but you don't have to be overly. People tend to write you off. I understand that because there was a time when I thought everyone with paralysis was doomed. I know I need more time to do what I used to do very quickly. It took me more time to actually do my job. It takes me too much time to read all about things and come to my own

conclusion. I don't have time to do all of that. I began to prefer that you tell me your problem, make it concise, tell me what you want, and I'll give you my answer.

The reason building administrators are doing what they are doing is because I value their ability to be concise and get to the substance of something. Share the substance of the problem with me as opposed to allowing me the opportunity to draw my own conclusions. Tell me what you think. If I don't like everything, I'll tell you. But tell me concisely as opposed to just bombarding me with information.

As superintendent, you get hundreds of things in the mail. You can just be overcome with information and other people. Most of the mail comes from vendors who do not realize how little latitude superintendents have to make their own decisions about fiscal matters. You always have to go to the board. I got moved from \$5,000 to \$25,000 latitude where I could make the decision without going to the board. But nobody realizes how many fiscal limitations are on superintendents. So, most of the things you'd get you couldn't act on anyway, even if you thought they were great.

I was in a great position because I would look at many other superintendents who were doing the job just by themselves with possibly a business manager and possibly one other person. I had sixteen or seventeen people. So, there was the ability to make principals educational leaders.

I was able to recruit. Everyone who works there now I've recruited. So, I was able to select the people I wanted and put them where I wanted. They thought like me, which was wonderful. Most people do not have the opportunity to select people to work with who have bought in to the same philosophy, bought in to the same mission and bought in to the kids at the school. Everything we did was for the children. Everyone bought into that, and it worked.

I could not have asked for anything better for my career in education. I was the superintendent for fourteen years. Before that, I was assistant superintendent for five years. Seven years before that, I was an associate principal after my role as administrative assistant to the principal. I started out as an English teacher. I taught English for almost five years.

Out of fourteen years as superintendent, I had twelve years of honeymoon, two years of hell. Two out of fourteen isn't bad. I had some idiots on the school board. They were not good people. Some of them are just not good people. The school board began to think that they were the educators. Their hands were heavy, and they were beginning to wander into the role of administration. They were beginning to answer their phones with statements like, "Oh, yeah. I'll take care of that."

Once you teach people that, the parents get to the point where they just call the board. The board does not clarify the role as a school board member. The responsibility is not for operations. The responsibility is for planning and overseeing, but the role is not to determine what the sum and substance of the education program is. The school board member is supposed to be acting in the board capacity, the oversight capacity.

But there's more fun mucking around with the particulars. So, members of the school board wanted to be the big cheeses. Some wanted to be the kind that the citizen would call on. That's just not going to work. That's not the way it's supposed to be. The more a board member became active that way, the less I wanted to be there. It was just convenient. I was counting my thirty fifth year, wanting to get away from that.

If I stayed, I would need another contract. My current contract was up. I knew I wouldn't get a contract from them. I was counting on full retirement. It seemed like while I didn't want to leave education totally, I didn't want to be superintendent. First, I didn't want to

work with the members of the school board, and they probably didn't want to work with me. Secondly, I began to think that perhaps I was affected more by the MS than in charge of a school district. In all things and in all areas, I had to be the best that I could possibly be because other school districts were always looking at me. Everybody was going to notice that I was slipping, and I didn't want to slip.

I was probably over analyzing it, but I didn't want to face asking them for a contract and they say no. Or, the board saying, "You have thirty five years and MS. Why don't you just go somewhere and take care of yourself?"

That's a pretty intelligent response to someone who has done this for fourteen years and is in the thirty fifth year, which is full retirement, and has a disability. As I think back on it, I would like to be principal because I could be around children. I would be part of a bigger operation. I would take care of my own building instead of the school district.

That's probably not going to happen either, but that's what I would like. I might need an accommodation like some people have, needing more time. I might need the accommodation of time in the afternoons. There is no question, that at 1 PM every day, I get tired enough to take a nap when I worked.

If I was tired when I worked, I would tell the secretary, "I'm going to lie down" and I would lie down for an hour. I made the decision that that was fine because when I first told them that I had MS, I had a wonderful school board. I had a couch put into my office so I could lie down if I wanted to. But I'll tell you, there were a lot of times that I laid down.

I did not feel guilty about lying down because I have this disease. Secondly, I never came home before 5:30 or 6:30 at night. There were many days I worked later. If we had a

school board meeting, I would be there until 10, 11, or 12 o'clock at night. No one ever said, "Hey! We're going to quit early tonight because he needs a nap." No one ever said that.

I felt I was a better superintendent when I was a bit rested. Nobody ever objected to that.

But I have to say that no one ever walked in while I was lying down. That was just coincidence, I guess. Probably with my secretary, you couldn't get past her anyway. So, I didn't feel bad. There were many times I didn't take a lunch because I didn't want to. I'd just worked through it.

I feel badly because I don't think I enjoyed the last several years as maybe I should have. I made my last speech to the students ten days before I left. Since the moment I walked away from there, I've received not one phone call from a school board member. Not one.

They are being callous or indifferent. You know, they think they could take all seventeen administrators and just take the superintendent out and put another one in. They may think that the whole district is the same. They just replaced this little guy up here, but I was there for a lot of years. That bothers me. I felt I contributed to a lot of things in the district. It's not what it is despite me.

I won't forget that at all, but I should get on with my life.

However, I have dedicated all those years of my life, and it's among the top districts of the region. For me, I was trying to tell the students that it's because of you that we're here. It's not the school system because of the adults. It's because of the students. Though we don't say it all the time, the students are the reason that we are here in the district. I want the kids to know that.

What the adults and what the school board thinks is really no big deal. It doesn't make me feel any worse. It just proves what everyone else used to feel is right: "Look, it's a job; it's a

career; it's over. Don't feel like you're the bad guy. You did what you did because that's who you are. You didn't do what you did because of the school board. Don't get hung up with that, where you might expect special consideration because you were the superintendent." Why should I?

There was the dedication of three elementary schools at the district. I was invited on a plain invitation, stamped by the superintendent. I never stamped anything! I signed everything personally. I told my secretary, "Some of these people may never meet me. They'll only have a signature, but they're never going to see a stamp."

I received an invitation, just like everyone else got, with a stamped signature. There's not one thing that has to be done in any of those buildings for the next ten years, and I got a stamped invitation. It's weird.

They have that callousness plus by bullheadedness. I was not going to go there and make it seem like I was happy to be there. I suspect what they said about the past superintendent . . . probably nothing.

I thought about it a couple of times yesterday. I wondered what they were saying at the dedication. I wondered if anybody even noticed that I wasn't there. I wondered if anybody even cared that I wasn't there. Nobody called. Nobody called to make sure I was going to come. Nobody called yesterday. If I was looking for a reason to be angry, I got it.

At work, people would do more because they felt that I could do less. Then, I would do less because other people were doing more. I think those things happened together, not intentionally. So, I felt I wasn't as vibrant or as "in touch", or as significant of a player as I had been because of those two things working together.

That's laziness. If someone is going to offer to do something, why should I want to do it? So, I began to do less. I think that complicated my disease because I put less stress on myself. I probably could have done more.

That's why I want to go back to be a principal. You can't slough off. You can't let someone else do it. There are things that you are expected to do, and only you can do, and I want to do.

These are all learning lessons. Would I be a different person? Yes. I would be a different person. Would I allow that to happen? Probably not. You have to be careful that you don't become a lame duck because you're retiring, because people expect it to happen.

As a professional with a disability, I needed to kind of be the interested, integral player as I used to be, but I had to make that happen. Other people gave me the wide berth because they think that MS is something different than it really is, and they're not going to create a medical stress. They're going to either avoid the individual with a disability or they're going to do something as opposed to allowing the individual with a disability do it. If that happen too often, the person with the disability ends up being like a non-essential partner.

The superintendent has the contract for superintendent. The superintendent is the only one who has the contract from the state saying you can be superintendent, but in reality, all these other people are doing the job. It came very close to that point for me. I had to get myself involved more than you would expect because other people did not want to give me bad news or disappoint me.

When I asked why something was not done at one of the schools, they told me they didn't tell me because they didn't want to disappoint me. Disappointment is a part of life. I'm old enough to deal with disappointment. I don't think this is all my responsibility.

When you have very, very good friends who are doing the job with you, they want to do more than they have to. They desperately don't want to disappoint you. I think that's easy to let happen, especially if you have a valid reason for that to happen. So, the more I think, "Well, I have MS. Get off my back," the easier it becomes.

Pretty soon, I just walk around like, I'm just the one acknowledged as superintendent. Don't bother me with trivialities. I'm above that.

It was a good time for me to retire.

Let me explain something. When you're doing something where you love the people you're working for, that's different than doing something that's your job. It got to be "just my job," and I didn't want to do that anymore. There are too many other good things to do.

Throughout my years as superintendent, I did not really come across other people in the district who requested reasonable accommodation based on disability. I recall one girl who I wanted to hire who was blind. The district wouldn't hire her. I wanted to show everyone that we could do this and the girl should not be ostracized because she has a disability. But I couldn't get other people to agree.

I know for certain that my own perception of disability has changed. Before I had this, I thought I was King Kong. I respected people more because they were strong, or bright, or fast. I thought like all the other assholes in the world that disabled people ought to find something else to do because teaching is too difficult.

Well, I'm happy to say that I've found that to be a stupid idea, and actually I would go out of my way now to find people accommodations. That would never stop me from hiring anybody now.

It did not stop me for the last ten years, making recommendations. Not only would it be illegal, it is callous and insulting. I think people are probably more sensitive than we were years ago.

But, I don't know of anyone who has been accommodated in the district. I should get the directory to see if there was anybody who's crippled.

I think it's a cop out and far too easy to say that the qualified professionals with disabilities have not applied. Personnel, the human relations department would not purposely disqualify people because they were disabled. As superintendent, I would not let them do that.

I just don't think the district has actively sought out people. I had sent people to recruiting events through the universities, looking for teachers. We interviewed everybody that wanted to be interviewed by us. Of course, up until very recently, there have been more teachers that want to teach now.

But I can't think of anyone in particular with a disability. Certainly the kids, but the adults certainly should show the young that we do not prohibit the disabled from working in education. But I don't remember us recruiting any one.

The rule of thumb has always been to hire the best-qualified candidate, regardless of religion, creed, anything. The most qualified are not always the people who "look" like they belong here.

We were partial to kids who graduated from our schools. We believed that they understood the mission and were products of our own system. But we did not go out of our way to make a mix so that people would see our employees are representative of the earth. We were partial to the people from our district.

I think that being a teacher is the most important job to have, disabled or not. If you look at people like the president or other political figures who do really important things, they all had teachers somewhere. The whole world is relying on us to give the best possible educational experience to the children who are going to be tomorrow's leaders and builders. For that reason, teaching is the most important job you can do.

I have nothing but wonderful feelings about all the time that I spent in education. I think I enjoyed most of all, the teachers and the children.

I went through two strikes, which were as much as my fault as anyone else's. I had to work hard to win back the respect of the people who I depended on. I hope I did that.

I had all the experiences I could possibly want in the education business. They made me a better superintendent. The experiences gave me the opportunity to be superintendent. You have a finite amount of time, regardless of who you are. You can only be good for so long. You can only be valued for so long.

Someone once told me, "When you begin to solve problems that you create, it's time to move to something else." I think somewhere along that line, I must have become part of the problem. I think that happened because when you've done something for so long, you take things for granted. What used to be the best way to do things may not be better now because the population that it was before has changed. I think it becomes natural.

School boards become disenchanted with superintendents, and vice versa. Maybe that's one of the weaknesses of public education. The school board becomes disenchant-ed, and they think they can do better. When that happens, it's best to do something else. It's best to move on to other places rather than report to the same school district.

My timing has always been good. The timing was good for me to become an administrator in the first place. The timing was good to become a supervisor, to become superintendent. I had the benefit of good timing all the way through. If you had fourteen years and twelve of them were great, just think of far ahead in the game you are!

5.3. Narrator Reflections: Manifestations of Power

Adam experienced significant changes within the final five years of his career as a well respected education leader in his community. The interpretation of the intentions of others is reflected within his story by the responses to various forms of power, as understood by Adam. The individual perception of power affects the understanding of education leadership and disability. The intent of the school district for Adam seemed to be a nutrient, caring power, out of empathy towards Adam. However, Adam saw the experience in another light.

Adam expressed feelings of being trapped and stressed, with his self-confidence challenged over and over again. He was lonely with no one to relate to, as his condition increasingly debilitated him over the years. Toward the end of his career, Board members and good friends from work were also suffering by watching their great education leader coming to terms that the end of his career was approaching. Adam felt isolated as he arrived at the decision not to propose a contract renewal. Tasks were taken over, and he was given tasks that affected his self- esteem. Changes in his professional situation were dramatic over the last five years of his career as a education leader. He was assigned menial jobs and others were delegated or had assumed his other responsibilities. Adam's trust in others was challenged as the changes in his job responsibilities unraveled. He knew the assignments were beneath his qualifications. His efforts were judged in a wrong, demeaning way that left him helpless. Adam was dejected and gradually gave up, doing less and less as time went by. Adam left the school district feeling

hopeless, disengaged and powerless. He feels isolated and abandoned. His perception of the school district's power was manipulative and destructive.

6. Hannah

6.1. A Narrative Sketch

Hannah has taught for more than twenty years in the public school system. She spent the first twenty years working with the hearing impaired population and now works with the learning disabled population in the same school district.

Hannah was approached and requested time to think about telling her story in the dissertation. She admitted having to come to terms to trust that her identity would never be disclosed before agreeing to participate. Hannah rejects thoughts of being considered as an individual with a disability.

Hannah was born with a hearing impairment. Currently, she wears two hearing aids and has unclear speech. Hannah hears some sounds. She receives communication through lip reading and the printed word. She observes body language and reads people through their eyes.

Hannah does not consider herself as different and has participated as a member of the hearing world in spite of her hearing impairment. She works, and her needs for accommodation are simple and manageable. Her work environment is one that naturally responds to Hannah without singling her out.

I drove through the hills far away from the city at Hannah's suggestion of meeting at her community library on a Saturday morning. She was waiting with a bottle of water when I arrived. We found a room in the basement of the library with a bird that chirped throughout the interview. I don't think Hannah ever heard the bird. The tape recorder began to roll.

6.2. "Look at Me!"

I have a hearing impairment. I was born with a hearing impairment. I was about 18 months old when my parents realized I had a hearing impairment. It is hereditary on my father's side of the

family. My younger brother is also hearing impaired. We're both severely/profound hearing impaired now. My hearing has regressed over the years.

The doctors said as long as the hearing aids help me, I should keep wearing them. But I am gradually losing my hearing, especially with the high frequencies. Part of it is just getting older. It's deteriorating over the years.

I have my hearing checked on the average of every twenty years. There's a big difference in the hearing loss over the last twenty years. I'm trying to come to terms with that now. But it's OK. I'm dealing with it. I just let people know that I have a hearing impairment, and ask them to slow down and speak up.

I wear two hearing aids. Because of the hearing loss, it has affected my speech. I can't hear the sounds. Overall I think my speech is pretty good. I know when some people meet me for the first time, they have a hard time understanding me.

Sometimes I think my speech is more an impediment than my hearing! I have to make allowances for them to help me or for me to help them, but it's somehow for me. So, I slow down and repeat myself a little bit slower.

Working with little kids makes it a little bit harder to hear them, especially when they have a high-pitched voice, because I'm losing the high frequencies. So far, I still hear the low frequencies.

When I'm working in the classroom, I pick up more of the background noises so the classroom environment makes it a little bit harder to hear. When I'm trying to hear the person, I'm picking up the background noises. It's hard for me to tune them out and focus on the person in front of me because the voice is high pitched. I can't hear their voice. I try to do the lip

reading, but you know kids! Kids like to mumble. I ask them to repeat themselves, and I try and they try . . . they do know that I have a hearing impairment and they do make allowances for that.

I tell the kids up front that I need to look at them. If they have their hand covering their mouth, I ask them to move their hand because I'm lip reading.

Now I find myself more dependent on lip reading. Other people have learned to know that they need to look at me so I can understand what they're saying.

Boys I can hear better because they have a lower voice. But for the girls with a deeper voice, it is easier for me to hear and understand them. I can hear men better than women because of the high pitch of the women's voice. Even on the phone, I really need the amp on high or have them repeat themselves.

I use a portable amplifier on the phone. They're sold at Radio Shack. I use that at work. The ones I have at home go into the hand phone. I have a hard time hearing on the cell phone, so I don't have one. We're thinking of getting something with text messaging for my own personal use. With the family and the kids all over the place, it would be good to have. In some ways, the modern conveniences are helping, yet losing the hearing makes the modern conveniences harder.

I did not really expect to be losing hearing over time. I used to think that the hearing I had I'd have for the rest of my life. Part of it is age, getting older, although I don't think of myself as old. I think it's a natural process, which makes me sadder. I try to enjoy what I try to hear.

There are things I can't hear anymore that I used to be able to hear; like the birds. I don't hear them singing anymore like I used to. . . the beep on the microwave . . . I can't hear that anymore, and it's the same microwave we've had for seventeen years! Just the other day, I could

hear a noise and wondered, “What is that?” It was the rustling of the leaves. I just stood outside and listened to it just to hear nature.

I have to train myself to be more observing to hear, to ask people if there’s something going on and I’ve missed it. If I miss something, I need to know. At work, announcements are made on the intercom. Some names sound similar, and it is hard to differentiate between some names. I just try to ask people.

I ask the kids to be patient with me. I tell the kids, “There’s only one of me, and I’ll help you. But you have to keep the room quiet because I can’t hear when everyone is talking at the same time. Kids are kids!! They’ll be quiet for about five minutes, and then they’ll pick up all over again.

My principal is supportive. She just knows I do what I can, so I don’t worry about it. My colleagues tell me what’s going on. I’m comfortable asking people.

The majority of adults are patient and understanding. There are one or two who are not, but I don’t worry about it. I know what I have to do to make it. It’s getting harder. I’m more tired by the end of the day because I’m trying so hard to do well. When I’m tired or if I don’t feel good, that affects my hearing too. Even my mood affects my hearing. If I feel down, I’m not as sharp.

Being more on the optimistic side helps me to deal with things better. I try to shy away from doom and gloom people. I need happy people around me to make me feel better. I have too much going on to pull me own. I have work, my family, and my kids are good. My husband is very supportive.

My husband and all three of my kids are hearing. Since my hearing impairment is hereditary, we had all three kids tested. There’s a test called a “cribogram”. Someone from

Children's Hospital performed the test by putting electrodes on the head when the baby is sleeping, so the baby doesn't pull the wires off. The electrodes on the head are connected to the audiometer. The test can determine if the baby can hear.

Determining if the baby could hear was a major concern of mine. If the kids were hearing impaired, I wanted to know immediately so we could deal with it. All three kids are hearing and have good eyesight. They wear glasses, but my husband and I both wear glasses, so the kids are great.

The kids know I'm losing my hearing and they feel bad. However, they tell me that I'm the best and I'm cool. In fact, my daughter surprised me. She had to write a paper about who her hero is. She wrote that I am her hero! Just by knowing what I go through, what I do, and I don't give up. . . TRY not to give up.

I'm able to fit in with the hearing world so well because of my parents. Both of them are very supportive. My mother worked with us. We went to Eye and Ear hospital and we worked in speech and hearing therapy. My mother worked with us at home every day. Even though we did not want to do things, we did. We had an amplification system to help us hear better while we had a little therapy with my Mom. My mother would do the same thing every day. She was like my speech teacher.

Mom is not hearing impaired. The impairment is on my father's side of the family, but my father has normal hearing. He had twin sisters and a brother who were hearing impaired. Yet all my cousins are hearing. My brother and I are the only two who are hearing impaired, out of twenty-four of us. I have another brother who is fine.

I think in some ways it helped us become who we are, like a stronger person. I think maybe stronger in character, maybe more empathetic towards other people to know what it's like to have a disability but yet to overcome it, to not let it hold us back or to make it hold us back.

My hearing aids are like my security blanket. I won't do anything without my hearing aids, except go swimming. The hearing aids are the first thing I put on in the morning and the last thing I take off at night, like a pair of glasses, because I like to hear.

It has its advantages because I can just turn them off if I don't want to hear something. . .

But going back to my parents, without them, I would not be where I'm at today. They encouraged us and never coddled us and said, "Well, you can't do this." They encouraged us to "Go do it!" We were normal kids with just a hearing problem. I wear a hearing aid because I can't hear. That's it!

Having the right doctors didn't hurt either. I could have easily gone to the School for the Deaf. I'm not quite sure how that didn't happen, but I guess I had enough hearing at the time that they thought hearing aids could help me. They gave me the oral method, learning how to speak.

I never learned sign language until I went to college. So, I think of myself as a hearing person with a hearing problem rather than a deaf person in a hearing world. I've always had hearing friends. I have no hearing impaired friends!

All of my friends are hearing because I live in a hearing world! The only people know I meet through my work. So, I think of myself as a hearing person who just can't hear. I think that helps me to survive in the hearing world. That's how I perceive myself. My brother's the same way.

We don't think of ourselves as deaf in a hearing world. We hear, but we just can't hear. That's like for the person who wears glasses. They're not blind. I wear a hearing aid, but that doesn't mean I'm deaf. I get offended when people call me "deaf". I'm not deaf. I just can't hear. It's kind of an oxymoron, how I perceive myself.

My hearing impairment affected my decision to go into education. I thought with my hearing impairment, it would give me a better understanding of working with the hearing impaired population. I can empathize with the hearing impaired. I know what it's like. I've been there. Doing what you do in your early years often helps you with what you do as an adult. With my parents working with me, letting me know that this is what I have to do, I can carry that over to the other kids. I can use myself as a role model.

I worked in the hearing impaired department for twenty years. Using myself as a role model, I think that was a big plus when I was hired, not only because I went to the program, but also because I was an asset to the program as a hearing impaired person. It was good for the kids because they only met with hearing persons in the department until they met me.

I wore one hearing aid. As my hearing got worse, I went to wearing two. They could see that I was wearing my hearing aid and not worrying what other people might say. It would help the kids to wear their hearing devices.

The hearing aids are so sophisticated now. I had hearing aids that went from a body aid to up in my hair like a barrette to behind the ear. They had different styles. Mine always went behind the ear. I would be glad to get them in the ear, but they're not strong enough yet. I encouraged the kids to wear their hearing aids because they would not want to miss all that stuff. . . they want to hear it! And a trick is . . . if you don't like what you hear, turn them off! They know the tricks that are involved. If you don't want to hear something, close your eyes. Turn

them off. Don't change the batteries. Everybody has their own little games that they play once in a while.

I did it once in a while, but I like to think that I don't use it because I don't want to do something or to take advantage of other people.

I have a problem with people who use their disability to get something. To me, it's like a principle of values, of morals. If you have something, deal with it. It's hard, but deal with it. You have good days, you have bad days. There are some days when I just can't hear, but I just keep trying.

You need support with people you work with. They make sure that I know what is going on. They realize that because of my impairment, I might not always hear what happens in the classroom. They give me the benefit of the doubt. Often another adult helps determine what has happened. They know that even though there is a disability, they don't hold it against me. I have never been denied anything I've needed because of my disability.

So far, I really haven't needed anything different. I've always been able to ask people what happened. I've been able to still be independent. I don't have a need for an interpreter.

A few times, I've been called for a phone call. When I don't have my earpiece with me, depending on who it was and what the phone call was about, there would be a three-way conversation with the explanation that I didn't have my hearing device with me. People would convey what they want, and I would call the parent back.

Now, whether or not this was done because of me or not, all the phones in the building where I work have that built-in phone adapter. They never had that before until the latest principal arrived. The principal is not one to say anything. If she's going to do something, she'll

just do it. I am not singled out. I'm with everybody. But, I did notice all the phones in the building now have that volume control handle.

Accommodations are happening without me being fully aware of it, without someone telling me directly that this is what we have. I'm not singled out. I think the administrator responds to needs naturally because of her own awareness and consideration. She does not come out and say anything. I didn't say anything about it to her, either. That's cool. I can deal with this.

I have no idea who paid for it. It must have come out of some kind of budget, but all the phones now have the adapter.

People really don't think of me as hearing impaired. They forget that I can't hear. Last year, I was in charge of evaluating grades K, 1, and 2. I did the math evaluations. At one point, I was expected to do the reading evaluations with the phonics. I told them I would if I could hear the sounds, so I really could not do the phonics part of the test. They just said, "Sorry. I forgot about that." and just got somebody else to do that.

I have a horrible time with videos at work. If a movie is shown during science with no closed caption, I have a horrible time. That does affect my job, especially if the kids have to take notes from the video. I can't always understand them.

When the kids have to listen to stories on tapes, I have to have the book with the story on tape to follow along. There are words I would be missing, which affects comprehension. If I'm not hearing everything to help the kids, I don't know what the author is conveying. In that respect, I find myself getting more dependent on closed caption.

So far, I can do my other responsibilities. I can teach the kids in large and small groups and I can evaluate. The good thing is we don't have that much video to watch. The tapes do not

have closed caption. I let the adults know that my helping the student may be limited because of no closed caption. Sometimes they get frustrated because if I can't do it, it's more work for them. That has not happened too much.

In the high school setting, an interpreter worked in the high school. The hearing impaired kids would know what was said through the interpreter.

I don't know if someday an interpreter will be in the elementary setting. I would like to think "no" because I like to be independent. I don't want to depend on someone else. I feel proud and stubborn . . . like, I can do this myself; I don't need anybody . . . and a little bit of denial. I've done it this long, and I can do it a little bit more. It's something I have to come to terms with.

Even my husband says that I have to teach him and our kids sign language. I don't want to deal with that yet because I think of myself as a hearing person.

If there is a procedure to go through to request if I should need anything at work, I truthfully don't know the procedure because there has not been any thing that I've asked for that is out of the ordinary. I would assume there is a procedure, but have never had to utilize it. There is nothing I couldn't get by not asking people to have them clarify it.

Generally at work, people are real nice and supportive. It is not hard for me to request an e-mail or memo. Since I have trouble hearing everything, I do better when it's written down or e-mailed for me to copy it.

I have a great relationship with an assistant who is very cool when I ask my questions. I blend in. I don't want to be different. Three years ago when I got my hearing tested, the audiologist had preconceived notions about me. In her mind, with the way I spoke and the way

she and I could communicate, she thought that I had a mild hearing loss. She was astounded to discover that I do not have the hearing to manage as well as I do.

Like I told the audiologist, I just keep doing my best to be a part of the hearing world, because no one told me that I couldn't do it. It is not easy to do, but the only one who tells me what I can't do is myself. If I don't do it, I have myself to blame, and nobody else.

I drive. I make myself completely aware of my environment. I look in my mirrors. I can hear sirens when they come, and if I see traffic pulling over, I pull over. I have been driving since I was sixteen. My parents never discouraged me, and there was never a problem.

I rely on my eyes to be my ears. I make myself more aware of my environment visually. I read people's body language. I'm very good at reading facial expressions, body language, and people's eyes. Your eyes can give you away so many times. I see subtle clues that a hearing person might miss because they are not tuned in to the individual.

When I meet someone for the first time, I do not explain that I have a hearing impairment. People see me more with a speech impediment than a hearing impairment. The way I wear my hair covers my two hearing aids.

I was raised to keep my hearing aids covered, not to advertise it or let people know. My parents are proud of us, but I think there's still a little stigma about it. My brother has his hearing aid behind the ear. He wears his hair long.

I have gotten to be a little braver now by pushing my hair back so you can see a little bit of it. I don't know if I would ever go out and put my hair behind my ears so you can see the hearing aids. It's weird.

When I first got hired, word was out that they hired a deaf teacher. I wondered who that could be. . . I'm not deaf. I'm just hearing impaired.

People have a preconceived notion, and I get offended when people tell me I'm deaf. Labels are always changing. Like at work, we've gone from the label "emotionally disturbed" to "emotional support". But no matter what you call something, the person still has emotional problems. They still have a learning disability. They still can't see. They still can't hear. The label makes it sound nice, taking away from the reality.

I can't hear. I'm hard of hearing. You can call it whatever you want, I still can't hear. Can't read. Can't walk. Can't whatever. The labeling kills me because so much time and money is spent on it, to make it look good on paper. It's not helping the kids.

They know what they can do, and they find themselves in the game. I guess it helps the parents to deal with it. Like my daughter had seizures when she was younger. They never said "epilepsy". They said, "seizures". "Seizures" is a nicer word, but it's still epilepsy, no matter what you call it. They have the Epilepsy Foundation, not the Seizure Foundation.

I have my little pet peeves with the labeling. I see them at work and wonder, well, what are you? The label tells you what the student is or isn't. It's like a package that's messed up and you're trying to make it better on the outside, but the outside doesn't matter. You have to get to what's on the inside.

I let the kids know ahead of time that I have a hearing impairment so they make sure I have their attention when they are talking. They have to look at me and make sure I'm looking at them. I won't hear them if they are hiding behind a hand. I have to let people know up front so I understand them.

I think I am more empathetic about where the kids with a disability are coming from. Parents call and ask me what I could do to help them. I am a "doer". Parents can count on me to

help their child. The parents are beyond the hearing impairment and speech impediment, and look at me as the whole person, as a teacher, who can help their child.

I do not use my disability as a handicap. I have trouble hearing, but I find ways to accommodate. People are comfortable with me. They treat me the way they treat other, hearing people. I stick out, but yet I blend in. I don't make a big deal out of it. I keep it low key. If it needs to come up, we talk about it, but I don't dwell on it. I just move on. It's a small part of me, yet it's a big part of me.

I can't stand being held back. I know sometimes you have to go backward to move forward. As a special education teacher, I had to go backward a little bit to make people more aware of my disability and what I needed. Once I did that, it's over, and I moved on.

I tell the kids at the beginning of the school year that I have a hearing impairment. I lift my hair and show them my hearing aids. I explain how they work. It helps the kids to understand better, and they are patient with me.

The kids at my school have empathy for the kids with a disability in the school. It's great because as they get older, they won't be in a shock when they meet other people. To experience working with me teaches the kids to accept individuals by seeing beyond the disability, looking at the person as a whole.

My hearing impairment has changed in severity, from moderate/severe to severe/profound. I do not have much hearing left. I have a sensory neural loss in the cochlea, the inner ear that is affected. The doctor said to use the hearing aids as long as I can hear with them. If I get to the point where I can't hear with the hearing aids, then we'll see what's on the market. If I opted for a surgery now, it cannot be reversed. I would blow my chance for what ever else might come up in the future. Research seems to be more with mild losses or with

deafness. I haven't really heard of anything that can help me right now because of the kind of loss I have. I am doing well with the hearing aids.

If I have a chance of losing the hearing I have through a surgery, I do not want it. I'll keep what little I have and deal with it.

I have my moments because I know I'm not hearing the things that I can hear, or I'm hearing but not understanding; I'm not comprehending. That makes me more tired. I'm putting more physical energy into it, more effort, into something that did not take as much energy or effort as before.

In summary, get the support as early in life as you can, with family and other people. You have to work at it. There were times when I did not want to do something, but my Mother made me do it. Because of that, I had to do it, and that made things easier for me as I've gone through life.

A person must have the drive and confidence to want to do well. A person has to work hard to overcome obstacles. You find ways to accommodate the disability as things change, like a work change. Be optimistic.

A person must also like and accept themselves, being comfortable with what you are. I never felt as though I was different. I never felt isolated or shunned by other people. Being comfortable with what you are can affect your relationships at work or in your personal life.

Now as I'm getting older, with my hearing gradually decreasing, I'm realizing just how important it is to me and I really don't want to lose it. It's very important for me to be able to hear. I need that connection with the world. I don't want to be shut out. If I can't hear, then I'll feel shut out and isolated. That's something that I don't like feeling. I can see it coming, and

I'm afraid. I'm scared. They say you don't really lose something if you don't have it, but I have something, and I'm going to lose it, and I don't want to lose it.

After my retirement, I want to hear my kids. I love talking with them. In time, they're going to get married and have families. I want to hear my grandkids. I don't want to be denied doing things, like watching the grandkids, because I can't hear. I know that's a very personal feeling.

It's very important for me to hear. I don't want to lose that. Hopefully, something will come up and I'll still make it OK, if not better. I don't want to lose what I have.

I find myself dealing with that now more than I ever have because I am getting older, and it's something that I can't control. I can accommodate it with a hearing aid, and we'll be doing the sign language. There will come a time for that. I don't want to right now, but I know I will have to. It will be inevitable, and I'll deal with that when the time comes.

From the professional aspect of it, I do enjoy it and really can't say anything but praise about my work environment. If you work with me, I like to think that I've contributed to something, made people more aware without realizing it, by being who and what I am, and having that make a difference.

6.2.1. After Thought

Working with the hearing impaired population and seeing these kids has made me appreciate more the upbringing that I've had. I think you can tell whose parents work with them and whose don't. For those who's parents don't, I feel so bad for them because I know the kids can be so much further ahead if they had that additional support at home. You have to have the additional support at home and at work. Even with the kids I have now in learning support, you can tell who works with the kids, and that will make their lives so much easier.

If you don't have the support when you're young, unless you're some type of person who can really get your act together when you're older, it makes things so much harder.

6.3. Narrator Reflections: Manifestations of Power

Hannah is able to self-accommodate and seeks social support through experiences of integrative power. Different from the other stories, Hannah has been a member of the hearing world with her hearing impairment for all her life. She did not have to adjust the kind of changes faced by debilitation after having slight or no impairment, but rather learned to overcome and maneuver around obstacles for many years.

Hannah appreciates being a part of the hearing world. She has strong social interactions, participates in the hearing world activities, and benefits others through her creativity and the creativity of the education leaders she has worked with.

Though Hannah's hearing ability continues to deteriorate and she is afraid of what is to come when she no longer hears familiar sounds of some sort, she remains hopeful that science and technology will continue making strides in her lifetime.

Hannah's hearing impairment did not interfere with her job or responsibilities. Hannah did not feel as though she was treated differently from the other staff, yet the education leader arranges for Hannah, and an aging workforce, to benefit in the work environment by enhancing all telephones with amplifiers.

The action of the education leader where Hannah works illuminates example of slight changes that can occur in the public education system that enable the qualified professional with a disability to perform the essential functions of the position with reasonable accommodation. Hannah works hard and is accepted by others. She is comfortable and accepts herself. She is surrounded by experiences of nutrient and integrative powers.

7. Millie

7.1. Narrative Sketch

Millie has experienced being denied employment based on disability during the pre-ADA days in the seventies. Back then, it was not a crime to openly discriminate against an individual with a disability as it is now. Eventually, she was hired and worked as a counselor at an agency with disabled individuals for fourteen years before accepting a position as a rehabilitation counselor in a public school district. Actually, she was recruited for the position about ten years ago.

Millie worries about losing her job. She arranged for me to meet her in the comfort of her home. We sat at her dining room table for hours!

Millie was diagnosed with juvenile rheumatoid arthritis when she was five years old. The doctors said her condition was progressive, but each individual has a different effect from the condition. Some children even outgrow it!

Millie's impairment has progressed over the years to the point where she required medical sabbaticals for surgery and rehabilitation. For Millie, a refreshed bone structure to support her body was required following the deterioration of bone. She continues to work as a rehabilitation counselor in the public school system.

7.2. “I was sort of an expert at the hula-hoop . . . I used to do somersaults!!”

I was a very, very active child. I very rarely walked. I used to do somersaults, I used to stand on my head, I used to do all kinds of gymnastic kinds of things and jump rope. I was sort of an expert at the hula-hoop! Yes, I was really good at it. I hate to say it, but I really was. I used to do all the things that kids do. I ran and ran just about all the time.

One night, I fell at home. We had three steps that went up from the living room to the bedroom. I fell going up the steps, as kids always do, and was fine. My wrist was swollen the

next morning. My mother took me to the doctor, who sent me to the hospital for x-rays. The x-rays showed swollen tissue, and they put my wrist in a cast. My condition did not change.

The pediatrician admitted me to the hospital, where they did all kinds of tests. The diagnosis period lasted for about three weeks.

My stay in the pediatric ward of the hospital was a very traumatic experience. My parents visited me during certain hours of the day. Other family members were not permitted to see me. Suddenly, I could not see my friends or family members besides my parents.

I acted out at the hospital, and I remember they put me in a bed with a net over the top so I couldn't jump around. Imagine being a very active five year old who all of a sudden was not able to run around! That was in the late 50s. I felt as though I was being punished because I wanted to jump around. They made me lay in this bed with a net over it so I wouldn't do that!

Initially, the doctors thought I had bone cancer. After the three weeks of tests, the diagnosis was juvenile rheumatoid arthritis. They said that it was progressive, yet it affects everyone differently. Some children outgrow the juvenile rheumatoid arthritis when they reach a certain age. That was a possibility, but certainly not definite.

Nobody ever told me to stop doing what kids do. I continued being my very active self as a kid. I guess by the time I got to Junior High, I started having an unusual gait. Kids would laugh. That made me feel bad. I never had other kids with a disability to commiserate with until I got to college.

I started getting much sicker with physical ailments when I was in high school. During my senior year, people thought I would not make it because I had terrible episodes. I had such terrible pain that I couldn't turn over in bed, let alone get out of bed. I was totally in bed for a

week or so; I couldn't turn over, I couldn't get out, I couldn't do anything! After about a week, I would go back to my routine.

It was an up and down time where I was losing a lot of weight. After high school graduation, I went to the hospital. It was found that I had an overactive thyroid. The medication seemed to help my overall condition. Those very severe episodes where I couldn't turn over or get out of bed subsided until my junior year in college.

Those episodes of severe pain started again. They started doing tests again. I was hospitalized tons of times. I was severely anemic and had blood transfusions. I got back on my feet and continued college.

I earned my degree in psychology. I knew there was no way I could student teach with my physical and medical problems, and those severe episodes! When I finished school, I had my degree in psychology, but I wasn't qualified to do anything. I spent a year looking for a job and never found one.

I was on a health roller coaster of good health, bad health. One man in particular worked for the city, but he told me directly that he would not hire me because of my disability. When I had went on interviews, I was basically told that "You have a disability and we can't count on you to be here or your attendance to be good," and all those kinds of things. I was turned down a couple of times for jobs because of the disability.

I guess I just expressed some sort of disbelief and went on. I mean, what could I do? I couldn't make him hire me. In the early 70s, things weren't very open to people with disability. There was really nothing I could say. I couldn't say to him, "Well, you can't discriminate against somebody with a disability!" because it wasn't a law in those days. In those days, it was perfectly legal to discriminate against the person with a disability.

My counselor at the Bureau of Vocational Rehabilitation finagled a way to pay for graduate school. I was a test case because it was not a typical practice to pay for graduate school. I earned my Master's in Rehab Counseling.

I worked at an agency for about fourteen years. A friend was retiring from her job at the school district, and suggested that I would be a perfect candidate. The head of the rehab department was one of my graduate school professors, who thought my applying was a great idea. What a huge break!

I went to the school for the interview with the principal, and I was hired! It was at a school near my home, and I thought I could really make an impact because of my personal experiences with disability.

The public school is a school for children with physical disabilities. I thought the kids were, in a way, more fortunate because they had friends. When I was young and in school, it was hard to make friends because a lot of the kids didn't want to be friends with someone who is different.

When I started at the school, I was not using a wheelchair. It was obvious that I had a disability because of my gait. My hands did not look normal. They noticed all those things about me. I could go back to my youth, feeling so different. I could relate to the children with disabilities, feeling different.

At the public school, I thought the kids were lucky because they could be friends with their peers. On the other hand, I thought they were not so lucky because they were only exposed to the disabled population. They were not experiencing what it would be like in a regular school, to be with people without disabilities, walking around. So, they would not be prepared when they got out of school to be in that real world.

I was exposed to regular classes, regular school and society, rather than being separated. I went to the dances; I went to the basketball games. I did all the things that the other kids did. That was an advantage because when I got out of high school, I made it through college.

When I got to college, I realized that the disability did not make a difference. I had to do the same things that every body else had to do. The only time any consideration was given to me was one time when I had to go to the hospital. Accommodations were made, but that was it.

I was not able to type because my hands were disabled. I wrote all my papers, and we're talking about the days before computers! I had to hand-write all my papers and get them ready a week or more in advance from when they were due, so my sister could type them for me. She would type them on her lunch hour or in the morning before work started.

I found supports to get things done. It was before things like that would have been done or provided today. I was a pain the neck. I wasn't going to take "no" from anybody for an answer. I was going to make it through college, come hell or high water. Whatever it took, I found ways.

On the job, the relationships with co-workers were OK. It's hard working with others who are able bodied. Though I was accepted in the therapy department, I was always out of the clique. I was not accepted by all teachers. I would go into the room and they would just answer the questions I had. That was it. Other teachers would be more inviting to talk with me about non-work related things. You know, you felt like you were a friend. More teachers were that way than not.

Though there's nothing that I can actually put my finger on, I think I was hired as a sample, model, a role model for the kids. I can't say that for a fact because nothing was said to indicate that, but that's the feeling I got. That was more than ten years ago!

Now that I've been working in that environment for so long, I am expected to be like everyone else, which is fine. But since I've been there, I've had a set of surgeries.

On my return from one medical sabbatical, I found that things had changed.

The job was divided among different people. When I came back, those jobs were not reassigned to me. The people were doing jobs to cover my duties while I was gone and continued to do a lot of those jobs. I didn't know what my job was now because what I used to do was being done by other people.

I really had to feel my way and figure out what I was supposed to do. The changes were never explained to me. I asked on several occasions, "Shall I do this? Shall I do that?" I was told, "No, so and so is doing this. So and so is doing that."

It was a very uncertain time, and it still is.

I'm not sure what my job is. I knew what it was before, and I know what I was expected to do before, but I'm not sure what I'm supposed to do now.

Before I went on my health sabbatical, I asked for a job description. I was told there wasn't any. I talked to the head of rehab counseling. She told me that she was working on them. That was last year, and I still don't have one. I don't know what my job is on paper.

My physical situation has changed since the surgery. I used to walk without any assistive devices. Now, I walk short distances with crutches. I use a motorized wheelchair at work because of the long halls, and I can't walk all day. Fortunately, the building where I work is designed for the physically disabled, so if you want to work anywhere with a disability, that is the place to work!

I get out of my wheelchair to do what I have to be able to do. For example, I can reach the file cabinet because I can stand up. Then I can reach the top drawer of the file cabinet. Everything that I did before, I can still do.

The only thing that I may not be able to do, and I mean MAY not, is drive distances. I CAN drive, and I HAVE driven, but when I get to where I am going, I can't get out to walk. I can use the crutches, but cannot walk distances. Therefore, wherever I'm going, I have to make sure that I can park right at the door so I don't have to walk far.

When I used to take kids on interviews or out to see various work sites, I used to be able to drive them there. I don't do that now, but there's nothing to say I couldn't schedule a ride through our public transportation system. The job could be modified very simply and provide door-to-door service.

Even now when I go to meetings, I arrange through the public transportation system to provide the door-to-door service. There's no way I could put the motorized wheelchair in my car. I cannot propel a manual wheelchair, so I have to use a motorized chair. I thought of getting a lift van, but one won't fit in my garage or driveway.

Everything I need to do on my job that I used to do before my surgery can be done, perhaps in a different way, like scheduling transportation, but it can be done. I get the feeling from administration that they are not entirely happy about that.

My restrictions after the surgery are to use a wheelchair as much as possible. That was all that was requested. Nothing has been said to me, but I don't feel that I've been given a fair chance to prove that my abilities have not changed since the surgery.

The allograft surgery procedure involved attaching a cadaver femur in my leg to my bone, which was falling apart. My bone was so weak and thin, it was no longer able to hold the

hip replacement. My hip was replaced in 1980, and again in 1990. When I fell in 2001, the doctors thought it was from the hip becoming loose.

I was walking without crutches or a cane, but the pain got more intense. The x-rays and bone scans found that the hip was coming loose again. Another hip revision was done in January, but fell apart within four months because my bone is so thin and fragile. No hip replacement would hold. I told the doctor to fix the bone!

I had to go to a nursing care facility following the allograft procedure because it was my only hope to walk again and be relieved of the pain.

When I returned to work, everything had changed! Everything was different. I was told to do four or five tasks, and they were accomplished. No body explained to me what they wanted me to do, and there was no indication of what I am expected to do now.

I know I am responsible for transition plans. I write to the agencies that participate in transition plans, base service units, and Office of Vocational Rehabilitation. I schedule meetings and special transportation for the students to go to various work sites and back to school.

Part of the work program for our students is a funding source that allows our students to go out in to the community to work. I used to make all arrangements for students to go out into the community, but that has pretty much been taken away from me. I had to do a lot of the paperwork because it is a government-funded program, but that has been taken away from me. Someone else was hired around the time that I started having physical problems. That is who does the job now. The position was a newly created position since I've started taking my medical sabbaticals.

I'm not sure if that position is an accommodation for me. We are, however, more involved in community based instruction than before. I have to admit that I welcome the other

position because it's much easier for the other person than me to run around, to see the kids, and talk work with people.

I have offered to do the paper work part of the job so the other person could spend more time in the community. I have not yet received a response from the administration on that idea.

I am suspicious that maybe my job is going to be phased out because the other person is doing so much of it. I don't know that for a fact. Nothing has ever been said.

If my job is phased out, I can fight that based on discrimination and, depending on if and how it may be phased out, I may or may not do that.

The primary accommodation at work is using the wheelchair. I arrange special transportation for my commute to and from work. Sometimes I'm early, sometimes I'm late, but it is not an issue. I have a computer desk that is designed for a wheelchair. A table has been lifted so my chair fits under it. I have been assigned to drawers that I can reach. I have not run into anything that I've needed done and told no. Everything has been done.

My biggest fear in my mind is that my job is going to be eliminated because of the fact that so many of my responsibilities have been given to others while I was gone. Even teachers are doing some of the responsibilities.

The co-worker relationships haven't really changed. Everyone is pretty much the same. I do not feel quite as accepted. The staff doesn't show that, but I don't feel as much a part of the group. I feel that people are being stand-off-ish. Maybe that's just the nature of me, the kind of person I am. I am not a real outgoing, effervescent kind of person. I guess I've always been the quiet one. No co-worker has ever made me feel out of place or shown me any disrespect or outright inclinations to not include me.

My learned behavior from over the years, having grown up in an era when people with disabilities were not very much included, may be the reason of feeling not quite accepted.

I think that is going to change over the years because we are making so much an effort to make it change. People in wheelchairs and walkers are out there so much more now than they used to be. Kids are being raised to realize that people are different, and that's what I want to happen. You can't sit back and wait for things to change.

But I'm not the fighter I was at one time. When I was young, I expected things to happen. Now I realize that people don't have to do things for me. Life doesn't have to change just because of me, just because of my disability. I felt that way when I was younger. I didn't expect otherwise. I even got to the point when I'd talk with the doctor and let him know that he just had to do SOMETHING to make it better. Now, I'm coming to more of an understanding and acceptance of my disability by accepting limitations. Limitations are real.

I think many times people don't see me as a typical person with a disability. Sometimes when I'm sitting in the wheelchair, I get the feeling that others think I'm just doing that and don't really need to. As though, if I really wanted to, I could get up and walk. I think people expect more. I don't know if that's true or not, but that's the feeling I get.

Sometimes people seem to question the validity of my disability because it is of a progressive nature. People don't realize that it changes day to day. One day, I can feel almost fine, and the next day, I feel terrible. It varies so dramatically, and no one can see the pain. Therefore, no one can see how you feel. I don't feel the same every day. If I could do something the day before, why can't I do it the next?

As I think back, I guess I was a naïve kid because when I was growing up, I expected that life would go on the way it was at that very moment. I thought the rest of my life would be like

it was at that very moment. I never thought things were going to change. That's a naïve assumption. However, if I thought that I would never do this and never do that, then I would not be where I am.

Having a disability has enabled me to meet some wonderful people, doctors, nurses, friends, and I think I may not have had that kind of opportunity to develop those kinds of relationships if I did not have a disability. The physical limitations have been a great minus, especially since I was able to do so much more before I had the disability. Like I said, I have gone from an extremely active kid to a person who is basically inactive.

Since I've had these limitations, the more extensive limitations since the recent surgery, I can't complain about the accommodations. Whatever I've asked for, I've been given.

I do think the school system is very much behind the times when it comes to dealing with the staff that are disabled. I was so happy when I went to a rally at the beginning of the school year. There was a gentleman in a wheelchair with the high school teachers. I was surprised and pleased to see him at the rally. I met up with another school teacher at the rally who has rheumatoid arthritis. She saw that I had the same condition as she does, and she came up to me at another school event.

Other than that, I don't know that there are a whole lot of people with disabilities in the school district. There may be, but they aren't visible. Looking around at various meetings and functions, I don't see too many with obvious, physical disabilities. I don't know what the reason for that is.

I still think that the school district is behind the times in making accommodations. I think they want teachers to be perfect. I remember when I was hired, a friend of mine was surprised

that I got hired. I think things will change, but I don't see the school district moving as quickly as businesses. Other minority groups have worked towards acceptance, and so do we.

7.3. Narrator Reflections: Manifestations of Power

Millie's story has a history of power used against her in life experiences prior to the passage of the Rehabilitation Act and the ADA. She was powerless as an individual with a disability with no support from a federal statute.

As a child, Millie thought she was like all the other kids until she experienced ridicule. It was then that she realized she was considered different. In spite of differences, Millie resorted to self-advocacy and a sense of reliance to accomplish her goals.

As the rheumatoid arthritis became more debilitating, Millie required more and more medical intervention. Consequently, experiences in isolation from colleagues increased. She tried to fit in, but never felt successful. Her self-esteem lowered, and Millie experienced anxiety and job related tensions.

Millie talked about the yearning for acceptance. She was rejected from the plans and implementation of changes in her position, and was assigned demeaning tasks. Frequently ignored by the education leader assigned to the school, Millie feels guilty because she is not sure what her current responsibilities are, and no written job description is currently available. Told that the job description is under revision, Millie feels hopeless, with no direction for which way to turn because a reciprocal, trusting relationship with an effective education leader is nonexistent. She is suspicious about being phased out of a job. Millie perceives the manipulative form of power because the education leader has more influences, but is unresponsive. The kinds of power exerted over and against her are destructive.

Though the body deteriorates, technological advances enable Millie to function among the able bodied population that surrounds her. The matter does not seem to emphasize understanding and support from those whom Mille interacts with, but rather acceptance of her and physical differences. She feels distrust and misunderstood.

Millie once had the drive to achieve educational and professional gains in the able bodied world. She continues to be challenged by changes in her work routine, wondering if she will be squeezed out of her position. Millie has grown weary and has no affirmation from the education leader. There is no constructive form of power from the education leader in Millie's story. She goes to work each day to complete the mundane, demeaning tasks as assigned, not understanding why those around her assume tasks that were once hers. She cannot help but wonder if her position is being phased out.

8. Luke

8.1. A Narrative Sketch

Luke worked in the public school system for nearly twenty years. During his fourth year of teaching, seizure activity interfered with working around power tools as an Industrial Arts teacher. Once the seizure activity resuracted, Luke's teaching position had changed from one to another to another to another.

Luke has a seizure disorder that was controlled by medication for year. The seizure disorder is the result of a scar left on his brain from a bout with viral encephalitis during his teenage years. The viral encephalitis was traced to a mosquito bite during the summer between the tenth and eleventh grade.

He met me in the driveway. We decided to go to the trendy coffee shop in his community. We strategically sat at a table in the corner to minimize distraction. It was as though we were the only two people in the shop.

Luke worked in public education for nearly twenty years. He retired from teaching by the time he was in his mid forties. His faith sustains him in his daily functioning.

8.2. "It was time for me to go."

I knew I wanted to be a teacher long before going to college. I had decided to go into Industrial Arts education when I was in seventh grade. From the time I was real little, I was always working with tools and the machinery, fixing things with my Dad and Grandpap. Then, when I was in the seventh grade, they were teaching the same thing I was doing for years with Dad and Grandpap! I knew right then and there that I would become a shop teacher when I grew up!

I got a mosquito bite while in the Rockies after tenth grade. Doctors determined that a mosquito bite caused viral encephalitis, which put me in a coma for three days with a very high

temperature. The viral encephalitis left a scar on my brain. The scar resulted in what my neurologist referred to as a “seizure disorder.” As I understood it, the seizure disorder includes all neurological situations resulting in seizures.

My seizures were completely controlled, and I studied Industrial Arts education in college. After spending many years of working with children in scouting and having the love of working with tools and materials, the fit of becoming an Industrial Arts teacher was perfect! I became a certified Industrial Arts teacher.

I applied to teach the Industrial Arts in different school districts. One district that I never wanted to work at needed two shop teachers that particular year. The school district called one of the very few colleges that offered teaching certification in Industrial Arts Education. The college gave the school district my name and number.

When I was being interviewed for the job, one of the interviewers listened to some of my situations and had asked, “So then, don’t you have epilepsy?” I denied having epilepsy because my doctor never called my condition epilepsy.

They needed me. They hired me. At that time, the district paid a little bit more than most districts. None of the other places where I applied hired me, so that’s where I went!

As I look back, I think about the interviewer who was afraid that I had epilepsy. I said “no” when questioned about having epilepsy in the interview. I did not know that I had epilepsy . . . I had a seizure disorder! All seizures were controlled with medication.

Then, things started to change.

After teaching Industrial Arts for about four years that involved metals, plastics and power tools, the school district realized that I was starting to have seizures.

My particular seizures are complex partial seizures. They used to be called psychomotor seizures. When I have a seizure, I do not have sight or hearing. During a seizure, my right arm goes up in the air. I could lose balance and could even fall down. The duration may last from several seconds to maybe a minute of actual seizure. It may take several minutes to come back to complete reality. I try to speak. Though I can think clearly, I'm aware that I babble for a while. Though complex partial seizures vary from person to person, it takes me a while to come back to complete reality.

The building administrator discussed the situation with me. As an Industrial Arts teacher working with machinery, potential problems exist because if a student would become hurt in a classroom and the teacher has epilepsy, even if the teacher had no seizure, the family could sue the teacher, the principal, and the school board because of a teacher working in that position with epilepsy. The epilepsy could be used as reason for injury that the teacher most likely had a seizure. Therefore, the teacher would not be able to control what the student was doing. It made plenty of sense to me that I had to stop teaching Industrial Arts.

So, they moved me into an area that I was able to teach without machinery. I taught electronics with no power tools involved. I filled in for a teacher on a sabbatical.

I decided to inform my students about my situation. Sometimes I would know that a seizure was about to occur. This particular feeling is called an aura. If I knew I was about to have a seizure, I would tell my students.

Students witnessed my seizures. I never had a problem in class yet that caused any difficulties for students. Occasionally, my seizures would scare a student, and they would back away or talk with friends, but with 1% of humans having epilepsy, it's something they're going

to experience in their life anyhow. As far as I know, no parents ever came forward in opposition to my teaching or working with their child.

It was positive that I was able to talk with the students. Some of them had medical difficulties and I believe it really helped many students. Being able to talk with a professional who was able to achieve and attain a position like mine. Some students were able to talk with a professional on a level that they needed. They could never relate like that with anyone else.

After finishing the year of teaching electronics, the teacher on sabbatical returned, and I took another position. I took the position of a wood shop teacher. Machinery was involved. There were no problems or difficulties in the class, but the principal helped me to decide to get completely out of Industrial Arts education.

The principal himself was once an Industrial Arts teacher. We had somewhat of a father and son relationship. When he called me in and said that it was time for me to get out of Industrial Arts, he was talking to me for my benefit and for the benefit of the students. I did not at all suspect that it was time for me to get out of that particular teaching area. I understood and agreed.

It was at this point that I realized I needed to get re-certified in another teaching area. To me, no other teaching area fit me. I asked the school district where the teacher demand was. There was a serious need for Special Education teachers. I decided to go that route.

The school district accommodated me and protected itself by keeping me in an Industrial Arts position that required no work with any machinery. It took a couple of years to get all the subjects required to become certified in Special Education. The school district made sure that there was no way that anything would happen that would have negative consequences.

It was a common practice for me to make others aware of my seizures. Then, if I would have a seizure, people would know ahead of time. Many people with epilepsy hold it in, don't reveal their difficulties, but I've always made it open, to help others understand. Usually, co-workers were simply glad for me to be out in the open about it, before there was any need for them to know. Fortunately, there were never any problems.

One of the big pluses as a Special Education teacher with epilepsy was that all students had various difficulties. I was able to tell them about my personal difficulty, how I was able to succeed, and where I was able to go. They realized that even though they had some type of disability, doors were still open to them if they would pursue things correctly.

Over the years, my difficulties related to the epilepsy must have worsened. I did not know it was happening. The constant taking of a lot of different medications, sometimes well over a dozen tablets of several different medications each day, was deteriorating some of my abilities. The seizures also gradually deteriorated brain functioning. Slowly but surely, I was becoming less competent, even though I didn't know it.

Looking back on that period of time, the one thing that I definitely was not able to do was to pick up new concepts or knowledge real quick. Being in a new area of teaching was difficult. I felt that Special Education was a more challenging area of teaching.

I was able to help many students in Special Education, more so with an empathic point of view than academic. Those students with difficulties need the empathy and understanding immensely. The parents knew that they had a teacher that was able to work with their child. More importantly, the children themselves knew that they had someone to work with who was able to understand that they have a difficulty. I understood what the difficulty does to them, and at the same time, could help them work their way through it. My past experiences helped me

work with the students too on an extremely high level that does not show up anywhere. I was positive in that respect for the students.

But none of that really does show up anywhere in all the paperwork that the administration has to show about what the teacher is doing. I never fit the job description. Part of the reason I did not fit the job description is because I never went through the entire Special Education program at the college. I only had enough credits to become certified as a Special Education teacher. That way, I was able to teach Special Education, but the credits did not prepare me really at all to teach that subject.

As the low man on the totem pole in Special Education, I was transferred from building to building quite a bit. When transferred from building to building, I had changes from administrator to administrator, and staff to staff. I was never “at home” in any of the schools where I taught Special Education, which was most of my teaching time. I never felt the camaraderie that most teachers have with other teachers in their building.

I continued to disclose to my co-workers that this or that might happen to me because of my epilepsy. It must have made them pleased to know that it even existed in case something happened, but the response was usually no response.

I imagine information was going around about me as I went from building to building. Those issues about being certified in Special Education are quite different than being prepared to teach Special Education followed me. The position of Special Education teacher is just one position that I was fit into. It was negative. Everything that followed me was always negative.

The next to the last school was a long-term assignment for me. I did not even feel close there. In fact, I felt ostracized by the rest of the Special Education department within my school. An extremely good Special Education teacher wrote notes for me before he left the position. The

notes left helped me immensely. I even referred to older IEPs for assistance, as a guide, which probably wasn't right...wasn't even legal, but from my lack of abilities, it was necessary. The classroom assistant was very helpful with the kids and all the paperwork that goes with the job. The assistant was sometimes in on the jokes against me, but the help definitely paid off.

Another person made it extremely difficult for me to get anything done. The team leader in the building took my work as a joke. That made my work very difficult. I was sent out of the building before the end of the school year. It happened mid-school year, and the individual knew at least weeks to me being moved out of the building that it was about to happen.

An assistant principal, who had also taken me quite as a joke and made things difficult for me, also knew that arrangements were made for me to be moved. The assistant principal was of no assistance. The assistant principal just made things difficult by taking my abilities as a joke.

The students who were assigned to work with me had low learning and low emotional abilities. The assistant principal acted like, "Yeah, we'll just send that kid down there because that kid can't do anything anyhow, and neither can that teacher!"

I was very good working with the kids who needed the extra help because I could look at it from the position as an adult who also needed the extra help. The adults made my work life more difficult.

The mid year transfer was a return to the school where I once had worked. The administrator at the time was another Industrial Arts teacher. I've always felt at home in that building until the very end, just before my medical disability retirement.

It was around this time that my wife and I decided that it was time for an actual surgery to eliminate the epilepsy. I was not aware of going through changes, and no one gave me feedback of changes. But it was time.

My seizures did not occur often, and the type of seizure is common. My seizures were at most, a couple a month. Sometimes I would go months without them, and then I would have a flurry where I would have many within a month. It wasn't that bad. Many seizures occurred when I was sleeping. I knew that the students had never had a teacher with such empathy, and I was able to help the students in that manner. I was getting a lot of praise from the families, and just thanks from the families for helping their children. Maybe that's part of what made me realize what I wasn't doing. The positive feedback from the families helped me realize I was helping the students, not in the ways described by the state and by the district. I was helping them in ways that they need just as part of their lifelong process of having learning difficulties. It would affect them, even as an adult.

For a year, the doctors explored to find the source of my seizures. The wires were glued all over my head as someone monitored the results of the EEG as they come across, observing me through a glass all day. They found the scar that caused my seizures on the left temporal lobe of my brain. That portion of my brain was removed. The theory was, by removing the scar they may have been able to totally remove the seizures.

Apparently, not enough of the scar was removed. I still had the potential of seizures, but not nearly as severe as they had been.

The operation cut through the skin on the left side of the brain, just above the ear. They cut through the skin, through the durra, pulled the durra back, and actually went through the bone

to reach the scar and remove it. It's a part of the brain, which controls human short-term memory.

Following several months of recovery, my memory was not the same, and it still is not. Most likely, it never will be. That had a negative affect on my teaching.

When I returned to work after a medical sabbatical, I was assigned to work with a small number of teachers whom I had already been close with. My comrade in Special Education was extremely good with the paper work end of the job, and he took care of a lot of things that I messed up big time. He would sit at the computer, typing away. He loved that part of the job and was very good at it. I was very good working directly with the kids. I was very strong in the subjects that I was assigned to teach. I did not realize it at the time, but it was probably arranged by the administration for the students and me to benefit.

I realized that strategy looking back after my retirement. From that position, I was able to work with students who were not identified with special needs, but who benefited from my work in the classroom. I worked in that position for the second half of the year.

My position changed once again as a Special Education teacher. I started out teaching as I had done so many times before. Maybe my ability as a Special Education teacher may not have been up to par, but my love of the kids was there.

But, before that school year was over, other teachers were saying things that were very strange to me, such as, "Oh, I'm sorry to see you leave." The pieces of the puzzle all started to fit together before I was actually called in and told it was time for me to leave.

The school district decided it was time for me to take a medical disability retirement. It was known by the Board, by the administration within my building, and by the other teacher whom I worked with, long before I knew it.

I was unsuspecting through the end. I always received satisfactory ratings on observations though I must not have been performing satisfactorily. I truly feel that most of that stuff was done unofficially, behind closed doors, between teachers and the administration whom not only worked together, but also were friends with each other.

I truly feel that all of that was done unofficially before I was called into the picture. The school board could have called me on the carpet and brought me into a situation where I would have been forced to either take the disability or challenge them in court. I am sure that there was a lot of talk between people prior to me leaving the picture.

For the mere fact that it would be best for the kids and me, I went with that route. It was just time for me to go. I realized that economically I would still be able to make it in life. Maybe with a bigger garden, but I'd still be able to make it in life. So what's the difference? After nearly twenty years with the district, it was time for me to go.

8.3. Narrator Reflections: Manifestations of Power

Luke's life changed after being bit by a mosquito in the Rockies by seizure activity. The seizure activity was mitigated through medication, and Luke successfully followed his dream, determined to work as a shop teacher.

Eventually, the risk of injury to him and the students due to seizure activity became apparent. Obvious dangers working with machinery left Luke helpless and powerless until the positive nutrient power from an administrator recognized the school district's need and arranged for Luke to teach without the machinery.

Teaching without the machinery was temporary, as Luke took a position of a wood shop teacher. The students were placed at high risk with Luke working with machinery. The district and Luke clearly placed securing employment as the priority regardless of the risks involved

over the safety of the students. The probability of seizure activity was present. Luke and the school district were aware of the risks involved.

When the education leader determined the students were at risk, it seemed as though the school district accommodated him with a position involving with no machinery while he sought alternative certification. Luke studied Special Education.

As Luke worked in various schools within his district, he sought social support, talking with others in hopes of receiving understanding and acceptance. He saw himself as an inspiring role model for overcoming obstacles. He eventually realized that others around him did not have much interest. He never felt the camaraderie as he moved from administrator to administrator, staff to staff. Rather, he felt isolated and rejected with no affect. It seemed as though the personal disclosure disrupted the communication for working with the students. Luke harbored a negative aura that resulted in the breach of confidentiality, gossip and miscommunication. Luke was detached from coworkers.

As a special education teacher, Luke did not have the ability to perform the essential functions of the job. His challenges were compounded by the reaction of the education leaders in the district who ridiculed Luke and his efforts. The powers around him continued to destroy him as he attempted to teach.

Again, Luke found himself to be a role model for the students in overcoming obstacles. Working with students with special needs, the Luke's example of inspiration was to overcome obstacles in life to achieve, however, Luke's seizure activity interfered with his ability to teach from the curriculum. He no longer could perform the essential functions of the job as a teacher.

Luke believes the education leadership within the school district arranged for various positions as reasonable accommodation. He believes that he did have a positive impact on the

students to overcome obstacles and adversity. He further believes that his positive influence on the children was recognized by some education leaders, who worked toward keeping him as an employee.

Luke was innocent of his poor performances. The communications with the education leaders and Luke were poor and misleading. Information was withheld from Luke until his final days as a teacher. Luke was escorted into retirement with disability benefits following nearly twenty years of employment in one school district.

Luke transitioned in and out of manipulative, competitive, and nutrient powers throughout his entire career as a teacher in the public school district.

9. Jules

9.1. A Narrative Sketch

Jules taught in the public school system for over 25 years. He loved working with the students and getting involved in sponsoring extra curricular activities. He loved taking trips with the students and opening new adventures to them.

One day while teaching, Jules turned his back to the class to get papers from his desk. Suddenly, he felt a blow to the back of his head. He was struck in the back of the head by an unknown object. That was the last time he was in the classroom, nearly seven years ago. The injury has left him traumatized and haunts him daily.

Someone who knows Jules heard of my research. They asked Jules' permission for me to contact him. He was willing to tell his story for dissertation research. He traveled a great distance from his community to my home. Jules politely declined a beverage and sat comfortably in the rocker in the living room. He shared his story with hopes of being heard.

9.2. “One caring call could make a huge difference”

I was a teacher in the public schools for about twenty-five years. I was hit in the head with something, an object thrown in the classroom by one of the students. I don't know what was thrown, and I don't know who threw it. The object hit me in the head, and I became very anxious, very frightened, and afraid to go back in the classroom.

I became depressed, I became very anxious. I couldn't function around teenagers anymore. I'm not sure what kind of object it was. No object was ever found.

I became disoriented. I had my back to the class when I was hit. I was getting papers to return to the class, and I was hit when I turned my back to the class.

I was struck on the back and the right side of my head, behind the ear. As a result of this, I found it very difficult to get myself together to go to work, to go to school. I was frightened of what the students might think of me. I have been very depressed, very fearful, and very anxious. A psychiatrist diagnosed me with Post Traumatic Stress Disorder as a result of being hit in the head in the classroom. I had become quite anxious, very depressed, about my work conditions. I found it impossible to get myself back into the classroom again. I had loved teaching.

I was a sponsor of many clubs. . . the aviation club, the scuba club, the mock trial, the stage crew. . . I had had many activities I had taken kids on. I had taken kids on trips that last from several days to a week, to places like Williamsburg, Yorktown, Jamestown, Virginia, Disney World and Philadelphia. I had been very involved with the students, and I loved my job.

As a result of this act, I became so frightened and depressed, lack of hope, the inability to go back into the classroom, that I became non-functional as a teacher.

The hit in the head felt forceful. To imagine the impact, compare it to being hit with something heavy, like a battery. I'm not saying that it was a battery. I don't know what it was. But it was something projectile, something around there.

I have not returned to work since that day. My wife knew of the employee assistance program and encouraged me to seek help.

Within days following the incident, I went to the district's employee service, the employee assistance program, where a certain number of visits were offered with a social worker/psychologist. It was through the services of the employee assistance program that the recommendation to see a psychiatrist was made. After several visits with the psychiatrist, he diagnosed me with Post-Traumatic Stress Disorder. I have not continued to work since that day.

The administrator and the school have never contacted me personally to see how I am. They have never questioned or bothered to see if I was dead or alive. I became a non-issue. As far as they were concerned, I didn't exist anymore.

We were told one time in a teachers' meeting, when one person was talking about the work she was doing is so important, the administrator said, "You want to see how important you are? Die. They'll have you replaced in five minutes."

That seems to be the attitude, that I was replaced, someone else was given the slot, and the administration at the school never contacted me to see how I was doing, whether I was fine or not, whether I was coming back or not. I was never dealt with by the school administration that I taught in at all.

I had a professional relationship with the administrator prior to the incident. There was no personal nature to our relationship at all. It was strictly professional. Whenever I had something to do, like when I was volunteering to start a new club, I went to the principal and asked permission. Though the union contract calls for teachers who sponsor clubs to get compensated, I was told that he could not pay me for the job and I'd have to do it on my own. A scuba club was not one of the run of the mill clubs, but I did it because I felt it was important for the kids to try different things.

The principal was around, though I didn't see him much.

I have not had contact with him since this incident happened. It happened nearly seven years ago. He's no longer principal at that building. I do not know what's happened to him.

I've called co-workers to make contact with them. Co-workers really haven't contacted me. I've contacted them. Co-workers have heard rumors about what had happened, but that was it.

The Post Traumatic Stress Disorder affects my life all the time. I am fighting depression constantly. When I'm around teenagers in a mall, I become very anxious. I don't go to football games; I don't go to the mall very often, or to the movies. I try to avoid contact with teenagers as much as possible to try to avoid becoming very anxious and upset.

I had had panic attacks. One panic attack I had was when my wife and I, our daughter and her friend were at the Harbor Front. I was in a crowd of teenagers. I became so panicky that I ran out of the store and grabbed on to a light pole and just held on for all that I was worth, to that light pole. My wife, my daughter and her friend eventually came out of the store and found me, talked with me and comforted me until I was able to let go of the pole and go to sit down.

That's one reason why I try to avoid situations. I don't want repeats of the panic attacks. I try to accommodate myself in that way so I can keep functioning.

The day before yesterday, I found my employee badge that I haven't worn in years. It was in my bedroom, and I found it on the dresser. I hadn't seen that thing since that day.

I thought of wanting to go back to work, but then I get frightened. I get apprehension, nervousness and anxiety. When I think of not going back to work, I get depressed.

For a long time, work was my identity. All the activities and different things I did with the kids . . . the trips, the clubs, the performances . . . that was me. That was who I was. I am not that person anymore.

I guess I'm having trouble coming up with a new identity of who I am.

The doctor, the psychiatrist, my wife and my self were involved in arriving to the decision not to return to work. When I started to become so anxious, so fearful of going back, my psychiatrist felt it would be better if I did not go back at that time.

Since that time, my psychiatrist has retired. I'm with a new psychiatrist, the second new psychiatrist.

The first new psychiatrist kept changing my medications. I kept going up and down, up and down, up and down, extremely depressed. I had to switch doctors.

I switched to a gentleman that I've known and had respect for. I went to him. When the first doctor retired, he referred me to the second psychiatrist. That doctor kept switching drugs on me and raising and lowering my dosages. I was having a lot of problems, so now I'm with my third psychiatrist since the incident. Things are going much better.

I've been with the third psychiatrist for about six months now. He's leveled off my medication. He's got me on some medication that's working. The medication has become very helpful. I have confidence in him.

I have worked with a psychologist for nearly seven years. He's helping me to work through this and accept who I am now, and to appreciate whom I am now, knowing that I have value. It's not my job that gave me worth. It's myself. He's been helping me a lot.

A typical Tuesday for me begins with getting up in the morning and showering. On Tuesday, I go to the psychologist. After that, I go to my mother in law's nursing home and do her laundry for her and sit and talk with her and her roommate. I spend time doing that, and go home at lunchtime. After lunchtime, I go to the store and get newspapers for my wife. My wife likes reading the newspapers when she gets home. I do some laundry or red up around the house. I either do that, or go out and visit my dad. Occasionally, I'll go out on the front deck and smoke a cigar and relax a bit. By that time, my wife comes home. I make dinner. I cook dinner. Then, we're in for the evening. We talk, watch some television and relax together.

That's a typical day!

My day is actually pretty full. I go do stuff for my dad. I'll go up to my dad's house and help him out with a few things. We'll go to the mall and walk to get some exercise and have some lunch together. There is a variety of things that I do.

I do not see myself returning to the classroom because of my anxieties and my fears. I would like to be able to work again, but my anxieties and my fears are making it difficult for me to go back to work.

The school district has been fighting me since I've applied for workers' compensation from injury on the job. They have been fighting me every step of the way for nearly seven years. My attorney and I have been to workers' comp court. My attorney has won judgments all along the way.

The district is now appealing to Commonwealth Court. They are still appealing my case. The district has been very adversarial with me. I would have liked to have settled this long ago, but they don't seem willing to.

To have this settled, I want them to admit, I want them to accept the fact that my disability is work related and that this type of thing goes on in classrooms. People suffer because of it. Try to help the person rather than fighting them tooth and nail the entire way.

One teacher that I used to work with became so depressed and so upset she committed suicide. The district did nothing to try to help her. She reached out for help, but they did not try to help. Not that I'm aware of. I know her husband is very bitter.

I wish they'd be more compassionate. You know, a phone call of "How are you doing?" wouldn't hurt. Why be adversary? We're not just a pigeon in a hole, in a slot, that can be refilled. We're flesh and blood, too. That hurts.

When I found out that my position had been filled, I just thought of the “just die” comment. You know, “You want to see how important you are? Just die. I’ll fill your slot in five minutes.” I remember that. The comment was made by one of the principals I worked for. It was not the principal that was the head of the building at that time. A principal made it at another time. I wish they would . . . just call . . . just call . . . just a little compassion.

Right now, I’m fighting to make sure the workers’ comp check doesn’t stop. The check I receive every two weeks helps me pay my bills; pay the medical bills, other bills that I have. The district is under a court order to pay me, and they are appealing.

To be honest with you, I’m not sure why they are appealing the court order to pay me. I don’t know that the judges are even sure. All along, I’m not sure of their stand. They’re arguing that my depression and anxiety are not work related. My psychologist and psychiatrist have given affidavits to the court saying it was. They’re arguing about the payments in spite of what the doctors have said.

I have been required to see physicians chosen by the district. I’ve seen them. So far, the information is still in my favor. One of the district’s doctors had a slightly different opinion, but the judge decided to believe the testimony of my doctors versus the district’s doctor, who the district has used many times in the past.

I do suspect that the man makes his income by testifying for companies and the district. He doesn’t dare testify against them, or he loses his livelihood.

So far, the judges have ruled in my favor in all hearings.

I am not giving up because I am not just making this up. I did get hit. I did get hurt in the classroom. The district has made no overtures to be kind, to be humane, or in any way show concern about my condition or feelings.

I've got to the point where I feel that they are not going to beat me. No matter what happens in court, they're not going to beat me. It's become an adversarial thing between them and me now.

If they made an overture to my attorney or to me years ago, this could all have been settled by now. They just want to fight.

They just want to deny what happened to me, make it go away. It can't go away. It happened to me. I live it everyday.

This incident has made me less outward going. I don't look up or search out other people. I'm more tied to my small circle of family. My circle of friends has become smaller and smaller.

My friends at work have gone on with working. I'm more or less on the wayside. I guess I don't want to risk a whole lot now, so I'm not risk taking as far as friends go. I'm sticking with a very small group of friends.

When you develop friendships, you put yourself out there to be vulnerable, to be open to them. I don't find myself being able to be vulnerable or open anymore. I find myself being very much inside of myself. I don't reach out as much as I used to, to see people, to talk to people, to be friends and acquaintances. I've become more introverted.

My priority right now is to be able to function . . . to be able to live life normally, not be worried about who's going to be there or what's going to be there . . . that sort of thing.

The district could be much more responsive if they could show some human kindness, some understanding, caring when a person comes to them with their problems, rather than using the problem against them.

I know I would have reacted differently if my situation would not have so much litigiously. If it was not handled with such confrontation and more humanly, I know I would have reacted differently.

The district initiated the litigation. I applied for workers' compensation benefits. They denied me workers' compensation. I talked to the psychologist, and he knew an attorney who worked in the area of workers' compensation. I contacted the attorney and the attorney has been working ever since, getting me workers' compensation and keeping the workers' compensation checks coming to help pay the bills.

What gets me is they are basically denying that I was hurt in the classroom, that I was hurt in the course of my duties.

This situation did not exist before I was hit in the head. It just did not exist. It all started nearly seven years ago. I've had an attorney for nearly six years.

The judge ordered the school district to pay for my attorney through payments that I receive. The payments for the attorney are in addition to my regular workers' compensation. What they are doing is not cost effective.

They are paying for their attorney to fight this rather than pay workers' comp. They are also paying for my attorney to fight this rather than pay workers' comp. So in addition to paying all litigation fees, they are paying me workers' comp.

I think they don't want a precedent being set. My attorney and I have discussed the strategy. I think they don't want this being a case that sets a precedent where they have to do this every time somebody fights.

I think they're trying to wear me down.

My attorney lets me do what I want. He doesn't go out and beat the drum to try to build up my spirits or anything else. He just tells me what's going on. Every once in a while I'll get a letter from the district telling me they are appealing or something, and I'll get a letter from my attorney saying that he's writing an answer to them.

My attorney is not trying to make me litigate this whole thing. He's really reacting to whatever the district does. He's not trying to boost up my spirits to keep doing this. He never has. In fact, you know, he's been very low keyed and very quite about the whole thing. He's very good.

I really want to be compensated for an injury that occurred at work by receiving workers' compensation benefits. I'm receiving disability from the state's retired teachers association. I'm receiving a pension from them as 100% disabled. I'm receiving social security as 100% totally disabled.

I applied for early retirement. The man at the office for teacher's pension said that I might qualify for disability. I applied for early retirement about six years ago.

I was thinking about early retirement, but the man at the disability office said that I should apply for a disability retirement. So, I applied for a disability retirement and was granted that. I applied for Social Security disability and was granted that. So, I get a Social Security check and Medicare. I get teacher's retirement, and I get workers' compensation from the district.

I don't know how long the workers' comp could go on for. The district is paying for my psychologist. My Blue Cross/Blue Shield is covering most of my other medical bills. I have a policy that I bought through the teachers' retirement group.

For other people who may have some disability, for which you are always being scrutinized over, keep in mind that you do matter. You are important. No matter how much you're hurting, you do matter. And no matter how impersonal the employer acts, you're still important.

I wish the employers would realize that they're dealing with people, not cases, not numbers. They're dealing with people and people's lives. Much of the heartache that comes about could very likely be dissipated, avoided, if they are treated as a person, an important person, somebody whose feelings and emotions matter, and whose life matters. A person is not something that's just disposed of and easy to replace.

Sometimes I think the district is too impersonal. We have become a mass. I think that on both sides, employee and employer sides, there has to be more humanity. There just seems to be a lack of that in the way the school district and board has dealt with me. I'm a case number. That's what I feel I am to them. . . a case number.

In the past, when I'd refer to them, they'd want to know my case number. It seemed more important than my name.

I would like them to put just a little bit of effort into dealing with humanity.

9.3. Narrator Reflections: Manifestations of Power

Jules' school district continues to fight him. Jules is not looking for accommodation. Jules knows he is no longer qualified to work with students as a teacher. He explains that he has become frightened, depressed, hopeless, and non-functional. The Post Traumatic Stress Disorder is a diagnosis that must be very real to Jules. However, the argument that Jules has faced in and out of court for seven years is the fight for compensation for an on-the-job injury.

The moment Jules felt something hit him on the back of the head was the beginning of being different. He vanished from the work site and the education leader of the building made no contact with Jules. He was suddenly detached and isolated. No contact was initiated by the administrator or colleagues, further devaluing Jules self-worth. The manipulative form of power is destructive to Jules.

Jules longs for the school district to acknowledge that things happen in the classroom that can be injurious to the staff. The school district does not have the evidence that Jules suffers from an on the job injury. Consequently, Jules continues to retain compensation for his on the job injury through the court's decisions. So far, the school district has been ordered by the court to continue to pay Jules workers compensation. An adversarial relationship has been established as Jules continues to sustain his income based on the fact that his disability is work related, through court decisions.

Jules wants the school district to admit that people suffer and institute practices of compassion. Immediate replacement of staff with no contact or recognition of personal or professional contribution is insensitive and destroys Jules' self-worth. The school district continues to exercise its manipulative power, which is destructive to Jules.

Jules is able to pursue through the courts what he believes he is entitled to from the school district as he continues to experience significant changes in his life. The district rejects responsibility for Jules' alleged classroom injuries. The court system will continue to rule as it sees just.

EPILOGUE

Purpose and Organization

The purpose of this chapter is to offer my concluding reflections about employment of the qualified professional with a disability in public school districts. My thoughts are for the qualified professional with a disability, the individual with a disability who wishes to pursue a career in public education, authorities in public school districts, and education leaders in public school districts.

Insight for Education Leaders and a Correlation for Mistreating Behaviors

Alston (2002) wrote about “Simple Human Issues Today”, with the simple yet poignant reminder that “when the leadership is right, people are inspired to do their best” (p. 3). Further supported in Kowalski (2003) is the realization that decision making can have lifelong consequences (p. 209). Waters et al (2003) places the identified culture in a district or school as a leadership responsibility to have a positive impact on student achievement, which include practices of cooperation among staff, a sense of well being, and cohesion among staff, as well as remaining aware of staff’s personal needs, being informed of personal issues within the lives of all staff, recognizing and acknowledging significant life events, and maintaining personal relationships. One force of inspiration and leadership is to inspire staff to accomplish what seems beyond their grasp. (p. 8-14). Blase & Kirby (2000) explain the outcome of each person feeling a sense of power and influence. Each person accepts ownership and is driven toward successes (p. 44). Unfortunately, Shields (2003) writes the harsh realities that “we unknowingly engage in behaviors that exclude and marginalize the very people we want to include” (p. 123). We actually destroy those whom we claim to serve. Shields (2003) wrote, “Our education system is inherently conservative and often those who are hired, especially to administrative positions,

may seem to have the most to lose if the status quo is changed. Most principals are hired *because* they have been successful in the system as it is, not because they have been involved in efforts to overthrow or change it” (p. 278).

Through the study of mistreating behaviors toward teachers by Leymann (1993) and Distler-Schwartz (1999) in Blase and Blase (2003, pp. 26 – 27), similar findings are in the biographical stories. The degree of severity and frequency of mistreatment as a result of destructive power vary from person to person. The biographical stories are those of a particular group, individuals with a disability, whom education systems claim to serve, yet have experienced destruction as adult by the actions of some education leaders with his or her influence on the culture.

Blase and Blase (2003) organized behaviors that occurred toward teachers over a substantial period of time have been by level of aggression from moderate to escalating to severe as shown in Figure 4. The study emphasized that all teachers studied experienced a range of both less and more severe forms of mistreatment over a substantial period of time. (pp. 23-26)

Similarly, such behaviors were described within the biographical stories. Various effects from the influences of power expressed in biographical experiences of the professional with a disability emerge through analysis. The effects of the behaviors of education leaders were also similar to the effects of principal mistreatment of teachers in the Blase and Blase (2003) study, shown in Figure 5 (pp. 23 -26).

Figure 4 Principal Behaviors by Mistreatment Levels and Effects of Mistreatment (Blase and Blase, 2003)

Level 1 Principal Mistreatment Behaviors (indirect, moderate)

- Discounting Teachers' Thoughts, Needs, and Feelings
 - Ignoring
 - Personal insensitivity
 - Stonewalling
- Isolating and Abandoning Teachers
 - Controlling teacher-to-teacher interaction
 - Failing to support teachers in difficult interactions with students and parents
- Withholding Resources and Denying Approval, Opportunities, and Credit
 - Withholding resources or denying approval
 - Obstructing opportunities for professional development
 - Withholding or taking credit
 - Docking sick leave
- Favoring "Select" Teachers
- Offensive Personal Conduct

Level 2 Principal Mistreatment Behaviors (direct, escalating)

- Spying
- Sabotaging
- Stealing
- Destroying Teacher Instructional Aids
- Making Unreasonable Demands
 - Nitpicking
 - Overloading
- Criticism: The Ubiquitous Form of Level 2 Mistreatment
 - Private Criticism
 - Direct criticism
 - Stigmatizing and pejorative labeling
 - Intentionally vague criticism
 - Use of a "snitch's" information to criticize
 - Gossiping
 - Soliciting others
 - Public Criticism
 - Front office
 - Faculty meetings
 - Classroom
 - Intercom
 - Lunchroom
 - Hallway
 - Other places

Level 3 Principal Mistreatment Behaviors (direct, severe)

- Lying
- Explosive and Nasty Behavior
- Threats
- Unwarranted Reprimands
- Unfair Evaluations
- Mistreating Students
- Forcing Teachers Out of Their Jobs (Reassigning, Transferring Unilaterally, Terminating)
- Preventing Teachers From Leaving or Advancing
- Sexual Harassment
- Racism

Figure 5 The Effects of Principal Mistreatment of Teachers (Blase and Blase, 2003)

- Wounded Teachers: Early Emotional Responses
 - Trapped
 - Fearful and Angry or Outraged
 - Preoccupied, Stressed, and Traumatized
 - Corrupted and Guilty
 - Diminished Sense of Professionalism
 - Shock and Disorientation
 - Humiliation
 - Loneliness
 - Injured Self-Confidence and Self-Esteem

- Damaged Schools
 - Damaged Relationships
 - Damaged Classrooms
 - Impaired Decision Making

- Severely Damaged Teachers
 - Fear and Anxiety
 - Anger
 - Depression
 - Feeling Isolated
 - Feeling Trapped
 - Feeling Unmotivated
 - Oceans of Tears
 - Revivification: Experiencing It All Over Again
 - Physical and Physiological Problems
 - Intention to Leave One's Job
 - Effects on a Teacher's Personal and Family Life

The Power of the ADA

The ADA is the federal statute that prohibits discriminatory practices toward the qualified individual with a disability. Interpretation of the ambiguous language of the law, as determined through the Supreme Court decisions, indicate how the ADA represents those who meet specific requirements for protection of discrimination and claim to request reasonable accommodation.

Supreme Court decisions are indicative of processes necessary to determine disability status for ADA protection.

The ADA also protects the rights of the employer for the hire, retention, and promotion of the qualified individual with a disability. If the individual is able to perform the essential functions of the job with reasonable accommodation, the individual is a qualified member of the fastest growing, protected minority in the workforce. However, if the individual is not able to perform the essential functions of the position given reasonable accommodation, he or she does not qualify for the position.

The forms of power behind the ADA are constructive. The ADA works *for* the prohibition of discrimination of the individual with a disability, yet it works *for* the employer to hire the most qualified individual to perform the job.

The ADA also has integrative power, which works *with* both the member of the protected class and the employer, to determine if the individual with a disability is a member of the protected class, and if he or she qualifies for the position. As noted by Shields (2003), “Few educators would consciously decide to implement or perpetuate an inequitable or unjust system--not when we are there, as often as we say, for the good of the kids. Yet, as we have seen, numerous inequitable practices do exist and are perpetuated by caring, well-intentioned individuals in the present system” (p. 281). Integrative power can help diminish inequitable practices through good faith efforts of meeting the needs of both employer and employee.

In the event of an employer wrongdoing, it is the right of the qualified professional with a disability to file charges against the employer through the protection of the ADA through our justice system. Though the process of hiring attorneys and filing charges is an expensive process

in terms of time and money, it is the last step in processes for disputes to reach binding resolution.

An inclusive work experience can become a social reality for the qualified professional with a disability in public education. Knowledge of employer and employee rights through the ADA is imperative to incorporate the inclusion of the qualified professional with a disability as an employee in public school districts. Application of the knowledge is imperative to indicate compliance towards the spirit of the ADA.

Understanding disability with more responsive strategies for reasonable accommodation can be identified for the benefit of the employer as well as the qualified professional with a disability. Every situation must be regarded as its very own, different from any other. When school administrators encounter adults with a disability, compliant responses will reflect the spirit of the Americans with Disabilities Act. The significance of the deepened understanding of disability and the ADA will become evident through a changed, more diverse workforce in public school districts with freedom for further discussion, reflecting no fear, stigma, embarrassment or shame.

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