

Learning Disability vs. Learning Difference: How to Avoid Conflict in the Workplace and Postsecondary Settings

Rob Crawford

Introduction

Many recent research efforts on Learning Disabilities (LD) have focused on reading instruction or over-identification of students in special education placements. Much of what is written seems to favor legislative proposals to challenge the definition of the condition.

Recognized and respected leaders in the field such as Dr. Reid Lyon, the Bush administration's "Reading Czar", and Dr. Mel Levine, Director of *All Kinds of Minds* (funded through the Schwab Foundation for Learning) are promoting the term and concept of *learning differences*. Dr. Lyon is on record as stating that as stating that present utilization of the term *learning disabilities* is a "sociological sponge to wipe up the ills of general education" (Bolick, 2001).

However well-intended these reform efforts might be, access to accommodations for people with learning differences in education, training and employment do not exist. Further, the public's understanding of LD is many times inaccurate causing additional barriers to better opportunities to success. Some of the common themes are views such as that consideration for "special" treatment poses an unfair advantage, is a waste of resources that could be given to those who are "more capable", and that those asking for consideration are lazy, not trying, etc.

Who is Considered a Person With a Learning Disability?

This line of reasoning has been extended through reauthorization of the Individuals with Disabilities Education Act (IDEA), in several key components of H.R. 1350 and S. 1248, such as elimination of comprehensive assessments as a method of identifying the presence of a learning disability, discontinued use of discrepancy formulas as a way of explaining unexpected underachievement, restriction or elimination of short-term objectives/benchmarks, and conduction of Individualized Education Plans (IEP) "as needed".

Since nearly half of all special education placements are in the LD category, the net effect on those students with suspected or identified learning disabilities is that access to receive appropriate services will be severely curtailed.

As students reach adulthood and transition into postsecondary education and training institutions, they will find increasing challenges to their requests for test and course accommodation considerations based on having LD. Many of the eligibility issues will relate to the individual's lack of a documented history of LD, consistent documentation of processing deficits, accurate administration, and interpretation of appropriate tests/results and report results that do not address functional impairment relative to the general population (Lorry, 1998).

Each accommodation that is requested must be supported by the clinical evaluator with a rationale that details the impact of the learning disability on a specific major life activity as well as the impact on the individual (Kaiser, 1998). Using these guidelines, the burden is on the student to have documentation that ties accommodation requests to specific test results or clinical observations. Even with a prior history of accommodations, using tools, or aids in other settings are not guarantees of current need and do not constitute an agreement on the part of the academic institution to use a similar accommodation (EEOC, 1995).

While this debate now rages over school related issues, it fails to bring to light some un-discussed and little understood considerations facing adults with LD, as well as employers, in discerning who is eligible for workplace accommodations based on looking at the condition as a learning difference.

Learning Differences And Disabilities In The Workplace

At present, there is no legal protection for individuals with learning differences. In the black and white world of for-profit corporations, the rule of law is followed regarding the view of a work limitation as being related to the manner of manifestation, condition (environment, etc) of occurrence, and duration (onset, waxing/waning). Specific provisions can be made on behalf of an employee who is both a protected class and a qualified applicant (Americans with Disabilities Act [ADA], 1990).

The adult with LD seeking employment-based accommodations faces a different set of hurdles that must be crossed in order to meet ADA standards as a person with evidence of a disability.

At the basis of receiving help is the concept that employers are not mind readers. They are under no obligation to know about the presence of a disability or provide accommodations unless individuals notify them. While some conditions such as physical or sensory impairments may appear to be obvious to an employer, hidden disabilities such as learning disabilities are not so apparent. When the need for workplace accommodation is not obvious, the employer has the right to ask for reasonable documentation of the disability and functional limitations relative to the task/situation (EEOC, 1992).

There are three basic elements of disability documentation needed to be eligible for workplace accommodations: (1) diagnosis, (2) evaluation of impact, and (3) recommendations. Together they establish the existence of a disability, the areas of functioning affected by the disability, and the specific interventions and accommodations made necessary by that disability (Latham, P. & Latham, P., 2002).

The major difference in the work world as opposed to school is not whether the person has a disability, but whether they have a disability UNDER THE LAW. Not every impairment that affects a major life activity is a disability under the ADA. Only those whose effects substantially limit a major life activity are considered disabilities in workplace settings. Work is treated differently from all other major life activities for purposes of considering whether an individual with a learning disability has an impairment that substantially limits them from significant classes of jobs and not just a particular job.

Prior to 1999, most courts held that, under the ADA, the severity of an impairment was measured without considering the effects of a person's coping/compensatory strategies (differences). In *Sutton v. United Airlines, Inc.* (1999), the Supreme Court ruled that Congress never intended to protect, as disabled, individuals who are able to "function identically to individuals without a similar impairment," when using "mitigating measures such as medicines, assistive or prosthetic devices".

In order to be considered protected as a person with a disability under the ADA, the distinction between disability, compared to the average person and those that have a "difference"(bad handwriting, lack of organizational skills, trouble concentrating, anxiety taking tests), recognizes that the average is not the perfect person who does not perform these activities in a perfect manner.

Many people have bad handwriting, problems taking tests, etc., but that does not mean they are functioning in a manner that would have them considered disabled, just different from some, but not from others. Try to imagine the reaction of coworkers or supervisors when someone with a learning difference uses that as a rationale substandard work performance. The adverse impacts to job retention, promotion, and training would be immediate and devastating.

In light of every tightening rules concerning eligibility for accommodations and protections for those who choose to disclose LD, it is helpful to use an approach that takes into consideration the answer to the question “What do employers want?” The labels employers use are ones like “dependable”, “a team player”, “can get along with others”, “reasonable”, and “will show up and be on time”. Employers know little about LD and are ill equipped to identify and implement workplace modifications or accommodations. Individuals with LD typically compound the negative dynamic by not having a clear and articulate understanding of how the LD affects them inside/outside of work, and by refusing to disclose when they are having performance issues. Consequently they are not always the best self-advocates. Frequently, these adults have little knowledge of their job competencies and how to ask for accommodations based on a specific task. Another factor is when and how one would choose to disclose they have LD since many successful adults with the condition have carried the extra burden of fear in being found out and subsequently losing what they have worked so hard to gain (Gerber, P. & Reiff, H., 1994).

After over 30 years of protection in academic settings and 12 years in the workplace, why do individuals with LD continue to find themselves fighting for the right to be LD and not knowing how to organize or fend for themselves?

Career Planning For Adults With LD: A Functional Approach

Another starting point that can be more productive combines an acknowledgement of the nature and manifestation of a learning disability and its impact on personal functional assets and limitations relative to a particular environment. An evaluation of the major life domains evaluates the degree of impact caused by the LD. Limitations are then considered across the lifetime with respect to impact on employment, training and educational settings as well as the manner, duration, and frequency of impact to productive outcomes (Crawford, 1999).

Because the individual with LD may not know if the career or position they are seeking will have aspects that will be adversely affected by their disability, or will only be mildly impacted and thus, be a “difference”, the potential candidate is advised to look to their personal and professional attributes first before doing anything else.

They must initially align their personal skills, training, education, abilities, and experience to a specific position in a company or career and be prepared to articulate their ability to fit in with other employees and customers. While this does not ultimately address the ADA standard of a class of jobs and functional impact, it does give the applicant a “hard target” to focus their attention and energies towards.

Next, they must assess the essential functions and environmental considerations of the job to understand how pace, technological, interpersonal, and chain of command factors will present themselves to the applicant as potential functional assets or limitations. There are no perfect jobs or perfect employees. Therefore, unless there are critical aspects of the job that must be performed only by the person staffed in the position that could be adversely affected by a disability, it should re-assure the adult with LD that not every task must be done to perfection!

How the ADA Is Being Used in the Workplace and Implications for Adults With LD

For those areas that are significantly impacted due to a learning disability, a smart move is to problem solve what compensations, accommodations, modifications, and strategies are practical or reasonable for the job and the employer.

Many times, what could be reasonable for a certain job would not be granted for certain companies if the applicant's needs posed an unreasonable burden on the employer to accommodate the employee and could result in job performance or safety issues. Whenever possible, it is best to try to develop employment and careers based on matching an applicant's functional assets/strengths to the specific needs of the position/employer.

The world of work is performance-based/disability-neutral and even a casual reading of the legal record of ADA shows that an individual with a disability, in order to be considered an otherwise qualified applicant, is always required to meet the essential functions of the job with or without accommodations. Probably more than any other point, this speaks to those who would rather be considered "learning different". Those choosing this route cannot go back to using the LD label unless they choose to disclose the condition as a disabling condition and then they must choose how to disclose it.

Because of the difficulty in substantiating legal claims for accommodations after accepting a position, professionals and practitioners can be of tremendous service to transition-age teenagers and adults with LD by incorporating a timely sequence of job awareness, career planning, and a personal inventory about what is most valuable to them in a career, PRIOR to initiating serious efforts at either employment, occupational-specific training, or postsecondary educational placements.

How To Make "Smart Choices"

Most people see career planning as using a trait and factor type of approach to what academic and technical skills are needed to perform the job. This method will only tell what a person can do, it will not reveal what they will do. Willingness to do job tasks, and factors related to motivation, job satisfaction, and happiness, must be assessed to allow internal energies to be harnessed. To do this, a system of how to make smart choices for difficult, emotionally-laden decisions should be implemented.

There are numerous key elements involved in making employment or career decisions that must be negotiated leading to a good selection for the person and the company. The average person facing such a high-risk high-stakes decision would have to handle anxiety, confusion, doubt, errors or embarrassment from being mistaken or overly confident. The key is to resolve adverse past history through direct reflection of what is most valuable to the individual in choosing a career.

Hammond, Keeney, and Raiffa (1999) believe that the ability to make smart choices is a fundamental life skill, and certainly one not known to be part of the established curriculum of secondary and college programs. Developing a written *Career Decision Problem Question* that outlines career assumptions (I need the right kind of job), identifies sources of what is triggering the decision (I read an article in the paper) and the connections between assumptions and triggers (I need to be clear about my functional assets/limitations because of changes in the law) helps to

identify opportunities for change and challenges perceived constraints about LD (Crawford, 2002).

Once a *Decision Problem* has been clearly framed, the person can begin to focus on the end result of securing employment or starting a career by elaborating on what their objectives are for the decision. Is it good pay? A short drive to and from work? The ability to advance and have promotional opportunities? The fleshing out of what they really must have from this choice and the conditions they are willing to accept (tradeoffs and consequences of success/failure) makes them focus and isolate what are primary factors and conditions that must exist in a career or job for internal satisfaction. This in turn allows them to work from the heart as well as the mind. Typically, when a person with a hidden disability lacks an internal reason to strive and beat the odds, they may not be satisfied with living day to day in an environment where they don't understand why they are there/what is expected of them, and will experience a lack of job satisfaction, employment success, and personal fulfillment (Gerber and Reiff, 1994). Getting to what (career objectives) would constitute job satisfaction brings the seeker to the next stage of the self-exploration process: generating reasonable alternatives. The professional or practitioner working with the person with the learning disability needs to get them to focus on "how do I get there?" Developing viable alternatives forces a person to eventually see there are no perfect options since all of them carry a certain amount of risk, don't deliver all of the objectives, and have unintended consequences such as getting more than one bargained for! Each alternative is competitively ranked against each other to establish how well the career objectives of the seeker are met.

By ranking competing alternatives, the person can factor out much of the emotionality associated with getting what one wants, while risking failure in achieving the desired outcome. Managing uncertainties makes the seeker look at their realistic chance of getting a range of outcomes related to a decision, from getting little or nothing of what they want to getting everything they want. Each potential outcome should have an assessment of what the consequences of either achieving or failing to reach the objective would mean to the person with hidden disabilities.

Professionals and clients can achieve consistent positive results for making solid employment or career decisions through taking the time to use planning techniques that compel the seeker to re-examine their interests and clarify what they find truly useful and valuable in a career or occupation.

Getting the adult with LD to see and understand that every decision has an element of uncertainty drives home the point of doing a thorough job of analyzing and problem solving the many "what if's" that are part of making a decision and seeing oneself as prepared to perform a particular line of work. By learning how to anticipate changes, the individual develops better coping mechanisms and problem-solving skills.

When forces related to the LD are beyond immediate control, a person can remain focused and empowered with their personal knowledge of how to plan and respond in a flexible manner that will be effective in workplace or postsecondary settings.

Integrating Functional Assets and Limitations into a Plan of Action

Care should be given to not use vocational instruments that are interest-based only and leave out vital data regarding the individual's abilities and aptitudes. This is a common shortcoming of many high school and college career assessment tools and has sent many people

down a false path of believing that because they like a particular field of work, that they would be good at it (read: qualified). There are many vocational assessment tools that are LD-user friendly and provide reliable job and employment information.

CareerScope assessments (2003) take a person through timed and untimed batteries that measure academic proficiencies, measurable vocational aptitudes, and sorts career/work interests to build a starting profile of future opportunities. This information is combined with the Occupational Awareness System (OASYS) that utilizes a variety of databases including the Occupational Outlook Handbook, Dictionary of Occupational Titles, O-Net, and America's Job Bank among others. Each of the 12,000+ occupations has job competencies in physical, environmental, academic, and work situations, resulting in a job description in compliance with the ADA.

The student and evaluator are able to create career ladders, obtain employment and wage information, compare an individual's ability profile with the occupational requirements for goodness of fit, find local employers hiring for these positions and search locally and nationally for schools or programs that offer training/education leading to industry certification or degree requirements in the chosen field.

A positive aspect of this software is to empower the student or adult to see how they possess many attributes necessary to a potential position, but also to see where there are "gaps" in their skill set due to age, education, or experience. In other words, it is abilities-based and the emphasis is on what you can do.

To address the issue of a person understanding the nature of their LD is a subject that would take up a whole book! Simplifying the process would be to use self-disclosure checklists like those developed at the Lakeshore Rehabilitation Center in Birmingham, Alabama.

The *Assessment of Functional Limitations Checklist* (Lakeshore Rehabilitation Center, 2003) is a checklist that takes a person through over 100 manifestations of LD and ADHD (e.g. "Do you have trouble understanding what is said to you?") in various cognitive domain functions (e.g. executive functioning) and asks for responses ranging from "never" to "always happens". Each stated occurrence has a section where the individual is asked to site context, setting, etc. for specific examples, which will be used later when doing community-based career development and job placement to identify potential accommodations issues.

This record works in conjunction with a corresponding manual called CAMS (Compensatory Accommodations-Modifications-Strategies), which walks viewers through the specific name of the LD, its potential vocational impacts, and then a suggestion of possible CAMS that could be asked for and used on the job. This gives more articulation for advocacy efforts for a job seeker who finds a position that they are otherwise qualified for, but have some work-related limitations due to the LD in that specific area.

At this point in the process, this information is a guide for what to look for in a company during the search phase. It is a helpful exercise in self-awareness for the person with LD to think through the selective nature of their condition and to realize that it is not an all encompassing global disability. It shows them that they have many functional assets to offer the right employer with the right opportunity.

Building on the positive self-realization of marketability would have the professional/practitioner working with the student/adult to do field-based exploration. Starting with a comparison of the general federal descriptions of career ladder competencies derived from OASYS, with the *Assessment of Functional Limitations* to identify any potential areas of work-

related impact from the LD, a list of questions is developed for informational interviews with area employers.

This assists all parties in seeing the varying essential function needs of different companies in the same field. The applicant would compare responses from the informational interviews with their personal functional profile, to match up the average person seeking employment with that particular company.

Based on the success of establishing a positive contact from these calls, or with assistance from a job developer, job shadows and internships would facilitate a situational assessment of how well the person with LD is able to get along with co-workers, customers and supervisors, to follow oral/written directions, to learn new tasks, to work with speed and accuracy, and to tolerate frustration.

Input from the employer and co-workers would be helpful as part of the feedback mechanism, especially when combined with the seeker's self-assessment of performance to make sure there is congruence of opinions of performance. The more opportunities an adult with LD or other hidden disabilities has to practice techniques such as these prior to making a major life choice such as deciding on an appropriate career, the better the quality of the decision that will be made.

The world is not very understanding about the concept of people having hidden conditions that substantially limit them in some activities when they seem to be so capable in other areas of their lives. By getting adults with LD to have a clear understanding of their work-related problems due to LD, and how the law will allow them or compel the establishment to develop reasonable alternatives, they can resolve or avoid bias or "poor" work performance problems with great skill and consistency.

Conclusion

There is a general sense from certain elements of the public and private sectors that it is harmful to label a person LD because of the stigma attached to it, and they have at least one valid point. We *should* be able to live in a world where the individual diversities known as "learning disabilities" are treated with acceptance and as something that is associated with being part of the human race.

The reality we live with is such that one day all too soon, being a person with learning differences will carry the same stigma as any other label. It will continue to connote outsider status for the person with the label ("Oh you're that guy that learns differently").

Our society had other names for people with learning disabilities before we had a scientific basis for the condition. These people were called stupid, slow, and retards. Which labeling is better?

References

Americans with Disabilities Act (1990), P.L. 101-336.

Bolick, C. (2001). A Bad IDEA is Disabling Public Schools: Perverse Incentives in an Unfunded Mandate. Editorial Projects in Education, *Education Week*, 21 (1), 56 & 63.

Crawford, R. (1999). Vocational Programs and Practices. In S. Goldstein (Ed.), *Managing Attention and Learning Disorders in Late Adolescence and Adulthood: A Guide for Practitioners*. New York: John Wiley & Sons.

Crawford, R., & Crawford, V. (2002). Career Impact: Finding the Key to Issues Facing Adults with ADHD. In S. Goldstein & A. Teeter Ellison (Eds.), *Clinician's Guide to Adult ADHD* (pp. 187-204). San Diego, CA: Academic Press.

Equal Employment Opportunity Commission (1995). [Is there more to this citation that is obvious from the article? If so, please add using APA style (like a website of an article or topic name)]

Gerber, P. J. & Reiff, H. B. (1994). *Learning Disabilities in Adulthood: Persisting Problems and Evolving Issues*. Boston: Andover.

Hammond, J., Keeney, R., & Raiffa, H. (1999). *Smart Choices: A Practical Guide to Making Better Decisions*. Boston: Harvard Business School Press.

Keiser, S. (1998). Test Accommodations: An Administrator's View. In M. Gordon & S. Keiser (Eds.), *Accommodations in Higher Education under the Americans with Disabilities Act (ADA); A No-Nonsense Guide for Clinicians, Educators, Administrators and Lawyers* (pp. 46-73). DeWitt, NY: GSI Publications.

Lakeshore Rehabilitation Center. (2002). *Assessment of Functional Limitations Checklist*. Birmingham, AL.

Lakeshore Rehabilitation Center. (2002). *Compensation Strategies Accommodations & Modifications Manual for Adults with LD*. Birmingham, AL.

Latham, P. & Latham, P. (2002). What Clinicians Need to Know About Legal Issues Relevant to ADHD. In S. Goldstein & A. Teeter Ellison (Eds.), *Clinician's Guide to Adult ADHD* (pp. 205-218). San Diego, CA: Academic Press.

Lorry, B. J. (1998). Language-Based Learning Disabilities. In M. Gordon & S. Keiser (Eds.), *Accommodations in Higher Education under the Americans with Disabilities Act (ADA); A No-Nonsense Guide for Clinicians, Educators, Administrators and Lawyers* (pp. 130-154). DeWitt, NY: GSI Publications.

Occupational Awareness System (OASYS), 2003. VERTEK, Inc. Bellevue, WA.

Sutton v United Airlines, Inc., 42 United States Supreme Court, 1210(a) (1), 1999.