

## SUPPORTING VETERANS WITH DISABILITIES: AN EXAMINATION OF INCLUSIVE HIGHER EDUCATION POLICIES

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### Abstract

The definition of a disabled veteran holds critical implications for the provision of rights, benefits, and support for those who have served in the armed forces. The Americans with Disabilities Act (ADA) establishes a framework for understanding disability, emphasizing the significant hindrance of mental or physical impairments on various aspects of an individual's life. Many military veterans carry service-connected disabilities resulting from combat, training, or the demands of military service. While some of these service-connected disabilities align with the ADA's definition of disability, others do not, primarily depending on the extent to which these conditions impact daily life. A disabled veteran, as defined in this context, is a service member who has been honorably discharged with a service-connected disability or whose disability was aggravated during their active military service. Disabled veterans receive disability compensation, a form of monetary support provided by the Department of Veterans Affairs (VA), along with access to healthcare tailored to their service-connected disability. Furthermore, veterans who are rated at 50% compensation or higher are entitled to comprehensive health care benefits. Notably, disability compensation benefits are exempt from federal and state income taxation. This paper explores the nuanced definition of a disabled veteran, shedding light on the intricate interplay between military service, disability, and the legal framework provided by the ADA. It examines the factors that determine whether a service-connected disability qualifies as a disability under the ADA and underscores the pivotal role of the disability rating in veterans' entitlements, both in terms of financial support and healthcare benefits.

### Introduction

The ADA (Americans with Disabilities Act) defines a disabled person as one that has a mental or physical impairment that significantly hinders one or more parts of their life. Many of those that have served active duty in the armed forces have service-connected disabilities, due to injury sustained in combat, training or military lifestyle (ADA National Network, 2019). Many service-connected disabilities can be defined as a disability under

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the ADA, and others cannot. This is due to how the service-connected disability affects their daily life. A disabled veteran is a service member who was honorably discharged with a service-connected disability or with a disability that was aggravated during their time on active military service. They will receive disability compensation in the form of monetary pay from Veterans Affairs (VA). They will also receive health care for the service-connected disability or claim, at 50% compensation they will receive full health care benefits. Disability compensation benefits are not taxable by federal or state income tax (U.S. Department of Veterans Affairs, 2019).

### **Most Common Disabilities**

Veterans are exposed to many hazardous, risky and traumatic events, more so than most of society. There are many medical conditions that the Veteran population are prone to suffer from due to these events. These medical conditions or disabilities often fall into two types physical health and mental health. Common disability related to mental health within the veteran community is *Post Traumatic Stress Disorder/Injury* (PTSD/PTSI) (Scott, et al, 2017, p.58). PTSD is a condition where a person faced a traumatic event and has difficulty recovering from that event.

Symptoms can be seen physically or emotionally, some may re-experience the event in some way, they may avoid things that remind them of the event, they may become emotionally numb or they may be on edge, as they are always alert and very aware of their surroundings (hyperarousal) (Rubin, et al, 2013, p.82).

A common physical disability within the veteran community are Musculoskeletal injuries, such as bone breaks, muscle, ligament and tendon tears. Gunshot wounds (GSW), blast injuries and traumatic amputation are more common in combat veterans from Global War on Terror (GWOT) missions such as, OIF (Operation Iraqi Freedom) and OEF (Operation Enduring Freedom). Traumatic Brain Injury (TBI) remains the most common combat injury of OIF and OEF veterans (Rubin, et al, 2013, p.163). The majority of TBI and mTBI (mild TBI) in the military are contributed by IEDs (Improvised Explosive Devices) and other explosives used by insurgents, such as RPGs (Rocket-Propelled Grenades) (Rubin, et al, 2013, p.163).

Hearing loss is one of the most common disabilities Veteran's report to the VA (Veterans Affairs).

### **Disabled Veterans and College**

According to the Veterans Affairs office, between 2001 and 2016, over 11 million veterans used their educational benefits. During those 15 years, the annual utilization of educational benefits more than doubled. At the start of the global war on terror (2001) only 420,651 service members and veterans used their benefits compared to those in 2016 (1,000,089) (Veterans Affairs, 2017).

According to the Bureau of labor statistics (BLS) 25% of veterans have a service-connected disability (Employment situation of veterans-2019, 2020). The 2016 report from the National Center of Education Statistics determined, Veterans make up almost 10% of the Higher learning environment. (Holian et al., 2016). In 2016, there were over a million student veterans and according to the BLS a quarter of them had a serviceconnected disability, over 250,000 student veterans may have needed support they may or have received.

### **Challenges to Transitioning from the Military to College with a Disability**

Student veterans are a unique and therefore face unique challenges in comparison to their civilian counterparts. Some of these challenges are shared with other students, such as their age, marital status and commuting to their institutions. However, there are many challenges that student veterans' fellow students will not be able to relate to such as combat-related PTSD and combat or service-connected disabilities.

All student veterans must transition and many struggles with this process. A common challenge the many student veterans face when starting college is the age difference and maturity difference between themselves in the younger students. They also become very impatient with other students and even instructors when it comes down to work ethic, accountability and integrity. Some student veterans have expressed that they feel out of place and

often feel isolated in the higher education environment. Some have expressed that they do not feel that their life experience is validated or respected.

Student veterans with disabilities, face even more challenges as they are adapting to their new normal, while trying to obtain a higher education. Many of them utilize VA programs and disability accommodation services provided by the college or university. For many different reasons student veterans often participate in unhealthy or risky behaviors such as substance abuse and thoughts of suicide. Student veterans have a suicidal ideation rate of 20% according to an APA survey conducted. These rates are higher in institutions with lower veteran populations, as there is no peer support (Bowen, 2011).

There are many programs that help student veterans with disabilities transition from the military to become successful students. Two of the largest programs that accomplish this is the VA and Student Veterans of America (SVA). SVA gives student veterans a place to interact with other soon veterans as well as a place to continue to serve in their community and on campus. At the national level, SVA advocates for legislative changes to VA educational benefits, such as the GI bill and Vocational rehabilitation & Employment (VR&E). They also advocate and facilitate any accommodations needed for student veterans with disabilities to ensure the student succeeds (Student Veterans of America, 2020).

### **Accessing Available Education Resources**

Many service members use higher education to transition from the military to the civilian sector. Ever since the end of World War II the US Congress and state congresses have worked on educational resources for veterans and their families. In 1944 Congress passed the first GI bill, often referred to as the *Servicemen's Readjustment Act of 1944* (Rubin, et al, 2013, p. 289).

Over the years as the need arose and became more aware the GI bill was improved upon. In 1984, the Montgomery GI Bill was passed. The service member pays \$100 of month for the first 12 months of their contract.

When the service member starts to use this educational benefit, they receive a monthly full-time student payment, and they pay the educational institution themselves. The service member only has 15 years after they leave service to utilize this educational benefit.

August 1st of 2009 Congress passed the Post-9/11 GI Bill, the current version of the "GI bill". Those that need help paying for school or job training and have served on active duty after September 10,

2001, can qualify to receive education benefits through the Post-9/11 GI Bill. The defining change in the post 9/11 GI bill was the tuition fees were paid directly to the educational institutions rather than the service member. In addition, monthly housing assistance and a book stipend were included (Rubin, et al, 2013, p. 289). There is no time limit to use this educational benefit.

Service members and veterans that pursue higher education at more prestigious or more expensive private institutions often have trouble paying. The Yellow Ribbon Program is an option for some. Universities and colleges that offer these programs voluntarily agree with VA to fund 50% of the tuition expenses, and it surpasses what the VA is willing to pay.

Veteran Readiness and Employment (VR&E) (Formerly known as Vocational Rehabilitation and Employment) services help veterans with disabilities with job training, finding employment, creating and writing resumes, and even interview coaching (mock interviews). Other services sometimes provided to Veterans is helping them with entrepreneur opportunities and occupational adaptations for their current employment.

### **Future Directions**

The veteran community often faces challenges that civilians do not experience in relation to seeking resources to assist with school or their career. However, there are several programs and benefits in order to assist veterans

with their transition out of the military. In order to effectively assist military veterans, it is essential that practitioners and researchers understand policy and benefits for veterans.

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