



## **Standards for Law Study, Documentation Requirements, and Testing for Disabilities**

The College of Law is committed to the intent and purpose of the Americans with Disabilities Act and other laws governing disability. These standards have been developed to assist students in understanding the essential requirements for the successful study of law, documentation requirements associated with disability accommodation, and the allocation of costs associated with testing to obtain documentation.

### **A. Skills and Abilities for Law Study**

To help applicants for admission and current students understand the rigor of the academic programs offered at the College, and the minimum essential skills and abilities needed for successful completion, the College of Law has developed standards for successful law study. These standards are based in part on the ABA Task Force on Law Schools and the Profession, *Legal Education and Professional Development—An Education Continuum* (1992) (often referred to as the “*MacCrate Report*” in honor of the chair of the task force) and the considered judgment of the faculty of the College. Item #4 is based on Standard 3.04(c) of the American Bar Association, Standards for Approval of Law Schools.

1. *Intellectual—Conceptual and Integrative Skills:* The candidate must be able to recall and analyze complex factual information, integrate this information with complex legal theories, and apply to those facts the substantive legal principles that will control the result in a particular case. This form of analytical ability involves the ability to recognize and identify the legal issues that are implicated by specific facts, the ability to sort material facts from immaterial facts, the ability to recognize and evaluate competing legal theories that might apply to the facts, and the use of sound and logical legal reasoning in applying legal principles to material facts to reach a proper result. It also involves the ability to recognize when different legal analysis might lead to a different but nonetheless logically supportable result. The candidate must be able to perform legal research.
2. *Effective Communication Skills:* The candidate must be able to organize ideas and express them with a high degree of organization, clarity, precision, and persuasive force. A candidate must be able to demonstrate ability with the English language and commitment to writing well, including appropriate vocabulary, grammar, syntax, spelling, and punctuation. A candidate must be able to memorialize and organize information in an accessible form. A candidate must be able to communicate candidly and civilly with others. A candidate must be honest in advocating a particular result, and should not misrepresent either facts or the content of any legal principle upon which the candidate relies.

3. *Behavioral and Social Attributes:* A candidate must possess the emotional health required for the full utilization of his or her abilities and possess the interpersonal skills to work with others. The candidate must possess the ability to:
  - a. comply with requirements of applicable federal, state, and local laws, regulations, statutes, and applicable orders of a court or tribunal;
  - b. comply with the ethical norms of the profession as expressed in the Code of Professional Responsibility and the ABA Model Rules of Professional Conduct, including the avoidance of acts that are illegal, dishonest, fraudulent, or deceitful;
  - c. avoid acts that exhibit disregard for the rights or welfare of others;
  - d. use honest and good judgment in financial dealings on behalf of oneself and others; and
  - e. act diligently and reliably in fulfilling one's obligations to others.
4. *Attendance and Participation:* A candidate must be able to have regular and punctual class attendance and to fully participate in class discussions.
5. *Time Management:* A candidate must possess the ability to comply with deadlines and time constraints, and to prioritize and manage multiple tasks.

## **B. Documentation Requirements**

Competent medical documentation is required for two purposes: (1) to document the existence, nature, and extent of a disability, and (2) to identify reasonable accommodations. Disability documentation for the purpose of providing accommodations must both establish a disability and provide adequate information about the functional impact of the disability so that effective, reasonable accommodations can be identified. Any student who desires to receive classroom, curricular, or other accommodations *must* register with the ADA Coordinator, provide competent medical documentation as requested evidencing the existence of a specific disability, and cooperate with the ADA Coordinator in determining the type(s) of accommodations that may be reasonably warranted in the student's specific situation. Each student who seeks accommodation must provide competent medical documentation as requested by the ADA Coordinator and must renew any requests for accommodations each new academic semester or session. Students should note that what constitutes a reasonable accommodation may vary as they progress through their program of study.

We urge students to register as soon as possible in a new semester or session, but—if the only accommodations sought are for a final examination—no later than the published exam accommodations deadline on the academic calendar. Please note that some professors administer quizzes and midterm examinations. Please review each syllabus you receive carefully. We encourage new students to contact the ADA Coordinator as soon as possible after they accept the College of Law's offer of admission.

In the context of postsecondary education, the student's documentation should provide the College with (a) a basic understanding of the individual's disability and (b) enough information to anticipate how the disability's current impact on the student is expected to interact with the College's structure of courses, testing methods, program requirements, etc. Because the

provision of reasonable accommodations and services is based on an assessment of the current impact of the student's disabilities on his or her academic performance in a specific academic program, it is in the student's best interest to provide recent and appropriate documentation. In most cases, this means that the medical or psychological evaluation and report should have been conducted within the past three years. The College of Law reserves the right to require more current documentation, especially if the student or the student's academic performance indicates that the impact of the disability may have changed. Learning assessments must be based upon adult-level learning and should take into account the academic demands of higher education, and specifically the elements described above as essential to the successful study of law.

The Association on Higher Education and Disability (AHEAD) has identified seven essential elements as a best practice approach for quality disability documentation. A summary of these elements is included below, and the complete guidelines appear on the AHEAD website, [www.ahead.org/resources/bestpracticeselements.htm](http://www.ahead.org/resources/bestpracticeselements.htm). While the College of Law may in some circumstances be able to make a decision based on less information, such a decision will necessarily be made on a case-by-case basis. To avoid the possible need for a student to supplement his or her documentation, it is recommended that these elements be considered as the student obtains his or her documentation.

### **1. The credentials of the evaluator(s)**

The best quality documentation is provided by a licensed or otherwise properly credentialed professional who has undergone appropriate and comprehensive training, has relevant experience, and has no personal relationship with the individual being evaluated. A good match between the credentials of the individual making the diagnosis and the condition being reported is expected (e.g., an orthopedic limitation might be documented by a physician, but not a licensed psychologist).

### **2. A diagnostic statement identifying the disability**

Quality documentation includes a clear diagnostic statement that describes how the condition was diagnosed, provides information on the functional impact, and details the typical progression or prognosis of the condition. While diagnostic codes from the Diagnostic Statistical Manual of the American Psychiatric Association (DSM) or the International Classification of Functioning, Disability and Health (ICF) of the World Health Organization are helpful in providing this information, a full clinical description will also convey the necessary information. The College of Law, either directly or through qualified consultants, reserves the right to review and interpret evaluations and diagnostic statements regarding disabilities.

### **3. A description of the diagnostic methodology used**

Quality documentation includes a description of the diagnostic criteria, evaluation methods, procedures, tests and dates of administration, as well as a clinical

narrative, observation, and specific results. Where appropriate to the nature of the disability, having both summary data and specific test scores (with the norming population identified) within the report is recommended.

#### **4. A description of the current functional limitations**

Information on how the disabling condition(s) currently impacts the individual provides useful information for both establishing the existence of a disability and identifying possible accommodations. A combination of the results of formal evaluation procedures, clinical narrative, and the individual's self report is the most comprehensive approach to fully documenting the impact. The best quality documentation is thorough enough to demonstrate whether and how a major life activity is substantially limited by providing a clear sense of the severity, frequency and pervasiveness of the condition(s).

While relatively recent documentation is required in most circumstances, the College may exercise discretion in accepting older documentation of conditions that are permanent or non-varying. Likewise, changing conditions and/or changes in how a particular condition impacts the individual brought on by growth and development may warrant more frequent updates to provide an accurate picture.

#### **5. A description of the expected progression or stability of the disability**

It is helpful when documentation provides information on expected changes in the functional impact of the disability over time and context. Information on the cyclical or episodic nature of the disability and known or suspected environmental triggers to episodes provides opportunities to anticipate and plan for varying functional impacts. If the condition is not stable, information on interventions (including the individual's own strategies) for exacerbations and recommended timelines for re-evaluation are most helpful.

#### **6. A description of current and past accommodations, services and/or medications**

The most comprehensive documentation will include a description of both current and past medications, auxiliary aids, assistive devices, support services, and accommodations, including their effectiveness in ameliorating functional impacts of the disability. A discussion of any significant side effects from current medications or services that may impact physical, perceptual, behavioral or cognitive performance is helpful when included in the report. While accommodations provided in another setting or in a different academic program are not binding on the College, they may provide insight in making current decisions.

#### **7. Recommendations for accommodations, adaptive devices, assistive services, compensatory strategies, and/or collateral support services**

Recommendations from professionals with a history of working with the individual can often provide valuable information for review and the planning process. Stated another way, recommendations based on the stated functional limitations and specifically tailored to a graduate level university program and setting can offer insight. It is most helpful when recommended accommodations and strategies are logically related to functional limitations; if connections are not obvious, a clear explanation of their relationship can be useful in decision-making. While the College is not required to provide or adopt recommendations made by outside entities, those that are congruent with the programs, services, and benefits offered by the College or program may be appropriate.

### **C. Documentation and Testing Costs**

The student is responsible for providing the initial documentation and bears the costs associated with obtaining it. If the initial documentation is incomplete or inadequate to determine the existence of a disability, its present extent, or appropriate accommodations, the ADA Coordinator may request supplemental documentation or assessment of the disability. The cost of the supplementary documentation or assessment is the student's responsibility.

The College does not conduct testing for disabilities. If you suspect you have a learning or other disability or need testing to verify, please contact the ADA Coordinator. All expenses incurred for the testing are the responsibility of the student.

The College may, at its own expense, require a second opinion regarding any claimed disability or the need for reasonable accommodation. Such decisions are made on a case-by-case basis after examining the student's disability documentation. If the ADA Coordinator requires a second opinion—which may include getting a second opinion regarding the documentation or a reevaluation of the disability—the College may select the practitioner and will bear the cost of the second assessment.

The ADA Coordinator may also require a student to provide additional competent medical documentation evidencing the need for continued academic accommodations any time that it appears that the student's disability has substantially changed in character, or if a student who has been granted special academic accommodations requests additional accommodations.

*Certain portions formerly included in Administrative Guidelines for Students and Applicants with Disabilities (November 2001); re-stated separately and updated March 5, 2010.*