

# WHITTIER LAW SCHOOL

Policy for Students and Applicants  
with Disabilities

(Revised Summer 2011)

## I. GENERAL POLICY

Whittier Law School's policy and practice is to comply with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act, and state and local requirements regarding students and applicants with disabilities. Under these laws, no qualified individual with a disability shall be denied access to, or participation in, services, programs and activities of the Law School.

It is the policy of the Law School that otherwise qualified students who have disabilities shall be given reasonable accommodations, including academic adjustment and auxiliary aids, where appropriate, necessary to ensure access to the school's overall educational program.<sup>1</sup> Individual students receive reasonable and necessary accommodations, including adjustments and aids, based on specific information and assessment data documented by a qualified professional.

## II. DEFINITIONS

### 1. PERSON WITH A DISABILITY is:

any person who (i) has a physical or mental impairment which substantially limits one or more major life activities; (ii) has a record of such impairments; or (iii) is regarded as having such impairment.<sup>2</sup>

### 2. OTHERWISE QUALIFIED PERSON WITH A DISABILITY is:

an individual with a disability who meets the academic and technical standards requisite to admission and participation in the law school's educational program and activities.<sup>3</sup> The qualifications for participating in the law school's educational program include, but are not limited to, the ability to understand, analyze, apply and communicate legal concepts.

## III. ADMISSIONS POLICY AND PROCEDURES

The Law School does not discriminate on the basis of disability. Information provided during the admissions process concerning an applicant's disability shall be provided on a voluntary basis and shall be kept in accordance with state and federal laws regarding confidentiality.

### 1. LSAT scores

An indication by Law School Admissions Services (LSAS) that an applicant took the LSAT under accommodated conditions shall not be used as the basis for discrimination. The scores received on such tests shall be treated the same as any unaccommodated scores by the Admissions Committee. The Law School policy is to view nonstandard testing conditions as necessary and reasonable

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<sup>1</sup> 29 USC §794, Section 504 states in pertinent part: No otherwise qualified individual . . . , shall, solely by reason of his handicap, be excluded from the participation in, denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

<sup>2</sup> 34 C.F.R. §104.3(j). The terms "Persons with Disabilities," "Handicapped Persons," "Disabled Persons" are used interchangeably to mean "Handicapped Person" as defined under Section 504 of the Rehabilitation Act. See also the Americans with Disabilities Act of 1990, P.L. 101-336, July 26, 1990, Section 3(2) (definition of disability).

<sup>3</sup> 34 C.F.R. §104.3(k)(3).

accommodations which have been afforded only after proper evaluation by LSAS and do not result in unfair advantage or inflated scores.

## 2. Documentation of the Disability

Applicants who wish to have their disability considered as a factor in the admissions process, must identify the disability and provide an explanation of why it is a factor at the time of application. If the applicant wishes the disability to be considered as a factor, it may be necessary for the applicant to provide appropriate documentation of the disability.

## 3. Reconsideration

It is not the Law School's practice to reconsider applications that have already been rejected, unless there was information that was not available at the time of the application through no fault of the applicant. For that reason, applicants are advised to make the disability known at the time of application if they wish to have the disability taken into account in the application process. In some cases, it may be necessary for the applicant to provide documentation supporting the disability and its impact on academic performance.

## 4. Information on the Disability Retained in Applicant's File

Information and letters of reference will be retained in student files unless the student indicates they do not wish them to be. Applicants who do not wish to have their disability considered, may wish to make that fact known to those people who provide letters of reference for them.

## 5. Applicants Not Wishing to Self-Identify in the Application Process

Students who are accepted for admission are advised in their fall memorandum to contact the Assistant Dean for Student Affairs as soon as possible regarding disabilities that might require accommodations. Accepted applicants are strongly encouraged to identify disabilities requiring accommodations early to allow adequate time for evaluating documentation, for designing the specific accommodation, and for arranging scheduling in barrier free classrooms. Early requests for accommodations are more easily granted; last minute requests for accommodations may not be able to be obliged because of the time required to make such arrangements.

# **IV. ENROLLED STUDENTS**

## 1. Identifying the Need for Accommodations

Students with disabilities who require accommodations must make those needs known to the Assistant Dean for Student Affairs as soon as possible. Students are responsible for making these needs known in a timely fashion and for providing appropriate documentation and evaluations in appropriate cases. Students should not assume that because their application to law school indicates the presence of a disability that this information is known to the Office of Student Affairs. The Assistant Dean for Student Affairs has authority to decide whether accommodations will be granted in individual cases. A student who is denied accommodations may appeal the denial to the Dean of the Law School, whose decision is final.

Students who do not require accommodations need not make their disabilities known. The information on the student's disability and accommodations is treated as confidential information under applicable federal, state, and university laws and policies and is only provided to individuals who are privileged to receive such information on a need to know basis. Faculty members who are advised of a disability are advised that this information is confidential.

In some cases where only minor accommodations are required (such as requesting to sit in the front row because of a visual or hearing impairment), the student should feel free to simply make a request of the faculty member. If requests for minor accommodations are not responded to adequately, the student should make the request of the Assistant Dean for Student Affairs.

## 2. Accommodations

The Law School will timely provide reasonable accommodations, including academic adjustments and auxiliary aids, as necessary to ensure students with disabilities access to the school's services, programs and activities. Accommodations will not be provided if they fundamentally alter the nature of the program or if they would be unduly burdensome either financially or administratively. Students requesting accommodations should identify their needs as early as possible to the Assistant Dean for Student Affairs.

## 3. Verification of Physical Disabilities

A student with a physical disability must provide professional verification certified by a licensed physician, psychologist, audiologist, speech pathologist, rehabilitation counselor, physical therapist, occupational therapist, or other professional health care provider who is qualified in the diagnosis of the disability. The verification must reflect the student's present level of functioning of the major life activity affected by the disability. **The assessment must provide data that support the request for the particular academic adjustment sought.** The student shall provide the verification documentation to the Assistant Dean for Student Affairs. The cost of obtaining the professional verification shall be borne by the student.

If the initial verification is incomplete or inadequate to determine the present extent of the disability and appropriate accommodations, the Law School shall have the discretion to require supplemental assessment of a physical disability. The cost of and responsibility for the supplemental assessment shall be borne by the student.

## 4. Verification of Learning Disability

A student with a learning disability must provide professional testing and evaluation results which reflect the individual's present level of processing information and present achievement level. The cost of and responsibility for obtaining the professional verification shall be borne by the student.

Documentation verifying the learning disability must:

(A) be prepared by a professional qualified to diagnose a learning disability, including but not limited to a licensed physician, learning disability specialist, or psychologist;

(B) include the testing procedures followed, the instruments used to assess the disability, the test results, and a written interpretation of the test results by the professional;

(C) reflect the individual's present level of functioning in the achievement areas of: reading comprehension, reading rate, written expression, writing mechanics and vocabulary, writing, grammar, and spelling; and

(D) reflect the individual's present level of functioning in the areas of intelligence and processing skills.

**The assessment must provide data that support the request for the particular academic adjustment sought.** In the event that a student requests an academic adjustment or accommodation that is not supported by the data in the assessment, or if the initial verification is incomplete or inadequate to determine the extent of the disability, then it is incumbent on the student to obtain supplemental testing or assessment at the student's expense.

If the Law School requires an additional assessment for purposes of obtaining a second professional opinion as opposed to supplemental assessment, then the Law School shall bear any cost not covered by any third party payor.

#### 5. Verification of Temporary Disability

Students seeking accommodations on the basis of a temporary disability must provide documentation verifying the nature of the condition, stating the expected duration of the condition, and describing the accommodations deemed necessary. Such verification must be provided by a professional health care provider who is qualified in the diagnosis of such conditions. The assessment of verification of disability must reflect the student's current level of disability, and shall be no older than 60 days. The cost of obtaining the professional verification shall be borne by the student.

If the initial verification is incomplete or inadequate to determine the extent of the disability and appropriate accommodations, the Law School shall have the discretion to require supplemental assessment of the temporary disability. The cost of the supplemental assessment shall be borne by the student.

### V. FACILITIES ACCESS

#### 1. Architectural Issues

The Whittier Law School facility is on one single floor and is completely accessible to all.

#### 2. Parking

Ample handicapped parking spaces are available in the campus parking lots.

#### 3. Ramped Entrances

All entrances are ramped with handrails.

#### 4. Classrooms

All classrooms are accessible by ramps and handrails. Students with special classroom needs should speak to the Assistant Dean about classroom scheduling.

#### 5. Library

The Library collection is on a single floor. Seating and book storage are designed for wheelchair accessibility. Students with special needs should speak to a member of the Library professional staff for assistance.

#### 6. Restrooms

All restrooms are equipped for access for the disabled.

### **VI. ACADEMIC DISMISSAL AND READMISSION**

Students who are academically dismissed sometimes raise a disability as the basis for the academic difficulty. The burden is on the student to clarify why the disability was not previously brought to the attention of the administration if it had not been; to explain why accommodations were not requested; or to explain why accommodations that had been provided were not adequate.

Readmission petitions should be discussed with the Assistant Dean for Student Affairs. The Dean of the Law School and the Academic Standards Committee consider and decide such petitions.

### **VII. BAR EXAMINATION AND CAREER COUNSELING**

#### **Bar Examination**

Law students with disabilities who believe they will require accommodations in taking the Bar examination should inquire early in their legal education as to what will be necessary to obtain accommodations. Information on how to contact Bar examiners in all states is available from the Assistant Dean for Student Affairs. Many state boards of bar examiners will request that the law school provide information on accommodations received during law school. Such information will be provided upon the law school's receipt of appropriate documentation/authorization from the student.

#### **Career Counseling**

The Career Services Office provides assistance to all students and does not discriminate on the basis of disability. Students who believe that an employer using the services of the Career Services Office has discriminated on the basis of disability should bring that to the attention of the Director of Career Services.

### **VIII. GRIEVANCES**

Students who request accommodations from faculty or staff members and who believe that such accommodations have been impermissibly denied or who believe that they have been discriminated against on the basis of their disability should bring this matter to the attention of the Assistant Dean for Student Affairs. If the Assistant Dean is unable to resolve the matter informally, or if the student is dissatisfied with the resolution, the student may petition the Academic Standards Committee. Appeals from decisions of the Academic Standards Committee may be brought as provided in the Rules and Regulations of the Law School.

## **GUIDELINES FOR DOCUMENTATION OF REQUESTS FOR DISABILITY ACCOMMODATIONS**

**ALL DOCUMENTATION MUST BE DATED,  
SIGNED, AND ON LETTERHEAD OF AN  
APPROPRIATE PROFESSIONAL**

### **I. Students with Physical, Sensory and Health-Related Disabilities**

In order to ensure the provision of reasonable and appropriate accommodations and services for students with physical, sensory and health-related disabilities, current and comprehensive documentation of their condition is required. This documentation should include the following-

1. Specification of the diagnosis;
2. Date of last contact with student;
3. Statement as to the "major life activities", impacted by the student's impairment(s) and level of severity (e.g.-the student has limited use of her hand and can only write at a speed of 10% of the average).
4. Description of the student's functional limitations in a college/university setting (i.e. how does the impairment significantly limit a major life activity in an educational setting).
5. Recommendations regarding *effective* accommodations to equalize the student's educational opportunities at the post-secondary level.

This documentation should be dated within the last five (5) years and after the student's eighteenth (18<sup>th</sup>) birthday.

### **II. Students with Psychiatric Disorders**

In order to ensure the provision of reasonable and appropriate accommodations and services for students with physical, psychological or mental disorders, current and comprehensive documentation of their condition is required. This documentation should include the following:

1. Specification of the diagnosis (i.e. DSM-IV Diagnosis);
2. Date of the Diagnosis and date of last contact with student;
3. Statement as to the severity of the impairment (e.g. use of the Global Assessment of Functioning Scale Score);
4. Description of the student's functional limitations in a college/ university setting (i.e. how does the impairment significantly limit a major life activity in an educational setting).
5. Recommendations regarding effective accommodations to equalize the student's educational opportunities at the post-secondary level;
6. Recitation of the instruments and procedures used to make a diagnosis.

This documentation should be dated within the last five (5) years and after the student's eighteenth (18<sup>th</sup>) birthday.

### III. Students with Temporary Disabilities

In order to ensure the provision of reasonable and appropriate accommodations and services for students with temporary disabilities, current and comprehensive documentation of their condition is required. This documentation should include the following:

1. Specification of the nature of the condition;
2. Date of last contact with student (should be within 60 days);
3. Assessment of current level of disability and description of the student's functional limitations in a college/university setting (i.e. how does the impairment significantly limit a major life activity in an educational setting);
4. Recommendations regarding effective accommodations to equalize the student's educational opportunities at the post-secondary level.

### IV. Students with Learning-Disabilities

The following professionals are deemed appropriate and qualified to provide a diagnosis of learning disabilities: Clinical Psychologist\*\*, Neuropsychologist\*\*, Educational or School Psychologist\*\*, Educational Diagnostician, Learning Disabilities Specialist, Educational Therapist. (\*\*must be licensed)

The testing for learning disability must be comprehensive. For the purposes of diagnosis, more than one assessment device should be administered, and they must be appropriately normed, reliable and valid. The testing must address the following:

- Cognitive abilities
- Information Processing - sensory/perceptual, conceptual/cognitive, eye-hand coordination, language, attention and memory
- Academic achievement - written expression, oral expression and language skills, reading (decoding and comprehension), mathematics (computation and problem solving)
- Study skills/Strategies - problem solving and decision making abilities, organizational skills
- Social/Emotional Development - interpersonal and communication skills, self image, family history and relationships

The documentation must identify a significant discrepancy between academic achievement and ability, or an intra-cognitive discrepancy not attributable to other disabling conditions to environmental deprivation. The assessment should measure the student's specific strengths and weaknesses and report how the student's disability has interfered with educational achievement. **Recommendations for services and/or accommodations must be supported by the diagnostic data.**

## TESTS:

It should be kept in mind that when choosing a test battery, the technical aspects of each test must be considered. This includes the test's reliability, validity, and whether it is standardized with norms available for the adult population. Again, the professional judgment of the evaluator is the key to a strongly documented diagnosis. The following lists of tests are provided as a guide to assessment appropriate for the adult population. It is not intended to be all-inclusive and will vary with the needs of the individual being evaluated.

### 1. **Aptitude/Cognitive Ability**

1. *Wechsler Adult Intelligence III* (including IQ, Index and scaled scores)  
**or**
2. *Woodcock-Johnson Psycho-educational Battery, Revised Part I: Tests of Cognitive Ability*  
**or**
3. *Stanford-Binet Intelligence Scale (4m Ed.)*  
**or**
4. *Kaufman Adolescent and Adult Intelligence Test*  
**or**
5. *Detroit Test of Learning Aptitude -A (DTLA-A)*

Please note: *The Slossen Intelligence Test* and the *Kaufman Brief Intelligence Test* are primarily screening instruments and should not be considered comprehensive measures of aptitude/cognitive ability.

AND

### 2. **Achievement**

- *Woodcock Johnson Psychoeducational Battery, Revised Part II: Tests of Achievement*  
**or**
- *Wechsler Individual Achievement Test (AT)*  
**or**
- *Scholastic Abilities Test for Adults (SATA)*  
**and**
- *Nelson-Denny Reading Test* (timed and untimed; given in conjunction with one of the above to further document reading abilities and reading rate)

Please note: *The Wide Range Achievement Test: Third Edition (WRAT-3)* and the *Peabody Individual Achievement (PIAT, PLAT-R)* are not comprehensive measures of academic achievement and should not be used as sole measures in this area.

AND

### 3. **Information Processing**

Information from subtest, index and/or cluster scores on one or more of the

following measures:

*WAIS-III* (for example, Working Memory; Perceptual Organization; Processing Speed)

**or**

*Woodcock Johnson Psychoeducational Battery Tests of Cognitive Ability* (for example, tests 1-14, or cluster scores for Auditory Processing; Visual Processing; Short Term Memory; Long Term Memory; Processing Speed)

**or**

*Wechsler Memory Scale III*

**or**

*Swanson Cognitive Process Test (S CPT)*

**or**

*Test of Adolescent/Adult Wordfinding (TA WF)*

**or**

*The Detroit Tests of Learning Aptitude-Adult (DTLA-A)*

**or**

Other neuropsychological instruments that measure verbal and nonverbal cognitive processing, memory, rapid automatized naming and/or phonological processing.

This documentation should be dated within the last five (5) years and after the student's eighteenth (18<sup>th</sup>) birthday.

#### **V. Students with Attention Deficit/Hyperactivity Disorder**

The following professionals are deemed appropriate and qualified to provide a diagnosis of Attention Deficit/Hyperactivity Disorder (AD/HD): Clinical Psychologist, Neuropsychologist, Psychiatrist (must be licensed).

An applicant warranting an AD/HD diagnosis must meet basic DSM-IV criteria including:

1. Sufficient number of symptoms (delineated in DSM-IV) of inattention and/or hyperactivity-impulsivity that have been persistent and that have been "maladaptive." The exact symptoms should be described in detail.
2. Evidence that symptoms of inattention and/or hyperactivity-impulsivity were present during childhood.
3. Evidence indicating that current impairment from the symptoms is present in two or more settings. There must be clear evidence of clinically significant impairment within the academic setting. However, there must also be evidence that these problems are not confined to the academic setting.
4. A determination that the symptoms of ADHD are not a function of some other mental disorder (such as mood, anxiety, or personality disorders; psychosis, substance abuse, low cognitive ability, etc.).
5. Indication of the specific **ADAM diagnostic subtype; predominantly** inattentive type, hyperactive-impulsive type, or combined type.

This documentation should be dated within the last five (5) years and after the student's eighteenth (18<sup>th</sup>) birthday.

General AD/HD evaluation guideline considerations:

1. Self-report of current and past problems is insufficient to establish a basis for reliable ADHD diagnosis. Although an in-depth interview is the essential feature of any ADHD evaluation, other information should be examined to provide a comprehensive evaluation, including interviews with significant others and examination of past school records, evaluation reports, job evaluations, transcripts, etc. How this information supports ADHD diagnosis should be fully described.
2. AD/HD evaluation is primarily based on in-depth history consistent with a chronic and pervasive history of ADHD symptoms beginning during childhood and persisting to the present day. The evaluation should provide a broad, comprehensive understanding of the applicant's relevant background including family, academic, social, vocational, medical, and psychiatric history. There should be a focus on how ADHD symptoms have been manifested across various settings over time, how the applicant has coped with the problems, and what success the applicant has had in coping efforts. There should be a clear attempt to rule out a variety of other potential explanations for the applicant's self-reported AD/HD difficulties.
3. Objective personality/psychopathology tests are not essential if not indicated. However, they can be helpful to describe the applicant's emotional status and rule out other psychological problems. If not used, there should be a clear explanation why they were not deemed necessary to rule out other potential explanations for reported AD/HD symptoms.
4. ADHD questionnaires and checklists (Wender-Utal, BAADS, etc.) are helpful to quantify self-reported ADHD symptoms, but can not be used to the exclusion of interview and collateral information describing and documenting past and current symptoms.

