WHITTIER LAW SCHOOL

Policy for Students and Applicants
with Disabilities

(Revised Fall 2004 Semester)
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 accommodation, including academic adjustment and auxiliary aids, where appropriate, necessary to ensure access to the school's overall educational program. Individual students receive reasonable and necessary accommodation, 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.

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. 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

1 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.

2 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).

3 34 C.F.R. §104.3(k) (3)
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 of 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 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 acceptance letter to contact the Associate Dean of Students 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 Associate Dean for Student Services 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 student services office. The Associate Dean for Student Services 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, 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 Associate Dean for Student Services.

2. Accommodations

The law school will timely provide reasonable accommodation, 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 Associate Dean for Student Services.

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 Associate Dean of Students. 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 College 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

Disabled students are issued parking stickers which will allow parking in the marked handicapped parking spaces available on the lot adjacent to the building.

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 Associate 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 brought to the attention of the administration if it had not been previously, 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 Associate Dean of Students. The Dean of the law school, the Admissions Committee and the Academic Standards Committee consider and decide such petitions.

VII. BAR EXAMINATION AND CAREER COUNSELING

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 Associate Dean of Students. 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 a written release from the student.

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 Associate Dean of Students. If the Associate Dean of Students 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.
WHITTIER LAW SCHOOL
ACADEMIC ADJUSTMENTS / AUXILIARY AIDS REQUEST FORM

Name_________________________________________    Date________________________

Check one:  □Full Time Day Student  □Part Time Day Student  □Part Time Evening Student

□1st Year       □2nd Year       □3rd Year       □4th Year       □LL.M.   □Visitor

Telephone Number ( )_________________________   ( )_________________________

   Day       Evening

A. Disability Documentation: ________Attached   ________Provided in Application

B. Nature of Disability:__________________________________________________________

C. Accommodation(s) requested: (Be specific and attach additional pages if necessary)

________________________________________________________

________________________________________________________

________________________________________________________

D. Authorization and Release: By signing this form, I authorize the Associate Dean of Student
Services to speak with and seek additional documentation from the following individuals concerning
my disability and my requested accommodations: (please write name(s) of professional(s) from your
documentation.

________________________________________________________

________________________________________________________

________________________________________________________

________________________________________________________

________________________________________________________

Student Signature ___________________________   Date________________________

Submit to Associate Dean of Student Services as early as possible.
(Copies of this form are available in the Associate Dean's Office)