

**UNIVERSITY OF DAYTON SCHOOL OF LAW**  
**POLICY STATEMENT FOR STUDENTS WITH DISABILITIES**

Adopted by the Academic Affairs Committee on January 31, 1995.

**A. STATEMENT OF POLICY**

It is the policy of the University of Dayton School of Law 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. In implementing this policy, the School of Law recognizes that disabilities include mobility, sensory, health, psychological, and learning disabilities. The School of Law will make every effort to provide reasonable accommodations to students with disabilities to the extent that it is readily achievable to do so. We are unable to make accommodations that are unduly burdensome or that fundamentally alter the nature of the program.

**B. IDENTIFICATION FOR ACCOMMODATIONS**

Students with disabilities who request accommodation must make those needs known to the Associate Dean for Academic Affairs as soon as possible. Students should not assume that this information is known by the Associate Dean for Academic Affairs because the law school application indicates the presence of a disability. Only students who seek accommodations for their disabilities need to make their disabilities known.

It is the responsibility of the requesting student to make the need for accommodation known in a timely manner consistent with this policy statement. Students must provide appropriate documentation and evaluations of the disability and need for accommodation. Information regarding documentation requirements and payment for such documentation is set out below.

In some cases where only minor accommodations are required (such as requesting to sit in the front row because of 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 Academic Affairs.

**C. CONFIDENTIALITY**

Information concerning a student's disability and accommodations is strictly confidential and is treated as such under applicable federal, state, and university policies. Information is only provided to individuals who are privileged to receive this information on a need to know basis. Faculty members who receive this information are apprised that the information is confidential.

**D. ACCOMMODATIONS**

The University of Dayton School of Law will make accommodations to documented disabilities as appropriate in individual cases. However, 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

must identify their needs as early as possible to the Associate Dean for Academic Affairs who will then meet with the student to develop an appropriate accommodation plan. Students must make accommodation requests in writing. Copies of the Accommodation request forms are attached to this policy.

## 1. ACADEMIC MODIFICATIONS

Appropriate reasonable accommodations in an individual case may include course load modification, examination accommodations and other types of similar academic accommodations. The University of Dayton School of Law will only provide accommodations that do not fundamentally alter the nature of the program and that are not unduly burdensome financially or administratively. While the School of Law will provide justification for refusing to allow a requested accommodation, higher education institutions are given substantial deference in establishing their academic requirements.

Class attendance is generally deemed to be a fundamental aspect of legal education. Faculty members are not expected to waive attendance policies for students with disabilities. Students believing that their situation is extraordinary should direct written requests to the Associate Dean for Academic Affairs. It would be extremely unlikely that such a request would be deemed to be an appropriate reasonable accommodation.

Requests for academic accommodations should be made in writing to the Associate Dean for Academic Affairs. In appropriate cases, the decision concerning accommodation may be made in consultation with the appropriate faculty member(s).

## 2. EXAMINATION MODIFICATION

Appropriate reasonable accommodations may include examination modifications such as additional time, additional time for rest breaks, separate exam room and other similar accommodations. Students requesting examination modifications may be asked to determine the format of the examination in order to determine the appropriate modification. For example, if the student has difficulty writing, but does not have difficulty reading, the need for additional time would be affected by whether the exam was to be in multiple choice format or essay format.

All requests for examination modifications must be made in writing to the Associate Dean for Academic Affairs and no requests for examination modifications should be made to any faculty member. All examination accommodations will be handled by the Office of the Associate Dean for Academic Affairs. Because of the time needed to arrange to accommodate these requests, students must make their requests no later than one month before the start of the examination period unless the onset of the disability begins within the thirty day period or after. Examination accommodation requests must be renewed each semester. New and/or updated documentation may be required depending on the nature of the request.

## E. DOCUMENTATION

### 1. VERIFICATION OF DISABILITIES GENERALLY

A student with a physical or other 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 student shall provide the verification documentation to the Associate Dean for Academic 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 School of Law shall have the discretion to require supplemental assessment of a disability. The cost of the supplemental assessment shall be borne by the student. If the School of Law requires an additional assessment for purposes of obtaining a second professional opinion, then the School of Law shall bear any cost not covered by any third party payor.

## 2. 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 obtaining the professional verification shall be borne by the student.

The four criteria necessary to establish a student's eligibility for learning disability adjustments or accommodations are: (1) average or above average intelligence as measured by a standardized intelligence test which includes assessment of verbal and non-verbal abilities; (2) the presence of a cognitive-achievement discrepancy or an intra-cognitive discrepancy indicated by a score on a standardized test of achievement which is 1.5 standard deviations or more below the level corresponding to a student's sub-scale or full-scale IQ; (3) the presence of disorders in cognitive or sensory processing such as those related to memory, language, or attention; and (4) an absence of other primary casual factors leading to achievement below expectations such as visual or auditory disabilities, emotional or behavioral disorders, a lack of opportunity to learn due to cultural or socio-economic circumstances, or deficiencies in intellectual ability.

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 requests for any academic adjustment or accommodation. 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 School of Law requires an additional assessment for purposes of obtaining a second professional opinion then the School of Law shall bear any cost not covered by any third party payor.

### 3. 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 or 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 School of Law shall have the discretion to require supplemental assessment of a temporary disability. The cost of the supplemental assessment shall be borne by the student. If the School of Law requires an additional assessment for purposes of obtaining a second professional opinion then the School of Law shall bear the cost.