

TOURO LAW CENTER

HANDBOOK FOR

STUDENTS AND APPLICANTS WITH DISABILITIES



It is the policy and practice of Touro Law Center 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 will be denied access to or participation in services, programs and activities of Touro Law Center and/or Touro Law Center campus programming.

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A. GENERAL STATEMENT

In carrying out the Law Center's policy regarding students and applicants with disabilities, we recognize that disabilities include mobility, sensory, health, psychological, and learning disabilities, and we will make efforts to provide reasonable accommodations for these disabilities to the extent it is readily achievable to do so. We are unable, however, to make accommodations that are unduly burdensome or that fundamentally alter the nature of our program. While our legal obligation relates to disabilities of a substantial and long-term nature,¹ it is our practice to also provide accommodations when possible for temporary disabilities such as a broken leg and for pregnancy.

B. ADMISSIONS

1. The LSAT

In the admissions process, because extensive accommodations are provided for taking the LSAT, waiver of the LSAT is unlikely to be granted except in extremely unusual circumstances. Applications are never automatically rejected based on the LSAT, GPA, or Index. An indication on the LSDAS report that an applicant took an accommodated test will not be the basis for discrimination. Applicants who have taken the LSAT under both accommodated and nonaccommodated conditions may find it helpful to provide an explanation of the reasons for the accommodated LSAT. However for this information to be considered, it may be necessary for the applicant to provide appropriate documentation of the disability. See **Appendix A** for information relating to documentation requirements and payment for documentation.

2. The Application Form

Applicants to the Law Center may provide information on disabilities on the application form, but they are not required to do so. Applicants are not required to indicate on the application whether they have a disability.

3. 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. See **Appendix A** for information relating to documentation requirements and payment for documentation.

¹Federal law applies to individuals with substantial impairments affecting one or more major life activities, those with records of such impairments, and those who are regarded as having such impairments. These individuals must be able to carry out the essential requirements of the program with reasonable accommodation.

4. Reconsideration

It is not our 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.

5. Information on the Disability Retained in Applicant's File

Because it is our general policy to remove all letters of recommendation from an applicant's file once the applicant has been admitted, those applicants wishing to have letters relating to disability documentation remain in their files should request this in writing as soon as they are accepted. There is no guarantee that such letters will be retained, but every effort will be made to do so. These letters may be useful in evaluating whether to provide accommodations to the student who has been admitted. They may also be useful in certification to bar examiners when the student applies for accommodations on the bar exam.

6. 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 Assistant Dean for Student Services as soon as possible regarding disabilities that might require accommodations. Accepted applicants are strongly encouraged to identify disabilities requiring accommodations early because in some cases it will allow adequate time for evaluating documentation, for working out the specific accommodation, for arranging scheduling in barrier free classrooms, for working out arrangements including funding for auxiliary services, and for arranging accommodations for orientation. Last-minute requests for accommodations may not be able to be reasonably accommodated because of the time required to make such arrangements.

C. 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 Services as soon as possible. It is the responsibility of the student to make these needs known in a timely fashion and to provide documentation in appropriate cases. See **Appendix A** for information regarding documentation requirements and payment for such documentation. Do not assume that because your application indicates the presence of a disability that this information is known to the Office of Student Services.

Students who do not require accommodations need not make their disabilities known. Information on a student's disability and accommodations is treated as confidential under applicable federal and state laws and Law Center policy and is only provided to individuals who are entitled 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 ask the faculty member. If requests for minor accommodations are not responded to adequately, the student should make the request to the Assistant Dean for Student Services.

2. Accommodations

We will make reasonable accommodations for documented disabilities. These accommodations may include courseload modifications, exam accommodations (including extra time), readers, interpreters, notetakers, and additional time to complete assignments. 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 should identify their needs as early as possible to the Assistant Dean for Student Services. The Assistant Dean for Student Services will meet with the student to develop an appropriate accommodation plan. The Assistant Dean for Student Services may refer the request to outside experts who have experience in this area. Any such referrals will be strictly confidential. See **Appendices B & C** for forms to request accommodations. Additional copies of Appendix C are available from the Office of Student Services, room 302, (631) 761-7050.

a. Academic Modifications

Academic modifications include reduced courseloads, extending the amount of time for graduation, allowing part-time programming, providing extensions of time for completing assignments and similar modifications. Only modifications that do not fundamentally alter the nature of the program and that are not unduly burdensome financially or administratively are required by law. While the Law Center must provide justification for refusing to allow a requested accommodation, higher education institutions are given substantial deference in establishing their academic requirements.

Requests for academic modifications should be made in writing to the Assistant Dean for Student Services. In appropriate cases, the adjustment will be made in consultation with faculty. For example, the Assistant Dean for Student Services may permit a reduced courseload administratively, but modifications such as extensions of time for completing course requirements may be made by the Assistant Dean for Student Services in consultation with the appropriate faculty member.

b. **Auxiliary Services**

Auxiliary services may include interpreters, notetakers, readers, assistance with photocopying and library retrieval, and other support services in connection with academic programming. Services for personal use are not provided. Purchase of special equipment (such as a Kurzweil reading machine, an image enlarger, etc.) to be used at the Law Center may also constitute an auxiliary service.

The Law Center does not provide individual tutorial assistance tailored to the special needs of individual learning disabled students. The Professional Development Program, which does not discriminate on the basis of disability, offers small group assistance on the subject matter of first and second year required courses. The Assistant Dean for Student Services is available to provide individual counseling to all students and may also refer learning disabled students for additional help in appropriate cases.

Students requiring auxiliary services should direct their requests initially to the Assistant Dean for Student Services. For certain auxiliary services such as interpreters and readers, the Assistant Dean for Student Services may request that the student seek eligibility for such services from the New York State VESID Office or other no-cost service providers. The Assistant Dean for Student Services will work with the student in facilitating applications for such services. Because obtaining these services can be time-consuming and costly, students are urged to seek assistance as early as possible after being accepted for admission.

Occasional assistance in the library may be obtained by making a request of the library desk staff. A student who will require more extensive assistance and/or assistance on a regular basis should make this need known to the Law Library Director, room 203, (631) 761-7150. The Law Library Director will work with the library staff to facilitate an appropriate schedule of assistance. Students who are unable to receive satisfactory responses to their requests for assistance should direct this concern to the Assistant Dean for Student Services.

c. **Exam Modifications**

Exam modifications may include additional time to take the exam, use of a computer/word processor, time for rest breaks, use of a reader or writer, being allowed to eat, a separate exam room, or taking the exam at a time other than the regularly scheduled time. Students requesting certain exam modifications may be asked to ascertain the format of the exam in order to determine the appropriate modification. For example, if a student has difficulty writing, but does not have difficulty reading, the need for additional time would be affected by whether the exam is in a multiple choice format or an essay format.

All exam modification requests are to be directed to the Assistant Dean for Student Services. See **Appendix C** for the form. Because of the time required to arrange these requests, students must make such requests no later than the published deadline each semester. Requests for exam modifications must be renewed each semester. Depending on the nature of the disability, new or updated documentation may be required.

d. Architectural Barriers

Parking There are several accessible parking spaces at the Law Center. These spots are available to individuals who have state issued handicapped parking designations. Students wishing to use these spaces should obtain special identification from the Office of Administration, room 302, (631) 761-7002.

Ramped Entrances Entrance into the Law Center building is available by ramped access.

Accessible Restrooms Accessible restrooms can be found throughout the building.

Elevators Passenger elevators are located in the Law Center lobby and in the Law Library.

Classrooms All classrooms are accessible; however students with mobility impairments are requested to advise the Assistant Dean for Student Services as early as possible in the registration process.

e. Modification of Policies and Practices

Students with disabilities that justify advance registration should direct their requests to the Assistant Dean for Student Services approximately one month before registration.

Class attendance is generally deemed to be a fundamental aspect of legal education. For that reason, ordinarily faculty members will not be expected to waive attendance policies for students with disabilities. Students believing that their situations are extraordinary should direct requests to the Assistant Dean for Student Services, who will consult with the faculty member regarding such requests. Because reduced courseloads and other accommodations are available, it would be extremely unusual that a waiver of the Law Center attendance policy would be a reasonable accommodation.

Students who believe that registration or other policies and practices should be modified should direct these requests to the Assistant Dean for Student Services.

D. ACADEMIC DISMISSAL AND READMISSION

Students who are academically dismissed sometimes raise a disability as the basis for the academic difficulty. While this may sometimes justify allowing the student a second opportunity to prove academic ability, the burden will be 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 applications should be discussed with the Assistant Dean for Student Services. The Law Center's Readmission Committee considers and decides on such applications.

E. BAR EXAMINATIONS 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 these accommodations. Information on how to contact bar examiners in all states is available from the Registrar. Many state boards of bar examiners request that the law school provide information on accommodations received during law school. With appropriate advance notice, such information will be provided upon request from the student.

The Career Services Office (CSO) 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 CSO has discriminated on the basis of disability should bring that to the attention of the Assistant Dean for Career Services.

F. GRIEVANCES

Students who request accommodations from faculty or staff members and who believe that such accommodations have been improperly 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 Services. If the Assistant Dean for Student Services is unable to resolve the matter informally, or if the student is unsatisfied with the resolution, the student may file a grievance with the Dean. Grievances filed with the Dean must be in writing, and will receive a written response.

G. SPECIAL PROBLEMS FOR CERTAIN DISABILITIES

Students dealing with alcohol or drug addiction may wish to seek help from the Lawyers Assistance Programs of the Nassau or Suffolk County Bar Associations. Telephone numbers for those programs are listed in **Appendix D**. Such assistance is confidential and is not part of the student's official record. Students should be aware that while reasonable accommodations are available for such disabilities, all students will be held to the same academic performance standards as other students. Law school is stressful, and students whose disabilities justify accommodations, such as a reduced courseload, have the obligation to request accommodation before academic failure. Problems such as exam anxiety and chronic lateness will not ordinarily be considered to be disabilities justifying accommodation.

APPENDIX A DOCUMENTATION POLICY

1. 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 student shall provide the documentation to the Assistant Dean for Student Services. 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 Center may require supplemental assessment of the physical disability. The cost of the supplemental assessment shall be borne by the student. If the Law Center requires an additional assessment for purposes of obtaining a second professional opinion then the Law Center will 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 must 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 intracognitive 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 socioeconomic 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. 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 Center requires an additional assessment for purposes of obtaining a second professional opinion then the Law Center will 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 must 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 Center has the discretion to require supplemental assessment of a temporary disability. The cost of the supplemental assessment must be borne by the student. If the Law Center requires an additional assessment for purposes of obtaining a second professional opinion then the Law Center will bear any cost not covered by any third party payor.

APPENDIX B
ACCOMMODATION REQUEST FORM
(Other than Exam Accommodation Requests)
Submit to Assistant Dean for Student Services as early as possible.

Name _____ Date _____

Social Security Number _____ Year of Entry _____

Telephone Number (Day) _____ (Evening) _____

Disability _____

Documentation: Attached _____ Provided in application _____

Accommodation requested (be as specific as possible, refer to Handbook for types of accommodations):

FOR OFFICE USE ONLY

The following accommodations will be permitted and will be provided as noted:

Signature _____ Date _____

Other comments:

APPENDIX C
Touro Law Center
Office of Student Services Exam Accommodations Form

Name: _____ Date: _____

Address: _____ Phone (home): _____

_____ Phone (business): _____

Email: _____

Year (circle one): 1 2 3 4 Status (circle one): FTD PTD PTE LL.M.

Please list information for ALL exams:

1. _____
Course Name Professor Exam Date Exam Time

2. _____
Course Name Professor Exam Date Exam Time

3. _____
Course Name Professor Exam Date Exam Time

4. _____
Course Name Professor Exam Date Exam Time

5. _____
Course Name Professor Exam Date Exam Time

6. _____
Course Name Professor Exam Date Exam Time

Action Requested: _____

Student Signature: _____

FOR OFFICE USE ONLY

Disposition:

Date: _____ Signature: _____

APPENDIX D

RESOURCES AND REFERENCES

<u>Offices at the Law Center</u>	<u>Phone</u>	<u>Room</u>
Associate Dean for Academic Affairs	(631) 761-7104	405
Assistant Dean for Student Services	(631) 761-7050	302
Assistant Dean for Admissions	(631) 761-7010	301
Associate Dean for Administration	(631) 761-7002	302
Assistant Dean for Budget and Planning	(631) 761-7003	402
Assistant Dean for Career Services	(631) 761-7030	306
Law Library Director	(631) 761-7150	L203

<u>Other Offices</u>	<u>Telephone</u>
New York State Lawyer Assistance Program	(800) 255-0569
Association of the Bar of the City of New York Lawyer Assistance Program	(212) 302-5787
Nassau County Bar Association Lawyer Assistance Program	(888) 408-6222
New York State Office of Vocational & Educational Services for Individuals with Disabilities (VESID)	(518) 473-4381

**APPENDIX E
FOR ADDITIONAL INFORMATION**

Handicapped Lawyers Association
Lawyers with Disabilities
P.O. Box 934
Mt. Angel, OR 97362

National Disabled Bar Association, Inc.
659 Eagle Rock Avenue
West Orange, NJ 07052
(201) 736-6927

American Blind Lawyers Association
1211 Connecticut, N.W., #502
Washington, DC 20036
(202) 467-5081
1-800-424-8666

Taped law casebooks and treatises are available from:
Recording for the Blind Inc.
20 Rossel Road
Princeton, NJ 08540
(609) 452-0606

For information on substance addiction issues:
ABA Commission on Impaired Attorneys
750 N. Lake Shore Drive
Chicago, IL 60611
(312) 988-5369

Current information on AIDS issues can be obtained from:
Task Force on AIDS
American College Health Association
15879 Crabbs Way
Rockville, MD 20855
(301) 963-1100

Organization for deaf and hearing impaired lawyers and law students:
NORCAL Center on Deafness
2848 Arden Way, Suite 210
Sacramento, CA 95825-1373
(916) 921-1045 (V/TDD)

For other resource information:
HEATH Resource Center
One Dupont Circle, NW
Suite 800
Washington, DC 20036-1193
(202) 939-9320 (Voice)
(202) 833-4760 (Fax)

A national clearinghouse on postsecondary education for individuals with disabilities.

Organization committed to full participation of individuals with disabilities in college life:
Association on Higher Education and Disability (AHEAD)
P.O. Box 21192
Columbus, OH 43221-0192
(614) 488-4972 (Voice/TDD)