

Chapter 5: Reasonable Accommodations Due to Qualifying Disability

The Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 guarantee equal access to programs and services to those with disabilities. In order to be a qualified individual subject to the protections of these Acts, a person must demonstrate that he or she has a disability that substantially limits a major life activity (e.g., seeing, hearing, walking, breathing, performing manual tasks, learning, caring for oneself, and working) and, as such, requires a reasonable accommodation in order to have equal access. This section of the Law School's catalog explains a student's rights and responsibilities in seeking to receive accommodations from the Law School because of a disability. The process and procedures outlined here apply to seeking Law School classroom accommodations, exam accommodations, and accommodations related to accessing the University's facilities.

Rights and Responsibilities in Seeking Accommodations

1. A student who believes that he or she has a qualifying disability warranting accommodation for academic programs, exams or access to the University's facilities should notify Ms. Leslie Metzger, the Director of Student Support, by contacting her at LMetzger@ubalt.edu or (410) 837-5623. This notification is required and separate from any communication with the Admissions Office or other Law School staff. Students should not go directly to any faculty in an effort to arrange accommodations for disabilities.
2. Generally, requests for accommodations in the classroom should be made at least thirty days prior to the start of any semester. Requests specifically seeking accommodation for exams should be submitted sixty (60) days before the beginning of the exam period.
3. Following notice to Ms. Metzger, the student will then meet with a representative from the Law School (typically Ms. Metzger) and a staff person from the Office of Disability and Access Services for the University of Baltimore. At this meeting, they will review with the student the documentation provided to verify the existence of a qualifying disability. **All documentation submitted, preferably before this meeting, should comply with the documentation guidelines set forth at <http://www.ubalt.edu/campus-life/center-for-educational-access/students/documentation-guidelines.cfm> and also set forth below.** The Office of Disability and Access Services and the Law School also may request additional documentation at any time or may request that the student's physician or other licensed health professional speak directly to Law School or DAS staff. The student also may be asked to be evaluated by another medical professional.
4. If it is determined at this meeting that the student does have a qualifying disability, the Office of Disability and Access Services and the Law School also will discuss suggested reasonable accommodations with the student with respect to the student's courses, exams, and access to university facilities. In assessing the appropriateness of

an accommodation, DAS and the Law School also examines medical and other health professional documentation, the student's history of past accommodations, and the course and exam structure of a particular class.

5. A reasonable accommodation is an accommodation that does not impose an undue financial or administrative burden on the Law School and does not fundamentally alter the nature of the educational service, program or activity at the Law School. The Law School in determining a reasonable accommodation may seek the assistance of consultants and may require additional testing and/or evaluations as indicated above. The Law School also may select the least burdensome accommodation in the event that more than one form of accommodation is available.
6. Following the student's meeting with the Office of Disability and Access Services and the Law School representative, the Office of Disability and Access Services will notify the Director of Academic Support as the Associate Dean of Academic Affairs' designee of the student's disability and the suggested accommodations. The Office of Disability and Access Services will then advise the student by email of the Law School's decision to deny, grant, or partially grant the suggested accommodations. This email is required prior to any accommodations being made.
7. If the student accepts a plan of accommodation, the Law School will inform the student's instructors and the reasons for the accommodations only to the extent necessary to assure effective implementation of the accommodation. As a general rule, when feasible, student anonymity will be maintained.
8. If the Law School concludes that a student is not a qualified individual with a disability or has not provided reasonable accommodations to the student, the student may appeal the decision to Kathleen Anderson, Dean of Students, 112 Academic Center, University of Baltimore Academic Center, as provided in the Grievance Procedure in the University of Baltimore Student Handbook.

Rights and Responsibilities After Receiving Accommodations

1. **A student must renew his or her request for accommodations each semester that he or she attends law school** by meeting in person with Ms. Metzger and the Office of Disability and Access Services determine whether new and different accommodations are necessary for the student's disability to be accommodated. At these meetings, the Law School and the Office of Disability and Access Services also may request that the student submit updated documentation verifying the nature and extent of the student's disability. Generally, this mandatory **meeting should take place within the first thirty (30) days** of the start of each semester.
2. If a student's **condition changes at any time**, thereby affecting the nature and extent of his or her disability, the student must notify the Law School (Ms. Metzger or the Associate Dean of Academic Affairs) immediately.

3. If there is a problem with any accommodations that a student receives, whether it is related to a course, an exam, or access to a facility, the student must notify the Law School promptly so that steps may be taken, to the extent practicable, to resolve the problem.
4. Communication via accommodations (including exam schedules and room assignments) will be made using the student's UBALT email account. A student is responsible for checking email on a timely basis to determine the status of any issue relating to the accommodation that has been put in place for a particular disability. If the student's disability prevents physical access to email, an alternative method of communication will be determined in consultation with the Office of Disability and Access Services, the Law School, and the student.

Documentation

Verification of Disabilities

A student with a disability who requests an accommodation must provide to the Director of the Office of Disability and Access Services or his or her designated representative, professional verification of the necessary modification. Verification may be provided by a licensed physician, psychologist, audiologist, speech pathologist, rehabilitation counselor, physical therapist, occupational therapist, or other professional who is qualified in the diagnosis of the disability. The verification must reflect the student's present level of functioning in the major life activity or activities affected by the disability. The cost of obtaining the professional verification shall be borne by the student. In instances in which the Office of Disability and Access Services, the Director of Student Support or the Associate Dean for Academic Affairs deems appropriate, he or she may consult a qualified person retained by the School of Law for the purpose of evaluating whether a student has a disability.

Verification of Learning Disability

A student with a learning disability seeking an accommodation for her or his 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 of 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 the primary causal 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;
- (D) reflect the individual's present level of functioning in the areas of intelligence and processing skills; and
- (E) be no more than three years old.

In instances in which the Office of Disability and Access Services, the Director of Student Support or the Associate Dean for Academic Affairs deems appropriate, he or she may consult a qualified person retained by the School of Law for the purpose of evaluating whether a student has a learning disability.

Verification of Temporary Disability, Illness or Injury

Students seeking accommodations on the basis of a temporary disability must provide, upon request, 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.