

Documenting Learning Disabilities

Vermont Law School provides equal access to services and programs to all qualified individuals with disabilities. If you have a learning disability, you may be entitled to reasonable accommodations under the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973. If you request accommodations, it is recommended that you provide VLS with documentation indicating that a specific disability exists and that the identified disability substantially limits or restricts the condition, manner, or duration under which an average person in the population can perform a major life activity, including learning. The documentation should also support **each** request for accommodation, academic adjustment or modification, or auxiliary aid.

Please read VLS Documentation Guidelines carefully. You may want to share this document with your provider, to ensure the documentation is prepared in accordance with these requirements.

Documentation Guidelines

I. A Qualified Professional Should Conduct the Evaluation

- Documentation containing assessments or diagnoses of specific learning disabilities (LD) and making recommendations for appropriate accommodations should be prepared by a qualified professional.
- The following professionals would generally be considered qualified to conduct evaluations provided that they have additional training and experience in evaluating **adults with learning disabilities**:
 - clinical or educational psychologists;
 - neuropsychologists;
 - learning disabilities specialists;
 - medical doctors with demonstrated training and experience in the assessment of learning disabilities in adults.
- The name, title, and professional credentials of the evaluator, including information about license or certification as well as the area of specialization, employment, and state in which the individual practices should be clearly stated in the documentation. All reports should be typed on professional letterhead, dated and signed.
- Use of diagnostic terminology indicating a diagnosis of a specific learning disability by someone whose training and experience is not in these fields is not acceptable.
- Evaluations performed by members of the student's family are not acceptable.

II. Documentation Should Be Current

- The student should provide recent documentation from a qualified evaluator, even in the case of a long-standing or permanent diagnosis. **Generally the documentation should not be more than three years old**, but a more recent evaluation or update may be needed, depending on the diagnosis and the accommodations requested.
- The provision of reasonable accommodations and services is based upon VLS's assessment of the current impact of the individual's disabilities on his or her academic performance, particularly in testing situations.
- The report should make recommendations appropriate to a law school environment.

III. Documentation Necessary to Substantiate the Learning Disability Should Be Comprehensive

- **History:** The evaluation should discuss relevant information regarding the applicant's developmental, familial, and psychosocial history. The evaluation should include a discussion of pre-existing or coexisting disorders, including behavioral, medical, neurological, and/or personality disorders, along with any history of medication use that may affect the individual's learning.
- **Psychometric Assessment:** the neuropsychological or psychoeducational evaluation should provide clear evidence that a specific LD does or does not exist. Objective evidence of a *substantial limitation to learning* should be provided. Assessment should consist of a comprehensive, individualized, standardized and norm-appropriate assessment battery. Any resulting diagnosis should be based upon a pattern of performance across the battery of tests. Minimally, testing should include,
 - assessment of aptitude/cognitive ability
 - measurement of academic achievement
 - measurement of various domains of cognitive and information processing
 - other instruments to help rule in or out the diagnosis of an LD
- **Test Scores from Standardized Instruments Should be Provided:** Test scores should be included, along with an interpretation of each and a summary. All data should logically reflect a substantial limitation to learning for which the individual is requesting the accommodation.
- **Additional Sources of Information:** Other sources of documentation can be used to corroborate the functional limitations and build a case for the requested accommodation(s). Other supplemental forms of documentation may include school and/or college transcripts, a copy of an accommodation letter to faculty, and official scores from national standardized tests (e.g., LSAT). A detailed letter from a college disability services provider or Human Resources personnel describing current limitations and use of accommodations can also be helpful to supplement comprehensive documentation.
- **Diagnosis:** A clear diagnostic statement and a discussion of functional limitations due to the learning disability are required. The evaluation should document both the nature and severity of the learning disability. The evaluator should describe the impact the learning disability has on major life activities including the significance of this impact on the individual's learning.

- If the data do not support the presence of a learning disability, the evaluator should state that conclusion in the report.
- **Rule out:** Report should rule out alternative explanations for problems in learning, such as emotional, attentional, medical, or motivational problems, in addition to medication effects that may be interfering with learning but do not constitute a learning disability.
- **Accommodations:** The documentation should include specific recommendations for accommodation(s) as well as a detailed explanation of why each accommodation is recommended. The evaluator should support recommendations with a rationale based upon specific test results and/or clinical observations. Nevertheless, students and providers should be aware that VLS has ultimate responsibility for deciding which accommodations are reasonable in the context of VLS's academic program.
 - If an accommodation is not clearly identified in the diagnostic report, Vermont Law School will seek clarification, and, if necessary, more information. VLS will make the final determination as to whether accommodations are warranted and can be provided for the individual.
 - VLS cannot approve accommodation requests for conditions for which the functional limitations are not reasonably predictable. Thus, requests for blanket deadline waivers, or permissions to reschedule exams in anticipation of possible disability-related problems will not be granted. If a sudden or unanticipated problem renders a student, (1) unable to start a scheduled exam; (2) unable to complete an exam already started or (3) unable to complete a paper or take home exam by its due date, accommodations may be granted on a case-by-case basis. See VLS Temporary Disability Policy.

IV. Confidentiality

Information concerning a student's disability, including all documentation submitted in support of a request for accommodations, is treated as confidential under applicable laws and school policies. The information is provided only to individuals who are privileged to receive such information on a need to know basis. VLS will maintain confidential records and all documentation pertaining to disabilities within the Office of the Deputy Vice Dean for Academic Affairs. A copy of the letter determining eligibility for and granting accommodations is submitted to the Registrar's Office. Upon graduation or termination of enrollment, these records shall be archived apart from official educational records.