

# Appendix E Accommodations Policy

## Applicants/Students with Disabilities

It is the policy and practice of the Appalachian School of Law (ASL) to comply with the Americans with Disabilities Act of 1990, as amended by the ADA Amendments Act of 2008, Section 504 of the Rehabilitation Act, and state and local requirements regarding students with disabilities. Under these laws, no qualified individual with a disability shall be denied access to or participation in services, programs and activities of ASL.

All students requesting accommodations are required to complete Section A of the Initial Request Form for Reasonable Accommodations. Section B is to be filled out by a qualified professional. If a student is unsure as to whether Section B is required, the student should meet with the Associate Dean of Academic Affairs.

### **A. GENERAL STATEMENT**

The Appalachian School of Law (ASL) policy regarding students with disabilities recognizes the disabilities may include mobility, sensory, health, psychological, and learning disabilities. ASL will make every effort to provide reasonable accommodations for disabilities to the extent that such accommodations are readily achievable. ASL is unable to make accommodations that are unduly burdensome or that fundamentally alter the nature or fundamental curricular components of the program.

### **B. ENROLLED STUDENTS**

#### *1. Identifying the Need for Accommodation*

Students with disabilities who require accommodations are required to make those needs known to the Associate Dean of Academic Affairs as soon as possible. It is the responsibility of the student to make these needs known in a timely fashion and to provide appropriate documentation and evaluations in appropriate cases. Students should not assume that this information is known to the Associate Dean's Office because their application to law school indicates the presence of a disability.

Students who do not require accommodations need not make their disabilities known.

The Appalachian School of Law reserves the right to submit verification documentation to an appropriate health care or other qualified professional qualified to assist ASL in its review of both the initial verification and any recertifications of the disability.

#### *2. Request for Accommodations*

The following procedure must be followed in order for any student with a disability to receive accommodations:

1. To initiate the request process, please complete all of Section A and return the form to the Associate Dean of Academic Affairs, Appalachian School of Law, 1169 Edgewater Drive, Grundy, VA 24614.
2. Have your Health Care Professional complete Section B and return it to the Associate Dean of Academic Affairs. If there is more than one Health Care Professional responding on your behalf, each must complete a separate form.
3. Please be aware that your request cannot be considered until the Law School has received your completed form and the documentation and recommendations from your Health Care Professional(s) with all of the necessary information. You are urged to submit all of the completed forms and documents as soon as possible, as the Academic Accommodations Committee review process will take a minimum of

48 hours. Students are encouraged to make their request at least 30 days in advance of the requested date of accommodation.

Late requests may result in denial of the requested accommodations if there is not reasonable time to provide the accommodation.

4. Please be aware that Appalachian School of Law reserves the right to request independent evaluations before granting or extending a request for a reasonable accommodation. In addition, the Law School reserves the right to deny a request if the accommodation sought is not supported by the data in the assessment or documentation, and if the accommodation requested fundamentally alters the program of education by lowering academic and other essential performance standards, or if the requested accommodation is overly burdensome to ASL.
5. Once you have completed the "Initial Request Form for Reasonable Accommodations" and received an accommodations package from the Accommodations Committee, you may make a request for recertification for reasonable accommodations for future academic years by filling out the Recertification Form for Reasonable Accommodations. Recertification is not automatic. It is your responsibility to request recertification for each semester.

### 3. *Accommodations*

The Appalachian School of Law (ASL) will make reasonable accommodations for disabilities. These accommodations may include, but are not limited to, course load modifications, exam accommodations, readers, interpreters, and note takers. Such accommodation will not be provided if it fundamentally alters the nature of the program or would be unduly burdensome either financially or administratively.

#### *a. Academic Modifications*

Academic modifications may include reduced course loads, extending the amount of time for graduation, allowing part-time programming, and similar modifications. Only modifications that do not fundamentally alter the nature of the program and are not unduly burdensome financially or administratively are required by law.

#### *b. Auxiliary Services*

Auxiliary services may include interpreters, note takers, readers, assistance with photocopying and library retrieval, and other support services in connection with the academic program. Services for personal use are not provided. Purchase of special equipment to be used at ASL may also constitute an auxiliary service.

The Appalachian School of Law (ASL) does not provide individual tutorial assistance tailored to the special needs of students with disabilities. ASL does have an academic support program that does not discriminate on the basis of a disability. The Director of that program or the Associate Dean of Academic Affairs may refer students with disabilities to faculty or administrators in order to obtain additional help in appropriate cases.

#### *c. Exam Modifications*

Exam modifications may include additional time to take that exam, time allowed for rest breaks, use of a reader, being allowed to eat, use of a separate exam room, or taking the exam at a time other than the regularly scheduled time.

Because of the time needed to arrange these requests, students must make such requests no later than 30 days before exams are to be taken if the request is a first-time request, or, if the need for accommodation becomes known to the student later than such time, as early as possible, but no later than 2 weeks before

exams. If students who have previously been granted an accommodations request accommodations different than those previously granted, or submit new or supplemental documentation to support an accommodation request, the student must submit the request no later than 30 days before exams.

To ensure the Appalachian School of Law can evaluate and process accommodation requests students are strongly urged not to wait until the applicable deadline, but to make their request for accommodation, new or otherwise, as early as possible. Requests for readers, scribes or other assistance should be made early to ensure that there is adequate staffing. Depending on the nature of the disability, new or updated documentation may be required.

d. *Architectural Barriers*

While most aspects of ASL facilities are readily accessible, there may be accessibility issues that need pre-arrangement.

*Parking.*

There are several accessible parking spaces near the law school for individuals who have state-issued handicap parking designations.

*Ramped Entrances.*

Entrance into the law school is available by ramped access.

*Accessible Restrooms.*

Accessible restrooms can be found on every floor of the building.

*Classrooms.*

All classrooms are accessible, but some may be easier to reach than others. For this reason, students with mobility impairments are requested to advise the Associate Dean for Academic Affairs as early as possible in the registration process so that feasible adjustments can be made.

e. *Modification of Policies and Practices*

Class attendance is deemed to be a fundamental aspect of legal education. For that reason, attendance policies for students with disabilities generally will not be waived. Students believing that their particular disabilities may lead to situations beyond ASL's general attendance policy should submit a Section A Initial Request Form for Reasonable Accommodations to the Associate Dean for Academic Affairs. Additionally, the student may be required to submit Section B Evaluation and Recommendation of Healthcare Professional Request Form for Reasonable Accommodations. Because reduced course loads, extensions of time for graduation and other accommodations are available, it would be extremely unusual that the attendance policy would be a necessary reasonable accommodation. Nevertheless, students who believe that other policies and practices should be modified due to their disabilities should direct these requests to the Associate Dean for Academic Affairs, who will forward the request to the Accommodations Committee for review and determination on a case-by-case basis.

### **C. BAR AND MPRE EXAMINATIONS**

Law students with disabilities who believe they will require accommodations in taking their 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 in the law library or online at [www.ncbex.org/bar-admissions/offices](http://www.ncbex.org/bar-admissions/offices). 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 by the Associate Dean for Academic Affairs upon receipt of a written release from the student and will normally be provided within ten (10) working days after receipt of the written release. Accommodations awarded in law school DO NOT guarantee accommodations on the bar examination. All bar examination applicants are required to petition for nonstandard testing conditions within the irrelative jurisdiction.

### **D. GRIEVANCES**

Students who request accommodations and 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 for Academic Affairs. The Associate Dean for Academic Affairs will make every effort to resolve the situation. Students who still believe that they have been discriminated against or are unsatisfied with the accommodation decision may file a written grievance with the Associate Dean for Academic Affairs. The Associate Dean for Academic Affairs will then have fifteen (15) days to make a decision in writing. Students may appeal this decision by filing a written appeal to the Associate Dean for Academic Affairs within five (5) days. The decision by the Dean shall be considered the final decision by the school.



## Appalachian School of Law

1169 Edgewater Drive  
Grundy, VA 24614  
Phone: (276) 935-4349  
Fax: (276) 935-8261

### Section A. Initial Request Form for Reasonable Accommodations

1. To initiate the request process, please complete all of Section A and return the form to the Associate Dean of Academic Affairs, Appalachian School of Law, 1169 Edgewater Drive, Grundy, VA 24614.
  2. Have your Health Care Professional complete Section B and return it to the Associate Dean of Academic Affairs. If there is more than one Health Care Professional responding on your behalf, each must complete a separate form.
  3. Please be aware that your request cannot be considered until the Law School has received your completed form and the documentation and recommendations from your Health Care Professional(s) with all of the necessary information. You are urged to submit all of the completed forms and documents as soon as possible, as the Academic Accommodations Committee review process can take thirty days or more.
  4. Please be aware that Appalachian School of Law reserves the right to request independent evaluations before granting or extending a request for a reasonable accommodation. In addition, the Law School reserves the right to deny a request if the accommodation sought is not supported by the data in the assessment or documentation, or if the accommodation requested fundamentally alters the program of education by lowering academic and other essential performance standards.
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#### Section A. Student Information

\_\_\_\_\_  
Last Name                      First Name                      M.I.                      Student DOB

\_\_\_\_\_  
Address                                      City                                      State                      Zip Code

(\_\_\_\_\_) \_\_\_\_\_                      (\_\_\_\_\_) \_\_\_\_\_  
Telephone – Day                      Telephone – Evening

Semester/term for which you are seeking accommodation(s).

Fall / Spring / Summer /Other: \_\_\_\_\_ Year: \_\_\_\_\_

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A1. Using your own words, describe the difficulties you experience in a learning environment as a result of your disability(ies), the accommodations you have received in the past for your disability(ies), and any new accommodations you anticipate needing in law school to accommodate your disability(ies). Attach additional sheets, if necessary.

Disclaimer: The committee is sometimes unable to grant all of the accommodations you request, or grant accommodations you have not asked for, because the committee's decisions have to maintain the quality of education and professional development that will be delivered to you under accommodations. In other words, you are the expert on your disability so tell us what you think you need, but keep in mind the committee is the expert on legal education and legal practice and may have to deny some requests because they are incompatible with the profession and its training program.

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A3. The Health Care Professional(s) who will be submitting information with respect to my condition(s) and accommodation(s) is (are):

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Student Signature

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Date



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### Reasonable Accommodation Request Form

#### Section B. Evaluation and Recommendations of Health Care Professional

- Please complete all of this form and return it to the Associate Dean of Academic Affairs, Appalachian School of Law, 1169 Edgewater Drive, Grundy, VA 24614. The student's accommodation request will not be considered until the requested information is received by the Law School. You are urged to submit the completed form as soon as possible as the review process can extend to exceed thirty days.
- Please be advised that your assessment **MUST** support the request for any accommodation; please provide specifics as to why a particular accommodation will compensate for the student's disability. The Law School reserves the right to deny a request if the accommodation sought is not supported by the data in the assessment or documentation.
- You have the option of submitting a separate letter with supporting documentation, but at a minimum your letter must cover the following points identified in this form.

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***Please Print*** – Name of Health Care Professional & credentials

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Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip Code \_\_\_\_\_

(\_\_\_\_\_) \_\_\_\_\_  
Telephone No.

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Signature of Health Care Professional \_\_\_\_\_ Date \_\_\_\_\_ Professional License # \_\_\_\_\_

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Name of Student \_\_\_\_\_ Student ID # \_\_\_\_\_

B1. Please note the first date you evaluated and/or treated this student for the disabling condition(s):

\_\_\_\_\_

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B2. Please note the most recent date you evaluated this student for the condition for which the accommodation is being requested:

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B3. Please describe in detail the student's disability(ies) and the effect the disability has on the student's ability to perform the requirements of the law school curriculum. Please indicate which diagnostic tools you used to reach your diagnoses and share any reports that will help the committee understand your recommendations. If necessary, attach a separate sheet.

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B4. What is the expected duration of the disability(ies)?

Permanent?            Yes \_\_\_\_\_            No \_\_\_\_\_

If no, from \_\_\_\_\_ to \_\_\_\_\_

B5. Describe your medical recommendations and state:

- a) Why and how the proposed accommodation(s) will offset the effects of the disability; and,
- b) Whether any other accommodations would have a similar effect.

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Signature of Health Care Professional

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Date





## Appalachian School of Law

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Fax: (276) 935-8261

### Section C. Recertification Form for Reasonable Accommodations

8. Use this form only if you have completed an “Initial Request Form for Reasonable Accommodations” and received an accommodations package from the Accommodations committee.
  9. Please be aware that a request for modification cannot be considered until the Law School has received updated documentation from your Health Care Professional(s) with all of the necessary information. Feel free to use the form “Section B. Evaluation and Recommendations of Health Care Professional” to assist with collecting and submitting updated information. Submit all of the completed forms and documents as soon as possible, as the Academic Accommodations Committee review process can take thirty days or more.
  10. Please be aware that Appalachian School of Law reserves the right to request independent evaluations before granting or extending a request for a reasonable accommodation. In addition, the Law School reserves the right to deny a request if the accommodation sought is not supported by the data in the assessment or documentation, or if the accommodation requested would result in an undue burden to the school or reduce the quality of the educational program.
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### Section A. Student Information

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Last Name                      First Name                      M.I.                      Student DOB

\_\_\_\_\_  
Address                      City                      State                      Zip Code

(\_\_\_\_\_) \_\_\_\_\_                      (\_\_\_\_\_) \_\_\_\_\_  
Telephone – Day                      Telephone – Evening

Semester/term for which you are seeking accommodation(s).

Fall / Spring / Summer /Other: \_\_\_\_\_ Year: \_\_\_\_\_

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Courses enrolled in for the term (please write only one per line):

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Using your own words, describe the difficulties you experience in a learning environment as a result of your disability(ies), the accommodations you have received in the past for your disability(ies), and any new accommodations you anticipate needing in law school to accommodate your disability(ies). Attach additional sheets, if necessary.

Disclaimer: The committee is sometimes unable to grant all of the accommodations you request, or grant accommodations you have not asked for, because the committee's decisions have to maintain the quality of education and professional development that will be delivered to you under accommodations. In other words, you are the expert on your disability so tell us what you think you need, but keep in mind the committee is the expert on legal education and legal practice and may have to deny some requests because they are incompatible with the profession and its training program.

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If applicable, the Health Care Professional(s) who will be submitting information with respect to my condition(s) and accommodation(s) is (are):

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I certify that all of the information provided above is true and accurate. I understand that a false representation regarding the status of my disability(ies) is a violation of the Student Academic Code and may be subject to disciplinary proceedings.

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Student Signature

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Date