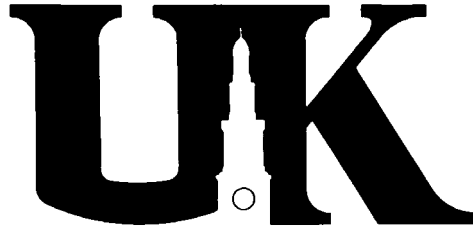


**HANDBOOK FOR
STUDENTS AND APPLICANTS WITH DISABILITIES**



COLLEGE OF LAW

It is the policy and practice of the University of Kentucky College 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. Under these laws, no qualified individual with a disability shall be excluded from participation in or be denied the benefits of services, programs and activities of the University of Kentucky College of Law.

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Adapted with permission from the University of Houston Law Center Handbook on Students and Applicants with Disabilities.

I. GENERAL STATEMENT

In carrying out the College 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 to all qualified individuals with disabilities to the extent 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.

While our legal obligation relates to disabilities of a substantial and long term nature,¹ it is also our practice to provide accommodations when possible for temporary disabilities such as a broken leg or pregnancy.

II. ADMISSIONS

The UK College of Law does not discriminate on the basis of a disability in the admissions process. Law school admission is selective and competitive. When assessing the qualifications of an applicant with a disability, evaluators consider all relevant factors, including the undergraduate program and record, work experience, and any other information that the applicant supplies.

A. The LSAT

Taking the Law School Admission Test (LSAT) is required of all applicants. Students with disabilities are encouraged to take advantage of testing accommodations available from the Law School Admission Council (LSAC). 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 or GPA. 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 both¹ accommodated and

¹Federal law applies to individuals with impairments substantially limiting one or more major life activities, those with a record of such impairments, or 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.

non-accommodated conditions may find it helpful to advise the College as to why the non-accommodated score should not be considered.

B. The Application

1. Identification

Applicants are not required to indicate on the application whether they have a disability. Whether to mention a disability in the personal statement or elsewhere is totally up to the individual. However, because overcoming hardship is one of the factors considered in the admissions process, applicants may want to consider including an explanation of how a disability may have affected academic performance.

2. Documentation

Applicants who do wish to have their disability considered as a factor in the admissions process must identify the disability and provide an explanation of why it should be a factor. Additionally, these applicants shall provide appropriate documentation of the disability. See Appendix A for information relating to documentation requirements and payment for documentation.

3. Reconsideration

The College Admissions Committee does not generally 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 and to provide appropriate documentation at the time of application, if they wish to have the disability taken into account in the application process.

III. ACCEPTED STUDENTS

Once granted admission, a student with a disability who wishes an accommodation therefor must self identify, making his/her request in writing, as soon as possible.

A. Notice

All accepted students are advised in writing to contact the Associate Dean for Student Affairs as soon as possible regarding disabilities that might require accommodations because adequate time is necessary for evaluating documentation, for working out the specific accommodation, for working out arrangements including funding for auxiliary services, and for arranging accommodations for orientation. Students should be aware that delayed requests for accommodations such as interpreters or tape recorded texts, etc., may not be able to be reasonably accommodated because of the time or administrative burden required to make the necessary arrangements.

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

Because it is the policy of the University to forward an applicant's file to the University Registrar's Office for microfilming and destruction after the applicant has been admitted, those

applicants wishing to have letters and other papers relating to disability documentation remain in their files at the law school should request this in writing as soon as possible after they are accepted. There is no guarantee that such documents will be retained, but every effort will be made to do so. These letters may be useful in evaluating whether to provide accommodations to an admitted student. They may also be useful in certification to the bar examiners in the event that the student applies for accommodations on the bar exam.

IV. ENROLLED STUDENTS

All students must satisfy the academic standards of the College of Law. Qualifications for participating in the College of Law's program include but are not limited to the abilities to think critically, draw inferences, and understand, analyze, apply and communicate legal concepts.

The College will provide reasonable academic accommodations necessary to afford equal opportunity and full participation in all College programs for qualified students with professionally verified disabilities.

A. University Disability Resource Center

The University of Kentucky Disability Resource Center coordinates campus arrangements to meet the individual needs of students. It communicates with the faculty concerning classroom accommodations, screens applications for accessible parking, coordinates interpreters for students that are deaf/hearing-impaired, helps locate suitable housing, qualifies students for recording and other services and assists students with various disabilities. It is a liaison with the state's vocational rehabilitation agencies and other campus service providers.

All students with disabilities are urged to register with the Disability Resource Center and to obtain information on the various types of assistance available to them. The Disability Resource Center is located in Room 2, Alumni Gym. For more information, call 606-257-2754.

B. Identifying the Need for Accommodations

Students with disabilities who require accommodations must make those needs known to the Associate Dean for Student Affairs of the Law School as soon as possible. The Associate Dean will need the recommendations of the Disability Resource Center in order to help arrange accommodations at the College. 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. See Appendix A for information regarding documentation requirements and payment for such documentation. A student cannot assume that because his/her application to law school indicates the presence of a disability that this information is known to any other person in the University or in the College.

Even though all students with disabilities are urged to register with the Disability Resource Center, students who do not require accommodations need not make their disabilities known. The information on the student's disability and any accommodation is treated as confidential information under applicable federal, state, and University laws and policies and is only provided to individuals who are privileged 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 make a request of the faculty member. If a request for minor accommodations does not receive an adequate response, the student should make the request of the Associate Dean for Student Affairs.

C. Accommodations

Reasonable accommodations to documented disabilities may include exam accommodations, readers, interpreters, note takers, and/or additional time to complete assignments. Such 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 in writing as early as possible to the Associate Dean for Student Affairs, who will receive the recommendation of the Disability Resource Center and meet with the student to develop an appropriate accommodation plan. See Appendix B for a form for requesting accommodations.

1. Academic Modifications

Academic modifications include those accommodations listed above and similar modifications tailored to the individual needs of a student with disabilities. 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 College must provide justification for refusing to allow a requested reasonable accommodation, higher education institutions are given substantial deference in establishing their academic requirements.

Class attendance is deemed to be a fundamental aspect of legal education. For that reason, faculty members will not waive attendance policies for students with disabilities. Students believing that their situations are extraordinary should direct requests to Associate Dean for Student Affairs.

Requests for any academic modification should be made to the Associate Dean for Student Affairs at the College. In appropriate cases, the adjustment will be made in consultation with faculty. For example, the Associate Dean may arrange a reader administratively, but modifications such as extensions of time for completing course requirements will be made in consultation with the appropriate faculty member.

2. Exam Modifications

Exam modifications may include additional time to take the exam, use of a reader or amanuensis, separate exam room, or taking the exam at a time other than the regularly scheduled time. Students requesting exam modifications may be asked to ascertain the format of the exam 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 a multiple choice format or an essay form.

All exam modification requests are to be directed to the Associate Dean for Student Affairs. See Appendix B for the form. Because of the time to respond to these requests, students must make such requests no later than a month before exams are scheduled.

3. Auxiliary Services

Auxiliary services may include interpreters, notetakers, readers, assistance with photocopying and library retrieval, and other support services in connection with the academic programming. Services for personal use are not provided.

The University of Kentucky does not provide a program of individual tutorial assistance tailored to the special needs of students with learning disabilities. The College has an academic support program, which is free and does not discriminate on the basis of disability. The director of that program or the Associate Dean for Student Affairs may also pair the learning disabled student with an upperclassman, who will be paid by the requesting student.

Students requiring auxiliary services should direct most requests initially to the Disability Resource Center. For certain auxiliary services, the student may be asked to seek eligibility for such services from the Kentucky Department of Vocational Rehabilitation or Department for the Blind or other no cost service providers. The student will work with the Associate Dean for Student Affairs and with the University of Kentucky Disabilities Resource Center in obtaining services which are available. Because obtaining services can be time consuming and costly, students are urged to seek assistance as early as possible after being accepted for admission.

Assistance in the library may be obtained by making a request of the library desk staff. Students who are unable to receive satisfactory responses to their requests for assistance should direct this concern first to the Director of the Law Library and then to the Associate Dean for Student Affairs.

4. Architectural Barriers

While there are many aspects of the facility that are readily accessible, there are some barriers that require advance planning to overcome.

Parking

There are several accessible parking spaces behind the College of Law for individuals who meet university requirements for handicap parking designations. Applications should be made to the Disability Resource Center.

Ramped Entrances

Entrance into the building is available by ramped access to the portico, at the campus entrance facing Memorial Hall. Entrance into the Courtroom is available through the Courtroom door and aisle closest to the building windows. Entry into the Law Library is possible by entering the main entrance on the first floor. Students with disabilities who need to use other floors of the library should arrange with law library staff for someone to let them through the locked areas.

Accessible Restrooms

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

Elevators

A passenger elevator with emergency communication features and a key device is found at the north end of the building.

Classrooms

All classrooms are accessible, but some are easier to reach between classes than others. For this reason, students with mobility impairments are requested to advise the Associate Dean for Student Affairs as early as possible in the registration process.

Housing

There are several choices of accessible housing on campus, including both dormitory and apartment living. For information on housing, contact the Disability Resource Center.

D. Procedures

Students who request accommodations are required to do so in writing, to the College's Associate Dean of Student Affairs, as soon as possible and no later than one month before the event for which accommodation is sought. The students will first be referred to the Disability Resource Center by the Associate Dean for Student Affairs. The Disability Resource Center, after obtaining adequate documentation and consultation with other professionals, will provide the dean of the College of Law with information detailing necessary accommodations for teaching or testing a student.

The dean will provide a statement to appropriate faculty members outlining the necessary accommodations. Faculty members unable to make accommodation shall communicate this to the dean.

The dean, in consultation with the faculty and the Disability Resource Center, will make a final decision regarding implementation of the accommodation. If a student is not satisfied with the dean's decision, a written appeal may be made. See section V. "GRIEVANCES."

E. Academic Dismissal and Readmission

Students who are academically dismissed sometimes raise a disability as the basis for the academic difficulty. As in earlier described situations, the student who self identifies at this point must first follow the Disability Resource Center procedures herein for registering and providing documentation of the disability. At this point the student must also clarify why the disability was not brought to the attention of the administration if it had not been previously, or explain why accommodations that had been provided were not adequate.

Readmission petitions should be directed to the Academic Status Committee of the College.

F. Special Problems for Certain Disabilities

Students with psychological impairments, including alcohol or drug addiction, may wish to seek help from the university's Counseling and Testing Center, located in Frazee Hall, the Jesse Harris Psychological Services Center on Maxwellton Court or the UK Student Health Service. Such counseling is confidential and is not part of the student's official record.

Students should be aware that, although reasonable accommodations are available to such disabilities, all students will be held to the same academic performance standards. Law school is stressful, and students whose disabilities justify accommodations 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.

G. Bar Examination 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 accommodations. Information on how to contact bar examiners in all states is available from the Associate Dean for Student Affairs. 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 upon a written release from the student.

The College's Career Counseling Office provides assistance to all students and does not discriminate on the basis of disability. Students who believe that an employer using the services of that office has discriminated on the basis of disability should bring that to the attention of the Associate Dean of the College's Career Counseling Office.

V. GRIEVANCES

Students who request accommodations from faculty or staff members and who 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 dean of the College, who, in consultation with faculty and Disability Resource Center, will make a final decision. If the student is not satisfied with the resolution, the student may file a written appeal to the Director of the Disability Resource Center, who will refer it to the University of Kentucky Standing Advisory Committee.

APPENDIX A

UK COLLEGE OF LAW DOCUMENTATION POLICY

In order to obtain appropriate accommodations, the requesting student must provide documentation of the disability to the University Disability Resource Center. The cost of obtaining the professional verification shall be borne by the student.

1. Verification of Physical Disability

A student who has a physical disability and seeks accommodations therefor must provide professional verification certified by a licensed physician, audiologist, speech pathologist, rehabilitation counselor, physical therapist, occupational therapist, or other professional health care provider who is qualified in the diagnosis of the disability.

If the initial verification is incomplete or inadequate to determine the present extent of the disability and appropriate accommodations, the University or College shall have the discretion to require supplemental assessment of a physical disability. The cost of the supplemental assessment shall be borne by the student. However, if the institution requires an additional assessment for purposes of obtaining a second professional opinion, then the institution shall bear any cost not covered by any third party payor.

2. Verification of Learning Disability

A student who has a learning disability and seeks accommodation therefor must provide adequate documentation of professional testing and evaluation results which reflect a recognized learning disorder or a severe discrepancy between the individual's intellectual ability and academic achievement level.

adequate documentation verifying the learning disability must:

(A) have been prepared recently, preferably within the past year or be part of a regular and frequent series of assessments; and

(B) be prepared by a professional qualified to diagnose a learning disability, including but not limited to a learning disability specialist, or psychologist; and

(C) 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; and

(D) reflect the individual's present level of functioning in the achievement areas of reading comprehension, reading rate, written expression, including mechanics, grammar, and spelling, and vocabulary; and

(E) reflect the individual's present level of functioning in the areas of intelligence and mental processing abilities.

The assessment must provide data that support any request for an academic accommodation. In the event that a student requests an academic 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 the student must obtain supplemental testing or assessment at the student's expense. However, if the institution requires an additional assessment for purposes of obtaining a second professional opinion, then the institution 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.

If the initial verification is incomplete or inadequate to determine the extent of the temporary disability and appropriate accommodations the College 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 institution requires an additional assessment for purposes of obtaining a second professional, opinion then the institution shall bear any cost not covered by any third party payor.

APPENDIX B

ACCOMMODATION REQUEST FORM

Exam accommodations must be requested at least two weeks before the beginning of each exam period.

Name _____ SS#: _____ Date _____

Class Year _____ Telephone _____ Address _____

Disability _____

Documentation(check one): Attached ___ or Previously Provided ___

Accommodation(s) requested: _____

Courses for which exam accommodation is requested for this semester:

Course	Professor	Exam Day and Time
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

For administrative use only:

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

The following accommodations have not been permitted for the following reasons:

Signature: _____ Date: _____

APPENDIX C
RESOURCES AND REFERENCES

Offices at the UK College of Law

Associate Dean for Student Affairs Drusilla V. Bakert 209 Law Building	257-8321
Career Services Office Susan Steele, Associate Dean 261 Law Building	257-8320
Law Library Director 124 Law Building	257-8346

Other Offices on UK Campus

Disability Resource Center Jacob Karnes, Jr. Assistant Dean of Students Room 2 Alumni Gym	257-2754
Counseling and Testing 301 Frazee Hall	257-8701
School Psychology Clinic & Assessment Lab 641 Maxwellton Court	257-1381
Jesse G. Harris Psychological Services Center 660 Maxwellton Court	257-6853
Student Health Service First Floor, Kentucky Clinic	323-5823

All telephone numbers are in area code 859.