

The University of Texas Medical Branch at Galveston

## **Students with Disabilities: An Institutional Policy**

Revised 11/02

It is the policy of the University of Texas Medical Branch (UTMB) at Galveston to comply with the Americans with Disabilities Act, Section 504 of the Rehabilitation Act of 1973, and state and local requirements regarding students and applicants with disabilities. Under these laws, no otherwise qualified and competitive individual with a disability shall be denied access to or participation in services, programs, and activities of UTMB-Galveston solely on the basis of the disability.

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## The University of Texas Medical Branch at Galveston

### Students with Disabilities An Institutional Policy

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#### 1. Introduction

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This policy is designed to ensure that the academic and other educational programs of University of Texas Medical Branch (UTMB) at Galveston are in compliance with the Americans with Disabilities Act (ADA) [PL 101-336] enacted by Congress in 1990 and with the antecedent Rehabilitation Act of 1973 [PL 93-112]. The Rehabilitation Act of 1973 is the primary non-discrimination law applicable to the admission and post-secondary education of individuals with disabilities. The policy herein described pertains to the academic programs of the School of Allied Health, Graduate School of Biomedical Sciences, School of Medicine, and School of Nursing of the UTMB.

Section 504 prohibits discrimination solely on the basis of the disability of an "otherwise qualified" individual seeking admission to any institution of higher learning that receives federal assistance. Individuals are considered to be disabled when:

- 1) They have a physical or mental impairment that substantially limits one or more major life activities,
- 2) They have a record of such impairment, or
- 3) They are regarded as having such an impairment (See: Americans With Disabilities Act of 1990. PL 101-334, 42 USC 12102).

The ADA, enacted in July 1990, prohibits discrimination against a *qualified* individual with a disability on the basis of that disability. Title III of the ADA has elements that apply to the relationship between a student with a disability and educational institutions. To be considered qualified for a position; the individual must have the necessary prerequisites and must be able to perform the *essential functions* of the discipline (see Section III, Essential Functions). The title also applies to a person who has a history of impairment or is regarded as having such.

The policy defines or describes:

- Key terms related to disabilities
- Categories of reasonable accommodations
- The responsibilities of students, faculty, course directors, and administrators regarding the policy
- Guidelines for assessing a student with a disability
- How students, faculty, course directors and administrators will be informed of this policy.

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#### 2. Policy Statement

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It is the policy of the University to fully comply with the Rehabilitation Act and the Americans with Disabilities Act. The University will make a reasonable accommodation for a qualified student with a disability.

Applicants with disabilities will be evaluated on a case-by-case basis in accordance with the essential functions in effect for the specific program in the school to which the applicant is seeking placement (see § 8 below). All students must possess not only the academic abilities, but also the physical and emotional capabilities required to undertake the full curriculum and achieve the levels of competence required by the faculty of the programs in question. Students who pose a direct threat to themselves or others are excluded from this policy.

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### **3 Mission Statement**

The policy affirms the commitment of the UTMB to meet the needs of students who have disabilities admitted to one (or more) of the schools at UTMB, while upholding the academic standards required by the various schools. UTMB pledges the financial support to achieve full compliance with the law. The policy is designed to enhance collaboration among students with disabilities, faculty, administrators, and support personnel to ensure that these students have the opportunity to attain their academic and professional goals.

Included within this policy is a commitment on the part of responsible parties at UTMB to respect the right to privacy of individuals with disabilities. Accordingly, all parties at UTMB will treat the presence and nature of a student's disability as confidential. Knowledge of this information will be extended only to those who, by virtue of this policy, need to be informed.

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### **4 Definition of Terms**

A. *Disability*: According to the Americans with Disabilities Act of 1990 (ADA), an individual has a disability if she/he has a *physical or mental impairment that substantially limits one or more major life activities, has a record of such impairment, or is regarded as having such an impairment*. Although some disabilities (e.g., spinal cord injury or blindness) are readily observable, other disabilities are not as obvious. In the case of disabilities that are not as obvious, a qualified professional must perform a specialized assessment to identify the disability.

B. *Learning disability*: (as defined by the Rehabilitation Services Administration) "A disorder in one or more of the central nervous system processes involved in perceiving, understanding, and/or using concepts through verbal (spoken) or written language or nonverbal means" (RSA PFD-85-7, 1985, p.2). Learning disabilities are commonly manifested as difficulties with reading, spelling, expressing ideas in writing, or solving mathematical problems.

C. *Essential Functions*: Basic activities (cognitive, psychomotor, and affective) that a student must be able to complete within each professional program of the various schools. Section 8 of this document contains essential functions generally required for students entering any of the schools at the UTMB. A description of more specific essential functions for each of the programs within the schools may be obtained through the Admissions Director of each program.

D. *Reasonable Accommodations*: Any adjustment or modification that allows the individual with

a disability equal access to participation as a student in the various programs of the schools at the UTMB. Examples of reasonable accommodations include constructing ramps at the entrance of a building, installing amplification devices in a lecture hall, and providing additional time to complete examinations. Any reasonable accommodation should not cause undue hardship, financial or otherwise, to the academic/educational programs, schools, or the institution as a whole.

E. *Professional Diagnosticians*: An individual who possesses the knowledge, skills and professional credentials to assess and diagnose a specific disability and recommend reasonable accommodations based on a specific disability.

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**5 Management of Core Process Responsibilities (it is the advice of Legal Affairs to remove references to “compliance” so as to avoid jurisdictional confusion )**

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A. *ADA Coordinator (ADAC)*: The Director of Office of Equal Opportunity and Diversity (OEOD) will appoint an individual to serve as ADA Coordinator for UTMB. This individual will report to the Director of OEOD. This individual will:

- coordinate all student accommodation activity for employees, faculty, and students,
- communicate changes in law or institutional policy to the School ADA Liaisons
- assess and make decisions, in concert with the School ADA Liaisons, and Coordinator of Services for Students with Disabilities (CSSD) about recommended accommodations for students with disabilities within 5 working days of their receipt. (this has been moved from the section below)
- review this policy annually to ensure that it complies with law and institutional policies,
- issue an annual report on accommodations, and
- ensure that the accommodations can be made without undue hardship or financial strain upon the academic/educational programs, the school, or the institution as a whole.

B. *Coordinator of Services for Students with Disabilities*: The Associate Vice President for Student Services of UTMB or his/her designee will serve as the CSSD.. The responsibilities of this individual will be to:

- Work with the ADA Coordinator and School ADA Liaisons on requests for accommodations
- Review annually the performance of each school at UTMB and, jointly with the ADA Coordinator, bring all issues related to students to the attention of the Associate Vice President for Student Support Services (if not serving as the CSSD), the Dean of the respective school, and the Director of OEOD.
- Provide information related to the process and policy
- Consult with the Office of Legal Affairs and the Office of OEOD relative to issues of policy and law;
- Work with the ADA Coordinator to provide education about the requirements of the ADA to faculty, staff, students and administration;
- Notify the Schools on an annual basis regarding yearly ADA training issues.

C. *Essential Functions Committee*: The Director of OEOD will appoint an Essential Functions Committee (EFC). The EFC will work closely with the ADA Coordinator and the CSSD with

respect to the institution's overall compliance with the ADA. The Director of OEOD will elect the chair of the committee after consultation with the Chair of the Academic Education Council.

The purpose of the EFC will be to assist in informing and educating UTMB community regarding students with disabilities and to review and monitor the Essential Functions established by each of the schools for their respective programs. In some instances the EFC may be called upon to review conflicts between students with disabilities and academic/educational program directors. The EFC will report their findings and recommendations to the Director of OEOD and the CSSD. Members of the EFC will include but are not limited to the following:

- Student affairs officers from each of the schools;
- A student representative from each of the schools;
- 2 representatives from the hospital; 2 persons representing support services; and 2 at-large members.
- Specific efforts will be made to ensure that persons with disabilities serve on the committee.
- The ADA Coordinator and the CCSD will be ex-officio members of the committee.

*D. School ADA Liaison (SAL):* The administrative official responsible for student affairs or his/her designee in each school will also be the School ADA Liaison. Responsibilities of these individuals are to:

- Serve on the EFC;
- Serve as contact person relative to students with disabilities in their specific school
- Develop special accommodations when necessary and approved;
- Serve as faculty liaison;
- Advise the CSSD and ADAC when problems (real and perceived) exist relative to issues pertaining to students with disabilities in the respective school;
- Annually provide admissions committee members with information about the ADA as it relates to the admissions process, including what is permitted and what is precluded concerning interviewing and selecting of applicants with disabilities
- Coordinate an annual training session for course/clerkship directors pertaining to students with disabilities;
- Ensure that students (regardless whether they are or are not disabled) who have been invited to matriculate into their respective school receive a copy of the Essential Functions and return the form indicating they can perform the Essential Functions with or without an accommodation; and send any/all materials related to a student's disability to the CSSD and ADAC

*Documentation* in the student's official accommodation file in the OEO & D will include but is not limited to:

- Letters from the student specifying the disability and requesting accommodation(s) due to the disability;
- The student's evaluation for a disability from a qualified professional diagnostician;
- A written response from the university to the request for accommodation and
- A record of the accommodation(s) made for the student.

*E. The ADA Panel* (the SAL, CSSD and ADAC): The Panel reviews disability documentation

for the University provided by the student to verify a disability and the appropriateness of any particular accommodation. The Panel will:

- review the documents submitted. If the panel feels the documentation presented by the student is inadequate, the SAL will send the student a letter detailing the information needed before a decision regarding the accommodation request can be reached. A request for additional information does not constitute a denial of the accommodation request. Failure to provide the requested information will result in no accommodation being provided.
- ensure that a qualified professional, as judged by the professional's curriculum vitae, has assessed the student using accepted means.
- verify that the documentation from the professional who assessed the student must specify the disability, describe how it was assessed, and suggest accommodations, which meet the needs of the student and can be reasonably accommodated by the institution.
- respond to questions regarding assessment of disabilities and appropriateness of recommendations from the student with disabilities.
- provide a written decision ( to be sent by the SAL) either approving or denying the request for accommodation -.
- If the Panel has questions regarding whether or not the student's disability is valid under law, a second opinion can be required by the Panel, and will be paid for by UTMB. The Director of the Office of Equal Opportunity and Diversity will have the authority to make the final decision regarding whether to invoke this option if agreement cannot be reached by the Panel. The SAL will inform the student by letter of the process to follow when a second opinion is required. Failure of the student to submit to a second opinion will automatically result in a denial of the accommodation request. If the second opinion is in conflict with the medical documentation presented by the student, a third and final opinion from a qualified professional will be obtained. The selection of the qualified professional will be with the agreement of both parties and any costs will be equally divided. The third opinion/assessment will be the prevailing determination of whether or not the student has a qualifying disability.
- Maintain confidentiality about the student except as needed in privileged circumstances
- If the student is considered to have a valid or qualifying disability, the School ADA Liaison will consult with the Panel and the faculty of the academic program in question to determine that the accommodation(s) sought are reasonable (See Appendix 2).
- Accommodations are discussed in § 11 below.

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## **6 Faculty Responsibility**

Faculty are responsible for implementing approved program accommodations. Such accommodations may include the provision of auxiliary aids, extra time for completion of tests, and other services.

Methods must be established to evaluate the academic/clinical achievement of students with disabilities. These methods should be compatible with the student's ability, except where such skills are the factors that the test purports to measure. No class review session or event should be

scheduled in any location which limits appropriate physical and programmatic access.

The School ADA Liaison can assist faculty with questions about accommodations. Approved accommodations are not advantages but instead are a means of making sure every student has full access to educational programs. (this language has been moved to the section above) Faculty should refer all student questions about this policy or requests for accommodations to the School ADA Liaison, CSSD or ADAC.

Each course director or instructor, whether based in an academic or clinical setting, will:

- review the policy each year pertaining to students with disabilities.
- discuss implementation of approved accommodations with the student. (The student will have already been informed of the implementation of the accommodation recommended and approved by the EFC.) This should be done on the first day of class.
- Discuss with the School ADA Liaison any concerns/questions related to the student's ability or to the approved accommodations.

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## **7 Student Responsibilities**

Accepted Students: A student who has been accepted into a program within one of the schools at UTMB and plans to matriculate will:

- read the Essential Functions of the program in question. These will be contained in the acceptance letter from the Admissions Director (or designated administrative official) of each program. The student will sign and date the document that verifies his/her capacity to complete the essential functions, either with or without accommodations.
- return the signed and dated document related to Essential Functions to the Director of Admissions along with the response to the program's acceptance letter. The signed and dated document will be placed in the student's file. If a student indicates a need for an accommodation, the Director of Admissions shall forward information to that student about the institutional policy on students with disabilities and about the need to contact the School ADA Liaison if that has not been done already.
- Send the appropriate School ADA Liaison a completed Formal Request for Accommodation due to a Disability (Appendix A) and a request for documentation of disability from a qualified professional diagnostician. These materials should be provided to the School ADA Liaison as soon as possible but no later than 60 days after receipt of the acceptance letter (or within 30 working days after being diagnosed with a disability). This timeline ensures that these requests can be assessed by the ADA Coordinator and enhances the probability that accommodations will be dealt with in a timely manner.
- The documentation from the student and his or her professional diagnostician must specify the claimed disability, the identity of the professional individual who determined the disability status, how the status was determined, and recommend reasonable and specific ways to accommodate the student's disability within the context of the academic program.

Students who are diagnosed with a disability after matriculation: Students with a disability will follow the relevant procedures enumerated above and then:

- review and adhere to the institutional policy on students with disabilities.
- inform the course (academic or clinical) instructor/director, if needed, (through the School ADA Liaison) of the authorization or approval for an accommodation at the start of a course/clinical experience, so that the student and course instructor/director can coordinate the specified accommodation(s).
- notify the School ADA Liaison in writing within 24 hours of any problem/concern relating to the implementation of any approved accommodation(s) based on a disability. This time period allows the School ADA Liaison to investigate and respond where appropriate.

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## **8 Essential Functions**

The faculties of the Schools of Allied Health, Graduate Schools, Medicine and Nursing have developed Essential Functions Documents (EFDs). An EFD includes the minimum physical, cognitive, and behavioral standards expected of all students accepted in that academic program at UTMB. The Essential Functions are described as expected outcomes rather than in terms of the processes used to achieve the standard. The EFDs of each school will be annually reviewed and updated. Students at UTMB must be able to perform the following essential functions with or without accommodations. Each program may further elaborate on these general descriptions so that they are congruent with the professional roles toward which each program educates. Students must be able to perform, with or without an accommodation, both sets of essential functions.

*A. Observation (to include the various sensory modalities):* Students must be able to accurately observe close at hand and at a distance to learn skills and to gather data (e.g., observe an instructor's movements, a patient's gait or verbal response, a chemical reaction, a microscopic image, etc.). Students must possess functional use of the senses that permit such observation.

*B. Communication:* Students must be able to communicate effectively and efficiently. Students must be able to process and comprehend written material.

*C. Psychomotor Skills:* Students must have sufficient motor capacities and mobility to execute the various tasks and physical maneuvers that are required within each program. Students must be able to display motor functioning sufficient to fulfill the professional roles toward which each program educates.

*D. Intellectual and Cognitive Abilities* Students must be able to measure, calculate, reason, analyze, synthesize, integrate, remember and apply information. Creative problem solving and clinical reasoning require all of these intellectual abilities. In addition, specific programs require that Students must be able to comprehend three-dimensional relationships and understand the spatial relationships of structures.

*E. Professional and Social Attributes:* Students must exercise good judgment and promptly complete all responsibilities required of each program. They must develop mature, sensitive, and

effective professional relationships with others. They must be able to tolerate taxing workloads and function effectively under stress. They must be able to adapt to changing environments, display flexibility, and function in the face of uncertainties and ambiguities. Concern for others, interpersonal competence and motivation are requisite for all programs.

F. *Ethical Standards*: A student must demonstrate professional attitudes and behaviors and must perform in an ethical manner in dealings with others. All programs require personal integrity and the adherence to standards that reflect the values and functions of the profession. Many programs also require adherence to a code of ethics.

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## **9 Recruitment of Students to Academic Programs**

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(this language is moved to the next section)

Recruitment materials for all schools should state the commitment of UTMB to equal opportunity for students with disabilities, as well as to students with gender, national origin, race, religion and sexual preference differences. The recruitment materials should also state that the academic program has Essential Functions that describe specific skills and outcomes that a student must be capable of performing to be successful in the program with or without reasonable accommodations. The Essential Functions of each program should be available to applicants on request. Recruitment materials should also indicate that an applicant with a documented disability could request reasonable accommodation, if needed, during the admissions process by seeking assistance from the CSSD. Recruitment materials should reflect that all medical and psychiatric information provided by the student pursuing an accommodation will be considered confidential.

The name, address and telephone number of the CSSD and School Liaison should be listed on all recruitment material.

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## **10 Admissions: Documents and Process**

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All individuals who apply for admission to programs within UTMB schools, including persons with disabilities, must be able to perform the essential functions of that program either with or without accommodations.

All application forms, application invitations, or other correspondence with applicants should include a statement of equal opportunity for students with disabilities. Letters of invitation to interviews should invite students to request any needed accommodations for the interview process. Academic programs will indicate the following in admission documents:

UTMB is committed to equal opportunity for students with disabilities. If you have a documented disability or would like to obtain information regarding services for students with disabilities at UTMB, please contact the Coordinator of Services for Students with Disabilities, Lee Hage Jamail Student Center Suite 2.100 or at ext. 21996. This information will be confidential; only those individuals responsible for assuring reasonable accommodations will be given this information.

Academic programs will include a procedure for use during the admission process whereby

accepted applicants are asked whether or not they can meet the Essential Functions of the academic program with or without reasonable accommodations. . Accepted applicants have the burden of proof to demonstrate that they can meet the Essential Functions of the academic program.

Accepted applicants who indicate that they can meet the Essential Functions of the academic program but need reasonable accommodations to do so will be referred to the School ADA Liaison. The School ADA Liaison will contact the applicant to request documentation of the disability. Students are responsible for any and all costs associated with verifying their disability, i.e., if an assessment is deemed necessary, those costs lie with the student. The only exceptions to this obligation are those circumstances where the University requires a second professional opinion regarding the claimed disability; in those circumstances the University will pay for the second assessment. If a third assessment/opinion is needed, any costs associated will be divided equally between the student and UTMB.

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## **11 Accommodations**

Students needing information about the physical accessibility of the facilities on the campus should contact the ADA Coordinator. Educational or programmatic accommodations are individually determined to fit the specific needs of a student with a disability. The School ADA Liaison within each school, the CSSD, and the institution's ADA Coordinator will confer to ensure that the student's requested accommodation is reasonable; that is, it does not alter the fundamental nature of the program and that it can be provided without undue hardship to the institution. . If the SAC, CSSD and ADAC cannot reach an agreement, the Office of the President will make the final determination.

Some general categories of accommodations and a rationale for each are presented below: (See Appendix 2).

- A. Accommodations that allow equal access to information presented in lecture format.  
*Rationale:* A student with a disability should have equal access to information that an instructor provides. A student needs to be able to obtain this information through some modality that circumvents the limitation created by his/her disability.
  
  - B. Accommodations that allow equal access to reference materials required for class.  
*Rationale:* A student with a disability should have equal access to books, periodicals, and other study materials that an instructor requires or assigns. A student needs to access this information through some modality that circumvents the limitation created by his/her disability.
  
  - C. Accommodations that allow equal opportunity to demonstrate what has been learned.  
*Rationale:* A student with a disability should have equal opportunity to demonstrate that he/she has learned the instructional material, whether that material relates to classroom, laboratory, or clinical learning. If a disability limits the manner in which the student can communicate his/her knowledge, adjustments to the usual format should be made or other mechanisms, which facilitate this communication, should be made available.
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## **12 Appeal Process for Decisions Denying Requests for Accommodations (delete)**

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### **13 (12) Development or Discovery of a Disability after Matriculation**

Students who have already enrolled in an educational program at UTMB and who discover the presence of a disability after enrollment are both eligible and accountable for the provisions within this policy. Students who become aware of the presence of a disability requiring accommodation should contact the School ADA Liaison, CSSD and/ or ADAC

The School ADA Liaison will inform the student who is requesting an accommodation of the documentation and other requirements needed by UTMB to substantiate the presence of a qualified disability (see Appendices C & D).

### **14 (13) Disabilities: Learning, Attention Deficit Disorders and Other**

Individuals who have documented learning disabilities and/or attention deficit disorders are also covered by the Americans with Disabilities Act and Section 504 of the Rehabilitation Act of 1973. Specific guidelines have been established to cover these disabilities and are detailed in Appendix D

#### **Other Disabilities**

Although it is impossible to list all disabilities, the same non-discriminatory policies of access and accommodations apply. The following, however, are not considered to be disabilities under the ADA: homosexuality, bisexuality, transvestitism, transsexualism, pedophilia, exhibitionism, voyeurism, gender identity disorders not resulting from physical impairments, or from other sexual disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from current illegal use of drugs (See ADA PL 101-34 Section 511, 42 USC 12111). Normal pregnancy and handedness are also excluded as disabilities under the ADA.

### **15 (14) Student Handbooks and Bulletins**

In addition to the contents specified in Section 7 of this document, the school handbooks and bulletins of each UTMB School should contain the following:

If you have a documented disability or would like to obtain information regarding services for students with disabilities at the UTMB, please contact the Coordinator of Services for Students with Disabilities at 409/772-1996.

In addition, school handbooks should contain:

- A precise description of the admission requirements and the ethical and academic performance standards of the school.
- A precise description of the academic standards, which define good standing in the academic program, as well as policies that govern academic progress and graduation

and the conditions for remediation and counseling.  
A description of the maximum amount of time that can be taken for completion of the academic program and the awarding of the appropriate degree.

Appendix A

**Student's Formal Request for Accommodation due to a Disability**

Date:

TO: The School ADA Liaison

I request accommodation due to a specific disability. The documentation of my disability is attached as specified in the UTMB institutional policy regarding students with disabilities. I understand and hereby authorize that the documentation will be reviewed by appropriate UTMB officials.

FROM: Students Name (printed)

(Student's Signature)

Attachment: Documentation of a Specific Disability

Appendix B

**Letter from Student Affairs to Academic/Clinical Course Instructor/Director –  
Verifying Disability Listing Recommended Accommodation (s)**

MEMORANDUM

TO: Course Instructor/ Director

FROM: School ADA Liaison

DATE:

SUBJECT: Request for Accommodation(s) due to a Specific Disability

In accordance with university policy a qualified professional has determined that the following student has a specific disability:

Student's Name

The necessary documentation has been submitted as required. The University has reviewed the documentation and request for accommodation. The University has approved the following accommodations:

(List accommodations)

Please discuss the approved accommodations with the student. If you have questions about this request please contact your School ADA Liaison. Also, please maintain confidentiality about the student's disability. A broadcast message to all faculty is inappropriate.

NOTE: This form may be sent by the university official directly to the faculty or taken by the student as appropriate.

## Appendix C

### **Educational Accommodation for Disabilities Other than Learning Disabilities**

Students requesting educational accommodations must provide the following:

1. Written documentation of the disability
  2. A qualified, certified/licensed/registered professional who is qualified to diagnose disabilities should prepare documentation, including but not limited to doctors of medicine, doctors of osteopathy, educational diagnosticians, learning specialists, psychologists, physical therapists, and occupational therapists.
3. Documentation should describe the student's condition and should include:
  - A. Specific diagnosis
  - B. Information that provides the basis for the diagnosis
  - C. A description of how the diagnosed condition has an impact on a major life activity, such as learning, and functional limitations the student may have due to the disability
  - D. Recommendations for reasonable accommodations, if needed, and why such accommodations are needed
  - E. Name(s), address(es), telephone number(s), and qualifications of each professional who provides the documentation.

## Appendix D

### **Guidelines for Documentation of a Specific Learning Disability**

#### ***A Qualified Professional***

Professionals conducting assessments and rendering diagnoses of specific learning disabilities must be qualified to do so. Experience in working with an adult population is essential. When selecting a qualified professional, the following suggestions are offered for students/consumers:

The name, title, date(s) of testing and professional credentials of the evaluator, including information regarding areas of specialization, experience with adult assessment, employment and state in which individual practices, should be clearly stated plus any relevant licensing or certification information (e.g., licensed Psychologist). For example, the following professionals would generally be considered qualified to evaluate specific learning disabilities: Clinical or Educational Psychologists, Neuropsychologists, Learning Disabilities Specialists and Medical Doctors professionally recognized to treat specific learning disability conditions. An evaluation by someone whose training is not consistent with the criteria herein does not meet eligibility requirements.

#### ***Evaluation Report***

The evaluation report should include a diagnostic interview, current and appropriate tests or assessments, specific diagnosis, actual tests scores, description of requested accommodation, and information on any previous accommodation. All reports must be typed and otherwise legible.

#### ***The Diagnostic Interview***

Because learning disabilities are most commonly manifested during childhood, historical information of learning difficulties in elementary, secondary and post-secondary education must be included. An evaluation report must also include a comprehensive diagnostic evaluation by a qualified professional who addresses relevant background information to support the diagnosis. Such information includes:

1. Developmental history
2. Academic history including results of prior standardized testing and reports of classroom performance and behavior
3. Family history
4. Psychosocial history
5. Medical history and physical examination
6. History of prior psychotherapy and pharmacotherapy
7. Discussion of a diagnosis of alternative or co-existing mood, behavior and neurological and/or personality disorders
8. A description of the presented learning problem(s)

*Testing must be current*

In most cases, the student should have been tested within five years before seeking accommodation. Because the provision of all reasonable accommodations and services is based upon assessment of the current impact of the student's disabilities on his/her academic performance, it is in a student's best interest to provide recent and appropriate documentation.

*The report must include a specific diagnosis*

The nature and severity of the functional limitation(s) must be supported by the test data, academic history, anecdotal and clinical observations that may include the student's level of motivation, study skills and other non-cognitive factors. These findings must support the fact that the individual's functional limitations are due to the stated disabilities. Individual "learning styles", "learning differences" and "academic problems" in and of themselves do not constitute a learning disability.

*Actual test scores must be provided*

Standard scores must be provided for all normative measures. Percentiles are also acceptable. Grade equivalents are not acceptable unless standard scores and/or percentiles are included. The assessment must show evidence of discrepancies and intra-individual differences. The particular profile of the student's strengths and weaknesses must provide a rationale for the accommodations that are recommended.

*A description of requested accommodations*

The diagnostic report must include specific recommendations for accommodations, rationale and relevant recommendations regarding the curriculum as well as testing considerations. A detailed explanation must be provided as to why each accommodation is recommended and should be correlated to specific test results or clinical observations.

*Previous accommodations*

If other institutions in the past provided any accommodation, it should be discussed. Information about specific conditions under which the accommodations were used (e.g., standardized testing, final exams, national board examinations) and whether or not they benefited the student should also be included. For example, if the diagnosed condition is a learning disability, what is the processing disorder and what is the relationship between the disorder and the requested accommodation? Any school plan (e.g., individualized education program) is not sufficient in and of itself, but can be included as part of a more comprehensive assessment battery as described in this document.

If no prior accommodations have been provided, the qualified professional and/ or the student should include a detailed explanation as to why no accommodations were used in the past and why accommodations are needed at this time.

*Types of Tests*

*The Neuropsychological or Psychoeducational Evaluation.* The neuropsychological or psychoeducational evaluation for the diagnosis of a specific learning disability must be submitted on letterhead of the qualified professional, and must provide clear and specific evidence of a learning disability. Tests used to document eligibility must be technically sound. The tests used must be reliable, valid and standardized for use with an adult population.

The test findings should document both the nature and severity of the learning disabilities. Tests must include aptitude, achievement, and information processing evaluations. In most cases, it is not acceptable to administer only one test, nor is it acceptable to base a diagnosis on only one of several parts of a single test (subtests). Objective evidence of a substantial limitation to learning must be provided. Minimally, domains to be addressed must include the following:

#### *Aptitude Tests*

A complete battery of standard aptitude tests is required with all students. This must include at least one of the following:

- Wechsler Adult Intelligence Scale - Revised (WAIS-3) (the preferred instrument)
- Woodcock-Johnson Psychoeducational Battery – Revised Tests of Cognitive Ability
- Stanford-Binet Intelligence Scale: Fourth Edition
- The Slosson Intelligence Test - Revised and the Kaufman Brief Adult Intelligence Test (K-BIT) do not constitute adequate intelligence test measures.

#### *Achievement Tests*

A complete battery of achievement tests is required with all students. The battery may include current levels of academic functioning in reading (decoding and comprehension), mathematics and written language. Acceptable instruments include, but are not limited to:

- Woodcock-Johnson Psychoeducational Battery - Revised Tests of Achievement
- Wechsler Individual Achievement Test (WIAT)
- Stanford Test of Academic Skills (TASK)
- Scholastic Abilities
- Test for Woodcock Reading Mastery Tests - Revised
- Stanford Diagnostic Mathematics Test

The Wide Range Achievement Test - (WRAT-3) is not a comprehensive measure of achievement and therefore is not acceptable if used as the sole measure of achievement. The Nelson- Denny is a useful screening instrument when administered under standardized conditions, but should not be used as a basis for diagnosis.

#### *Information Processing Assessment*

Specific areas of information processing (e.g., short and long-term memory, sequential memory auditory and visual perception/processing speed, executive functioning, motor ability) must be assessed. Acceptable instruments include, but are not limited:

- Detroit Tests of Learning Aptitude-3 (DTLC- 3)
- Information from subtests on the WAIS-R
- The Woodcock-Johnson Tests of Cognitive Ability
- WMS-3
- Other instruments relevant to presenting the learning problem(s).



## Appendix E

### Description of Necessary Skills

1. A description of the motor skills necessary for satisfactory completion of the academic/clinical program and the professional behaviors/actions that utilize the skills that are expected of all graduates.
2. A description of the sensory skills necessary for satisfactory completion of the academic/clinical program and the professional behaviors/actions that utilize the skills that are expected of all graduates.
3. A description of the communication skills necessary for satisfactory completion of the academic/clinical program and the professional behaviors/actions that utilize the skills that are expected of all graduates.
4. A description of the cognitive skills (intellectual-conceptual, integrative and quantitative skills) necessary for satisfactory completion of the academic/clinical program and the professional behaviors/actions that utilize the skills that are expected of all graduates.
5. A description of the affective and social skills necessary for satisfactory completion of the academic/clinical program and the professional behaviors/actions that utilize the skills that are expected of all graduates. This category describes behaviors/actions such as professional responsibility to patients, typical daily workloads, and work in an environment, which may change rapidly without warning, and/or in unpredictable ways.

Although not included as part of the EFD, the faculty's deliberations in formulating the essentials for each program will rest upon an analysis of those functions that are considered essential within the larger profession (and not just professional specialties, i.e. psychiatry) for which the individual is seeking education. Accordingly, EFC will have considered the following:

- If and when third party intermediaries, such as an interpreter for a hearing impaired student or a reader for a visually impaired student, can be used to assist students with disabilities in performing the requirements of the program, including its clinical portions.
- Reasonable versus unreasonable alternative means that might be used by a student with a disability to achieve the desired professional behavior/action for each Essential Function.
- Proactive ways of educating students who have disabilities.



## **ABBREVIATIONS**

ADA-----Americans with Disabilities Act

UTMB----University of Texas Medical Branch

ADAC----ADA Coordinator

CSSD-----Coordinator of Services for Students with Disabilities

EFC-----Essential Functions Committee

SAL-----School ADA Liaison

EFD-----Essential Function Document

WAIS-R--Wechsler Adult Intelligence Scale-Revised

WAIT-----Wechsler Individual Achievement Test

TASK-----Stanford Test of Academic Skills

DTLC-3--Detroit Tests of Learning Aptitude-3