

UNDERSTANDING THE SCOPE OF W&L'S RESPONSIBILITIES TO STUDENTS WITH DISABILITIES

Section 504 of the Rehabilitation Act and the Americans with Disabilities Act prohibit colleges and universities from discriminating against qualified students with disabilities on the basis of disability in educational programs and activities. Some students with disabilities entering W&L may have had an "individualized education plan" (IEP) while in the public school system, which may have framed their expectations as to what obligations postsecondary institutions have in addressing their disabilities. It is important that students and parents understand the IEP is a requirement of the Individuals with Disabilities Education Act (IDEA), an Act that does not apply to colleges and universities.

Q: What does W&L's non-discrimination mandate mean for students with disabilities?

A: W&L is committed to making its educational programs and services accessible to qualified students with disabilities by: (1) providing architectural access; (2) providing aids and services necessary for effective communication; and (3) by reasonably modifying policies and practices as necessary to accommodate student disabilities.

W&L may deny services or accommodations if a student does not meet the eligibility criteria of 504/ADA, or if the student's supporting information is inadequate in the judgment of the designated Dean. W&L is not required to provide an accommodation that compromises the essential requirements of a course or program (in other words, that would fundamentally alter a program), imposes an undue financial burden on the overall institutional budget, or poses a health/safety threat.

Q: What does it mean to be a "qualified student with a disability"?

A: A student with a disability is a student who has a *physical or mental impairment* (e.g., blindness, paraplegia, schizophrenia) that *substantially limits* one or *more major life activities* (e.g., walking, seeing, learning.)

An impairment constitutes a disability when it prevents an individual from performing a major life activity that the average person in the general population can perform or when the individual is substantially limited as to the condition, manner or duration he/she can perform a particular major life activity as compared to the average person in the general population.

A "qualified student with a disability" is a disabled student who, with or without a reasonable accommodation (in the form of architectural access, communication aids/services, or modification of policies or practices) meets the university's essential eligibility requirements.

Q: Must students with disabilities disclose and document their disabilities?

A: If you do not need any accommodation, you can choose not to disclose your disability. However, if you feel that you need an accommodation because of your disability, you should make your disability and requested accommodation known to the designated Dean under W&L's policy. Unlike the IDEA, neither 504 nor the ADA provide for a post-secondary institution to seek out students with disabilities; it is in the students' discretion whether to self-identify and seek accommodations.

Once you have initiated a request for accommodations, the designated Dean will talk with you about what documentation s/he will need to establish that you have a current qualifying disability and what accommodations you need because of that disability. If you do not initially provide adequate current documentation, it will be your responsibility to obtain any necessary new evaluations and documentation.

Q: Isn't my K-12 IEP or 504 Plan all I need to document a qualifying disability and need for accommodations at W&L?

A: Not in most cases. A K-12 IEP or 504 Plan will certainly be considered if submitted in support of your request for accommodations; however, it may not be adequate to support your current functioning and/or your need for certain accommodations in the very different educational environment of college or law school.

Q: Isn't my doctor's prescription for ADD/ADHD medication (or medication for other cognitive or mental health impairment) all I need to document a qualifying disability and need for accommodations at W&L?

A: No. The fact that you may be on medication for any mental or physical health impairment does not necessarily mean that you have a qualifying disability or that you need accommodations at W&L. Indeed, under the law, W&L cannot take mitigating measures like medication into consideration in determining whether you have a qualifying disability. However, if the medication improves your functioning, you may not need certain accommodations.

Q: Whom should I contact with other questions about W&L's policy and procedures for accommodating students with disabilities?

A: Undergraduate programs: Associate Dean of the College
Washington and Lee University
Lexington, Virginia 24450
(540) 458-8746

Law School programs: Assistant Dean for Student Affairs
Washington and Lee School of Law
Lexington, Virginia 24450
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