

UNIVERSITY OF CALIFORNIA

PRACTICES FOR THE DOCUMENTATION AND ACCOMMODATION OF STUDENTS WITH LEARNING DISABILITIES – REVISED^{1,2}

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Federal³ and State law⁴ and University of California policies⁵ require the University to provide reasonable accommodation³ in its academically related programs to students with disabilities, including students with learning disabilities. The University employs the definition of learning disabilities developed by the National Joint Committee on Learning Disabilities: The term "learning disabilities"

refers to a heterogeneous group of disorders manifested by significant difficulties in the acquisition and use of listening, speaking, reading, writing, reasoning, or mathematical abilities. These disorders are intrinsic to the individual, presumed to be due to central nervous system dysfunction, and may occur across the life span. Problems in self-regulatory behaviors, social perception, and social interaction may exist with learning disabilities but do not by themselves constitute a learning disability. Although learning disabilities may occur concomitantly with other [disabling] conditions (for example, sensory impairment . . . serious emotional disturbance) or with extrinsic influences (such as cultural differences, insufficient or inappropriate instruction), they are not the result of these conditions or influences.⁶

University of California students with learning disabilities typically have average to superior ability, yet experience marked difficulty in one or more academic areas as a result of a significant information processing disorder. To be considered a disability that warrants accommodation, the disorder must limit a major life activity.

I. DOCUMENTATION OF LEARNING DISABILITIES

It is the responsibility of each student who requests services from the University of California to provide a comprehensive written evaluation of his or her learning disability.

To verify the student's eligibility under Federal³, State⁴, and University⁵ mandates and to document his/her need for reasonable accommodations and support services, this evaluation must demonstrate fulfillment of the following requirements:

A. Testing Must Be Comprehensive

It is not acceptable to administer only one test in making a diagnosis. The domains to be addressed must include, but are not limited to, the following:

1. **Aptitude**

The *Wechsler Adult Intelligence Scale (WAIS-III or WAIS-IV)* with scaled scores and percentiles and / or the *Woodcock-Johnson Psycho-Educational Battery-Revised (WJ-III): Tests of Cognitive Abilities* (with standard scores and percentiles) are the preferred instruments.

2. **Achievement**

The student's current levels of functioning in reading, mathematics, and written language must be assessed under timed and untimed conditions as appropriate to corroborate underachievement in specific academic areas. Acceptable instruments include: (a) the *Woodcock–Johnson Psycho–Educational Battery: Tests of Achievement (WJ-III)* or, (b) specific achievement tests like the *Nelson–Denny Reading Test*, *Woodcock Reading Mastery Tests–Revised*. (*The Wide Range Achievement Test (WRAT-3)* is not a comprehensive measure of achievement and, therefore, is not suitable by itself.) Additional formal and informal tests as well as observations may be integrated with the above assessments to assist in determining the presence of a learning disability and differentiating from co-existing disorders.

3. Information Processing

Specific areas of information processing (for example, short- and long-term memory, reasoning, sequential memory, auditory and visual processing, and processing speed) must be assessed. Use of subtests from the *WAIS-III*, *WAIS-IV* and/or the cognitive portion of the *Woodcock–Johnson Psycho–Educational Battery (WJ-III)* is acceptable. Additional testing such as the *Wechsler Memory Scale (WMS-III or WMS-IV)* or the *Learning Efficiency Test-II*, designed to assist in corroborating the existence of processing disorders as identified by the *WAIS- III or WAIS-IV or the WJ-III, Tests of Cognitive Abilities* is recommended.

B. Test Instruments

The test instruments used to determine eligibility must be statistically valid and reliable, and standardized with age-appropriate norms.

C. Test Score Data

Test score data must be included in the diagnostic reports to document the basis of the diagnosis. Test data must be reported in standard scores and percentiles based on national norms. Additionally, diagnosing professionals are required to report standard scores using age norms when available (as they are for the *WJ-III*).

D. Testing Must Be Current

It is in the student's best interest to provide recent and age-appropriate documentation, as this will enable staff to determine the functional limitations requiring reasonable accommodations and support services in the academic setting. The testing should have been conducted during adulthood (18 years or older) or within three years of the student's initial request for disability-related services at the University. Written reports must include the date of testing.

The appropriateness of the most current documentation will be determined by a Learning Disabilities Specialist, the program director, or other qualified staff member designated by the Disability Services Director. Additional testing may be required to determine the most appropriate accommodation(s).

E. Diagnosing Professionals

The professional(s) conducting the assessment and rendering diagnoses of specific learning disabilities must be qualified to do so. Qualified professionals include licensed educational psychologists, clinical psychologists, learning disabilities specialists, and speech and language pathologists. These professionals must have expertise in learning

disabilities, training in administering the tests used, and be experienced in working with adults. The diagnosing professional's name, title, signature and license number (if applicable) must be included on letterhead stationery.

F. Intake History and Presenting Concerns

A written summary of the student's educational, medical, and family histories and presenting concerns that may relate to learning disabilities must be included in the diagnostic report. This summary should demonstrate that the student's difficulties in acquiring and using various academic skills are not the result of other factors such as educational underpreparation, sensory impairment, serious emotional disturbance, cultural differences, or insufficient instruction, but, indeed, point to a lifelong history of learning difficulties.

G. Written Report

The reports must describe the testing procedures, the instruments used to assess the individual, and interpretation of the test results related to the behavioral observations and intake history. The diagnosing professional is encouraged to use direct language in the written report, including whether a learning disability is confirmed or ruled out.

Finally, there must be clear and specific evidence and identification of the student's learning disability. Individual learning or processing differences do not, by themselves, constitute a learning disability. The determination of a learning disability should be based on: (a) an educational history, (b) behavioral observations, and (c) clearly specified and significant intra-cognitive and cognitive-achievement discrepancies. To establish eligibility for accommodations under state and federal law, the documentation must show current (See Section D, Pg. 3) functional limitations imposed by the learning disability in the academic setting, and evidence that the learning disability limits a major life activity.⁶

II. ACADEMIC ACCOMMODATIONS AND SUPPORT SERVICES

University academic accommodations and support services are not intended to remediate but are to provide students equal access by reducing the negative impact of their disabilities.

"Remediation" is defined as instruction in basic skills not acquired earlier in the educational process (for example, basic spelling), while "accommodation" refers to the provision of services that ensure equal access to a student with a learning disability (e.g., providing extended examination time for a student who processes information more slowly than other students because of a learning disability).

Academic accommodations and support services are determined on an individual basis. Each accommodation is based on functional limitations as identified in the documentation and is designed to meet a student's needs without fundamentally altering the nature of the student's instructional program(s) or altering any directly-related licensing requirement. Accommodations and support services are provided upon the recommendation of a Learning Disabilities Specialist, the Disability Services Director, or other qualified staff member designated by the Director.

It is the responsibility of a Learning Disabilities Specialist, the Program Director, or other staff member designated by the Director to determine appropriate accommodations and services. This determination will be made after interviewing the student and reviewing the information furnished by the diagnosing professional(s). If the University's disability specialist does not find appropriate and sufficient evidence on which to base decisions concerning accommodations and services for a student with a learning disability, the student may be referred for additional assessment (e.g. tests of intelligence, cognition/information processing, and academic achievement).

Each campus has procedures for resolving complaints or grievances regarding the provision of academic accommodations and support services.

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¹ These *UC LD Practices* were revised within the scope of the *Guidelines for Documentation of a Learning Disability in Adolescents and Adults*, the national model published by the Association on Higher Education and Disability (*AHEAD*).

² The *Practices* (formerly *Guidelines*) were originally issued in August, 1988. The revised version was adopted by the Directors of the University's Disabled Student Services on October 27, 1994. The current *UC LD Practices* were adopted by the Directors in July, 1998. Updated in June 2009.

³ Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (ADA), and the ADA Amendments Act of 2008 are the pertinent Federal laws; Section 504 of the Rehabilitation Act of 1973 uses the term "academic adjustments" when referring to ways of promoting instructional and programmatic access for students with disabilities. The term "reasonable accommodation and support services" is used in these *Practices* because it emphasizes the goal of addressing the student's disability-related need for equal access in the academic setting.

⁴ Part 40, Chapter 14.2 of the California Education Code (conditions for State funding of services to disabled students) and Government Code sections 1135 and 12926 are the pertinent State law.

⁵ University of California Policies Applying to Campus Activities, Organizations, and Students, Section 140.00: Guidelines Applying to Non-discrimination on the Basis of Disability.

⁶ Cited by Loring C. Brinckerhoff, Stan F. Shaw, and Joan M. McGuire in *Promoting Postsecondary Education for Students with Learning Disabilities: A Handbook for Practitioners*, 1993. Readers may wish to review the section entitled "An Operational Definition of Learning Disabilities" in Brinckerhoff et al., *op. cit.*, pp. 73-79.