

## **Documenting Attention-Deficit/Hyperactivity Disorder (ADHD)**

Vermont Law School provides equal access to services and programs to all qualified individuals with disabilities. If you have ADD/ADHD, you may be entitled to reasonable accommodations under the Americans with Disabilities Act (ADA) of 1990 and Section 504 of the Rehabilitation Act of 1973. If you request accommodations, it is recommended that you provide VLS with documentation indicating that a specific disability exists and that the identified disability substantially limits or restricts the condition, manner, or duration under which an average person in the population can perform a major life activity, including learning. The documentation should support **each** request for accommodation, academic adjustment or modification, or auxiliary aid.

Please read VLS Documentation Guidelines carefully. You may want to share this document with your provider, to ensure the documentation is prepared in accordance with these requirements.

### **Documentation Guidelines**

#### **I. A Qualified Professional Should Conduct the Evaluation**

- Documentation containing diagnosis of ADHD and making recommendations for appropriate accommodations should be prepared by a qualified professional.
- The following professionals would generally be considered qualified to conduct evaluations provided that they have additional training and experience in evaluating **adults with learning disabilities**:
  - clinical or educational psychologists;
  - neuropsychologists;
  - psychiatrists;
  - medical doctors with demonstrated training and experience in the assessment of ADHD in adults.
- The name, title, and professional credentials of the evaluator, including information about license or certification (e.g., licensed psychologist) as well as the area of specialization, employment, and state in which the individual practices should be clearly stated in the documentation. All reports should be on letterhead, typed, dated and signed.
- Use of diagnostic terminology indicating an ADHD by someone whose training and experience is not in these fields is not acceptable.
- Evaluations performed by members of the student's family are not acceptable.

#### **II. Documentation Should Be Current**

- The provision of reasonable accommodations and services is based upon VLS's assessment of the **current** impact of the individual's disabilities on his or her academic performance, particularly in testing situations.
- **For ADHD, testing should generally have been completed within the past three years.**

- The report should mention any currently mitigating factors, such as medication.
- The report should make recommendations appropriate to a law school setting.

### III. Documentation Necessary to Substantiate the Diagnosis Should be Comprehensive

- **History:** The report should include the individual's history (medical, psychosocial, academic, familial), and indicate compelling evidence of early impairment, even if not formally diagnosed in childhood. The report should discuss relevant history of prior therapy
- **Assessment:** VLS requires a complete psychoeducational assessment as the primary tool for determining the degree to which the ADHD currently impacts the individual.
  - Test scores should be included, along with an interpretation of each and a summary. All data should logically reflect a substantial limitation to learning for which the individual is requesting the accommodation.
  - The report should include evidence of current impairment, including a description of the individual's presenting attentional symptoms and evidence of ongoing impulsive/hyperactive or inattentive behaviors that significantly impair functioning in two or more settings.
  - The information collected for the report should consist of more than self-report, as information from third party sources is critical in the diagnosis of ADHD. The evaluator should review of prior psychoeducational test reports to determine whether a pattern of strengths or weaknesses is supportive of attention or learning problems
  - The report should contain a description of current functional limitations pertaining to an educational setting that are presumably a direct result of problems with attention
- **Diagnosis:** The report should contain a specific diagnosis and demonstrate that DSM-IV criteria have been met.
- **Rule Out:** Alternative diagnoses should be explored and ruled out. The evaluator should investigate and discuss the possibility of dual diagnoses and alternative or coexisting mood, behavioral, neurological, and/or personality disorders that may confound the diagnosis of ADHD.
- **Impact:** The evaluator should describe the impact, if any, of the diagnosed ADHD on a specific major life activity as well as the degree of impact on the individual.
- **Accommodations:** The documentation should include specific recommendations for accommodation(s) as well as a detailed explanation of why each accommodation is recommended. The evaluator should support recommendations with a rationale based upon specific test results and/or clinical observations. Nevertheless, students and providers should be aware that VLS has ultimate responsibility for deciding which accommodations are reasonable in the context of VLS's academic program.
  - Although prior documentation may have been useful in determining appropriate services in the past, current documentation should validate the need for services based on the individual's *present* level of functioning in the educational setting.

- If no prior accommodations were provided, the qualified professional and/or the candidate should include a detailed explanation of why no accommodations were needed in the past and why accommodations are needed at this time.
- If the requested accommodations are not clearly identified in the diagnostic report, VLS will seek clarification, and if necessary, more information. VLS will make final determination of whether appropriate and reasonable accommodations are warranted and can be provided to the individual.
- VLS cannot approve accommodation requests for conditions for which the functional limitations are not reasonably predictable. Thus, requests for blanket deadline waivers, or permissions to reschedule exams in anticipation of possible disability-related problems will not be granted. If a sudden or unanticipated problem renders a student, (1) unable to start a scheduled exam; (2) unable to complete an exam already started or (3) unable to complete a paper or take home exam by its due date, accommodations may be granted on a case-by-case basis. See VLS Temporary Disability Policy.

#### **IV. Confidentiality**

Information concerning a student's disability, including all documentation submitted in support of a request for accommodations, is treated as confidential under applicable laws and school policies. The information is provided only to individuals who are privileged to receive such information on a need to know basis. VLS will maintain confidential records and all documentation pertaining to disabilities within the Office of the Deputy Vice Dean for Academic Affairs. A copy of the letter determining eligibility for and granting accommodations is submitted to the Registrar's Office. Upon graduation or termination of enrollment, these records shall be archived apart from official educational records.