

Duke University Student Disability Access Office (SDAO)

Documentation Guidelines for Learning Disabilities in Adolescents and Adults

Duke University is committed to providing educational opportunities to qualified students with disabilities for purposes of Section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act (ADA) of 1990 and the ADA Amendments Act of 2008. In order to establish that an individual is covered under these laws, students must submit full and current documentation (i.e., visual assessment, records and information) confirming that their diagnosed disability substantially limits one or more major life activities including learning.

The following guidelines are designed to provide students and medical providers with a common understanding and knowledge base of the components of documentation, which are necessary to validate the existence of Learning Disabilities, its impact on the individual's educational performance, and accommodation(s) that are necessary in the post-secondary setting. Documentation should be comprehensive in order to avoid or reduce time delays in decision-making related to eligibility and the provision of services. We carefully review documentation, make eligibility decisions and contact the student as quickly as possible; this process generally takes a week or more to complete.

These guidelines contain information regarding:

- I. Qualifications of the Evaluator
- II. Current and Age Appropriate Evaluation Data & Comprehensive and Diagnostic Evaluation
- III. Rationale & Justification for Each Requested Accommodation
- IV. Confidentiality

I. Qualifications of the Evaluator

The professional conducting the evaluation and making the diagnosis must be qualified to make the diagnosis and recommend appropriate accommodations. Professionals typically qualified to make this diagnosis include psychologists, neuropsychologists, psychiatrists, and other doctors trained in psychology/psychiatry. A clinical team approach to diagnosis may also be appropriate. The documentation must include the name, title, and professional credentials of the evaluator, including information about licensure and/or specialization.

Diagnoses of Learning Disorders documented by family members will not be accepted even when the family members are otherwise qualified by virtue of training and licensure/ certification. All reports should be in English, typed or printed on professional letterhead, dated, and signed.

II. Current and Age Appropriate Evaluation Data & Comprehensive and Diagnostic Evaluation is Required

Since reasonable accommodations are based upon the assessment of the current impact of the disorder on academic functioning, a comprehensive neuropsychological or psychological evaluation, interview, clinical narrative discussion and summary with a coded diagnosis per the *Diagnostic and Statistical Manual IV-TR* (DSM-IV-TR) or the DSM-V is required. Evaluations must be age appropriate. If the student is 18 years or

older at the time of the administration, adult scales must be used. The comprehensive evaluation should include a description of the evaluation methods, tests and procedures used, dates of administration, along with a clinical narrative based upon observations and specific results. A diagnostic interview, intellectual ability and aptitude based upon cognitive testing using adult-normed testing, academic achievement, informational processing are expected. All standard scores/percentiles and subtest scores of all measures/testing should be reported.

The evaluation/diagnostic reports must address the individual's current level of functioning, as well as the current impact of the disability on the student's ability to function in an academic setting as well as the current treatments, therapeutic techniques and any assistive technology that may be used to ameliorate the impact of the learning disorder. There must be evidence that establishes a clear link between the functional limitations and the specific deficit areas along with a justification for the need of the recommended accommodations. Identifying a discrepancy on one test is not sufficient to warrant a diagnosis of a learning disability, nor does it establish eligibility for an accommodation. The diagnosis must be based upon the full comprehensive assessment battery which does not rely on any one test or subtest. The evaluation should be thorough enough to demonstrate whether a major life activity is substantially limited by providing a clear sense and implication of the frequency and severity of the disability. The evaluator must clearly state the specific diagnosis along with the appropriate diagnostic code. *Indirect language* in the wording of the diagnosis such as "weakness," "suggests," "seems to indicate," "appears," "is indicative of," "learning difficulty or difference," "presence of" do not support a conclusive or specific diagnosis. If the documentation is inadequate in scope or content, or is not relevant to the individual's current functional impairments and need for accommodations, SDAO may require additional information to be submitted. School plans such as *Individual Educational Plans* (IEP) or *504 Accommodation Plans* are helpful in providing historical data, but may not be substituted in lieu of the above requested documentation. SDAO prefers the following assessments:

- Aptitude/Cognitive Ability:
 - Wechsler Adult Intelligence Scale 3rd Edition (WAIS-III) *or*
 - Woodcock Johnson Psycho-educational Battery Tests of Cognitive Battery- Revised
- Academic Achievement:
 - Woodcock Johnson Psycho-educational Battery Tests of Achievement – Revised *or*
 - Wechsler Individual Achievement Test (WIAT)
- Information Processing:
 - Detroit Tests of Learning Aptitude – 3 (DTLA -3) *or* Adult (DTLA-A)
 - Subtests from the WAIS-III *or* Woodcock Johnson Psycho-educational Battery Tests of Cognitive Ability-Revised

Other tests/measures can and should be submitted in addition to the above assessments to support the evaluation report.

III. Rationale & Justification for Each Requested Accommodation

A diagnosis of a disability alone does not automatically qualify nor warrant an individual for an accommodation under the ADA; therefore, ***accommodations are not granted on the basis of a diagnostic label.*** They must be tied to the individual's specific history and current functional impairment to support their use. The diagnostic report should include specific recommendations for accommodations that flow logically from the history and current functional impairment. A link must be established between the requested accommodations and the current functional limitations of the individual that are pertinent to the anticipated academic environment. The evaluator must describe the impact the diagnosed learning disability has on the specific major life activity of learning as well as the degree of significance of the impact on the individual. Specific test results, clinical observation and past accommodations that alleviated functional impacts of the disability must be included in the recommendation. Provision of a past accommodation in another setting does not necessarily guarantee or assure

the requested accommodation will be implemented at Duke University; however, having that information is helpful to SDAO and will be seriously considered in making current decisions about necessary, reasonable, and appropriate accommodations and services. If there have not been any services or accommodations provided in the past, a detailed explanation of the reason why none were used followed by a justification of why services are needed at this time. *Given that many individuals may perceive that they may benefit from extended time in testing situations, evaluators must provide specific rationales and justifications for recommending such testing accommodations.* If a requested accommodation is not clearly stated and supported in the diagnostic report, SDAO reserves the right to seek additional clinical information pertaining to the determination of eligibility. It is the student's responsibility to obtain the requested additional information when the request is made.

IV. Confidentiality

All information obtained in diagnostic and medical reports will be maintained and used in accordance with applicable confidentiality requirements.

Submitting Documentation and Questions

Documentation should be *mailed* to the attention of the ***Student Disability Access Office***, Box 90142, Duke University, Durham, NC 27708 *or faxed* to (919) 668-3977. Questions should be directed to (919) 668-1267.

The Genetic Information Nondiscrimination Act of 2008 (GINA) prohibits employers from requesting or requiring genetic information of an individual or family member of the individual, except as specifically allowed by this law. To comply with this law, we are asking that you not provide any genetic information when responding to this request for medical information. "Genetic information," as defined by GINA, includes an individual's family medical history, the results of an individual's or family member's genetic tests, the fact that an individual or an individual's family member sought or received genetic services, and genetic information of a fetus carried by an individual or an individual's family member or an embryo lawfully held by an individual or family member receiving assistive reproductive services.