

Technical Standards FAQs

Question:

What are technical standards? Why does the Law School have them?

Answer:

Technical standards outline the essential knowledge, skills, and professional obligations that must be assessed and demonstrated for satisfactory completion of the Law School's academic program and to meet applicable licensure requirements. For this reason, technical standards are common in graduate professional programs, including law schools. These standards are used to evaluate the reasonableness of requested accommodations at the Law School. Accommodations are intended to ensure that a program does not discriminate, or have the effect of discriminating, against a qualified student with a disability; but "academic requirements that are essential to the instruction being pursued by the student or to any directly related licensing requirement will not be subject to modification." ([UB Reasonable Accommodation Policy](#)).

The Law School is committed to full compliance with the Rehabilitation Act (Section 504), the Americans with Disabilities Act (ADA), and related state and federal laws. *These standards are not intended to deter any student who might be able to complete the requirements of the curriculum with reasonable accommodations.*

Question:

Are technical standards waivable?

Answer:

Technical standards capture the essential elements of the academic program and are thus not waivable. As noted in the Technical Standards, "all students must meet the requirements, either with or without reasonable accommodation consistent with applicable law."

Question:

What does the requirement that the technical standards must be satisfied, "with or without reasonable accommodation," mean?

Answer:

The "with or without reasonable accommodation" language is a term of art. Although technical standards may not be waived, a student may still be able to satisfy the standard through reasonable academic adjustments or auxiliary aids.

For example, Section III of the Technical Standards contemplates that students will communicate orally directly with faculty and staff. Nonetheless, a student who is unable to communicate verbally due to a disability may substitute direct oral communication with another form of direct communication, the use of an aid or sign language interpreter, or some other accommodation and still satisfy the standard. By contrast, an accommodation that forecloses any obligation to communicate with faculty or staff would not be reasonable as it would interfere with an essential requirement of the academic program.

The overwhelming majority of recommended accommodations the Law School receives each year involve academic adjustments or auxiliary aids that are compatible with our Technical Standards. The Law School administration evaluates each accommodation against the specific courses taken and may identify circumstances where a recommendation would essentially operate as a complete waiver of an essential requirement. In these cases, the Law School will work with OAR and the student to explore reasonable alternatives.

Question:

I received accommodations during high school and my undergraduate degree program. Will those same accommodations be available in law school?

Answer:

Given that the essential requirements of a graduate law program tend to exceed those of high school and undergraduate programs, some accommodations that were reasonable in those programs may not be reasonable in law school. This is determined on a case-by-case basis, considering the requested accommodations and the essential academic requirements. We strongly recommend that students who may need academic adjustments or auxiliary aids begin the accommodation process before or early in the semester. This will best ensure that OAR and the Law School can work closely with you to fashion reasonable accommodations that account for these differences.

Question:

My professor's syllabus states that students will be counted absent if they are not present when she takes attendance. Given the nature of my disability, I may need to leave the classroom urgently and unexpectedly. Can I seek an accommodation to alter the attendance requirement?

Answer:

Unless subject to an express accommodation, students are required by Law School, ABA, and state bar admissions rules to attend classes regularly and punctually. Under the Technical Standards, however, the way this hypothetical professor takes attendance should be modified to account for the student's disability.

For example, the professor may still require regular and punctual attendance, but she could request that you to notify her promptly (immediately after class) if you are away from your desk during roll call due to the disability.

Question:

I am dealing with a personal emergency. Do I need to seek an accommodation?

Answer:

Not necessarily. Some emergencies may not require an accommodation while others may, even if temporary. Please meet with a member of the Office of Student Affairs to discuss what resources are available to best ensure you have the necessary support and to ensure your continued academic success.

Question:

Because of my disability, my ability to communicate orally is limited. Can I seek an accommodation to achieve this technical standard?

Answer:

Yes. Students are expected to communicate with Law School faculty and administration directly. Students can seek an accommodation that permits auxiliary aid, such as speech recognition software or a sign language interpreter, as appropriate, to fulfill this requirement.

Question:

One technical standard requires students process and understand large amount of material from a variety of sources. I am blind and cannot process videos. What should I do?

Answer:

You should notify the Law School as soon as possible. The Law School routinely works with students with a variety of disabilities and will help you obtain materials in an accessible format. Please note that these materials may take longer to procure in some cases, so timely outreach to OAR and Student Affairs will better ensure that they are ready before classes begin.

Question:

Can I seek an accommodation that would waive some assignments or reduce the workload for a course?

Answer:

Generally, an accommodation is not considered reasonable if it lowers or substantially modifies essential requirements; fundamentally alters the nature of a service, program, or activity; or results in an undue financial or administrative burden. Classroom assignments and examinations are fundamental components of the Law School's program.

Question:

I struggle to meet deadlines. May I seek an accommodation that would allow me to submit late work?

Answer:

An accommodation request that automatically seeks unlimited acceptance of late work would be unreasonable because such a request fundamentally alters an essential requirement of the program. The Law School is obligated to “maintain a rigorous program of legal education that prepares its students, upon graduation, for admission to the bar and for effective, ethical, and responsible participation as members of the legal profession.” (ABA Standard 301(a)). Meeting deadlines is fundamental to effective and responsible participation in the legal profession.

That said, extensions for specific assignments may be available for students with a disability or condition that involves brief, unpredictable, and/or cyclical flare-ups that significantly impact assignment submission. Students should be proactive about communicating with the Office of Student Affairs if such an exigency arises to determine a proper course of action in a given class.

Question:

I received an accommodation during Law School. Will I receive one on the bar?

Answer:

Not necessarily. Students who receive academic accommodations in Law School should also consider requesting accommodations for the bar exams after graduation. Most state Bar Associations have very specific requirements for granting of accommodations for the Bar Exam, which often exceed law school requirements. Students should carefully review the accommodation procedures for their specific jurisdiction well in advance of the date they plan to sit for the bar exam. Students can find a directory of state bar admission agencies [here](#). If you would like assistance in navigating this process, please consult with [Professor William MacDonald](#), Assistant Dean for Academic & Bar Success.