

HANDLING EXTENSION REQUESTS FOR STUDENTS WITH DISABILITIES

** This information is adapted from a handout provided to LWR, Moot Court, and Appellate Advocacy Instructors, but its guidance is relevant for any professor whose course includes written assignments with deadlines, including clinical faculty.*

When handling extension requests for students with disabilities, faculty members have an obligation to interact with the student and with the Disability Resource Program (DRP) to address any classroom-based accommodation needs. You *are not* required to anticipate accommodations or try to figure out if a student has a disability; DRP will send you an official Faculty Letter assuring you that the student has completed the extensive registration process, and making you aware of those accommodations that require your attention.

The student must take the initiative to seek accommodations from DRP, although you are welcome to suggest DRP or Student Health Services (SHS) as a resource for students who appear to be struggling or who have disclosed a disability or medical condition for which they may be eligible for accommodations. Given the unique nature of certain courses like LWR and Moot Court, as well as Clinics and some seminars, faculty who teach in those areas may be more likely to observe or be privy to personal information about students that students may not share with professors of larger, lecture-based courses. Consider contacting DRP or SHS if a student shows signs of serious depression, or discloses that the student is dealing with a chronic illness. Again, you are not required to anticipate accommodations or try to figure out if a student has a disability, but both DRP and SHS can help support you in managing those situations. Just remember, if you receive a seemingly disability-related request for an extension and you have not received a Faculty Letter from DRP, you are under no legal obligation to grant the request, and you should advise the student to contact DRP. In some cases, if the student has contacted DRP and is in the process of seeking accommodations, DRP may contact you directly about providing interim accommodations, before sending an official Faculty Letter.

Handling disability-related requests for extensions

If DRP approves an accommodation request that requires adjustments in the classroom, the Faculty Letter will explain the legal accommodations. When it comes to accommodations involving extensions, **your legal obligation is to work with the student in a good faith effort to determine a reasonable amount of time and set a new deadline.** However, accommodations are not reasonable if they constitute a *fundamental alteration of an essential element* of the program. If you believe that a request for an extension fundamentally alters an essential element of your course, **you must contact DRP immediately.** If DRP approves an accommodation request, any accommodations are prospective only. Accommodations are not granted retroactively and do not excuse any prior unexcused untimely assignments or mitigate any consequences from failing to meet deadlines.

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In general, extensions on assignment due dates are considered reasonable in an academic setting and are a common accommodation for ensuring equal access for students with a wide range of disabilities. DRP will work with you if you have questions about what a reasonable amount of time is given the context of your course. All accommodations must be determined on a case-by-case basis.

Examples (assume you have received a timely Faculty Letter noting extensions on assignments)

- 1) *A clinic student is working on a motion for the client. A request to file the motion after the deadline, if granted, would harm the client and may constitute malpractice. That would be unreasonable. However, clinical faculty, the student and DRP still work together to determine reasonable accommodations so that students with disabilities can participate fully in the clinical experience.*
- 2) *A clinic student has a written assignment to reflect on the representation experience, which is due by a certain date. A request for an extension is reasonable if the student is proactive about communicating with you before the due date. You and the student should work together to determine a new due date. You may determine that a reasonable amount of extra time is several days or a week.*
- 3) *A 1L turned in the first draft of their Moot Court brief late. You have **not** received a Faculty Letter. You should follow whatever the Moot Court handbook, guidelines and/or syllabus say about how to handle that, including sanctions or grade penalties, if applicable. You then receive a Faculty Letter, and the student contacts you in a timely manner to discuss an extension on turning in the final draft. You and the student should work together to determine a new due date. Given the quick turn-around time, numerous assignments, and shortened timeline of Moot Court, you may determine that a reasonable amount of extra time is 48 hours.*

Some students, depending on their condition, may require a different type of flexibility with written assignments, such as a reduction in page number or breaking a large research project due at the end of the semester into a series of smaller, more manageable due dates earlier in the semester. Again, reasonableness depends upon context, and accommodation decisions must be made on a case-by-case basis.

Please refer to our sample DRP Faculty Letter, which goes into greater detail about the more common types of classroom-based accommodations, including requests for extensions.