

College Not Required To Alter Academic Program For Reasonable Accommodation

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After his requests for additional accommodations were denied, a student at the Lamar Institute of Technology (LIT) who had medical issues related to a brain injury withdrew from the institution and filed suit. After a recent loss in the U.S. Court of Appeals for the Fifth Circuit, the student has petitioned the U.S. Supreme Court for consideration. The student suffered from an anoxic brain injury that caused him to have memory problems. Similar to the accommodation analysis in an employment setting, the college had concluded his brain injury qualified as a disability and he was entitled to an accommodation. The college ultimately decided to allow him extra time on exams and provided him with a laptop and recorder to aid in his studies. One professor voluntarily provided him an extra accommodation by allowing him to take two exams – the first with the rest of the class and the second two weeks later. As the semester progressed, the student requested two-test accommodations be provided in all of his courses. When this request was denied by the college, the student withdrew and brought multiple claims against LIT, contending that the denial of his additional accommodations violated both the Americans with Disabilities Act (ADA) and the Rehabilitation Act. Even though the college provided the student with an accommodation for memory loss, the student argued that the college could have provided him with additional reasonable accommodations. While postsecondary modifications typically include changes in the length of time permitted for degree completion, substitution of required courses, or adaptation of the manner in which specific courses are conducted – a student is not entitled to his preferred accommodation, according to the Fifth Circuit. The student appealed when his original case was dismissed upon summary judgment. On appeal, the Fifth Circuit held that the college’s denial of the two-test accommodations legitimately related to the impact the requested accommodation would have had on the program – i.e. unfair advantage over other students, burden on instructors having to create two exams, scheduling exams outside of the academic calendar, and requiring instructors to lower academic standards of the class. The student is continuing his appeal and this case is currently pending to see if the U.S. Supreme Court will hear the issue on whether a presumption exists in favor of an academic institution’s denial of reasonable accommodation to a student with disability. [*Campbell v. Lamar Inst. of Tech.*, Docket No. 16-1263]

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