September 5, 2012

Governor Edmund G. Brown Jr.
State Capitol, Suite 1173
Sacramento, CA 95814

Re: Support for AB 2122 (Lara) – LSAT Equity for Students with Disabilities

Dear Governor Brown:

On behalf of the American Bar Association (ABA), which has nearly 400,000 members, including over 50,000 members in California, I write to urge you to sign AB 2122, legislation that will ensure that individuals with disabilities are provided appropriate accommodations when taking law school admission tests. AB 2122 mirrors official ABA policy and is essential to ensuring that persons with disabilities have equal access to the legal profession.

In February 2012, the ABA’s House of Delegates unanimously adopted policy drafted by the ABA’s Commission on Disability Rights in response to reports by students with disabilities that, among other things, indicated that requests by the testing entities for documentation regarding their need for accommodations were burdensome. These students reported that they were denied testing accommodations that they had been receiving in school for years and were not provided the opportunity for a fair and timely reconsideration of their request.

The ABA policy mirrors the assembly bill in three ways. First, it urges entities that administer law school admission tests to provide accommodations for a test taker with a disability to best ensure that the test results reflect what the exam is designed to measure, and not the test taker’s disability. Under the Department of Justice’s (DOJ) regulations implementing Title III of the Americans with Disabilities Act, applicants with disabilities must be given the opportunity to demonstrate their knowledge and ability equal to that which extends to other test takers. The accommodation must allow the test taker to compete on an even playing field.

Second, the ABA policy urges entities that administer law school admission tests not to “flag” scores of applicants who have received extra time as an accommodation. Identifying a flagged score as “nonstandard” and not giving the person a percentile rating also runs contrary to the DOJ regulations, which grant accommodations to ensure equal
opportunity for persons with disabilities. If the process to determine an appropriate accommodation is fair, the exam scores should be deemed to be fair to everyone.

Third, like AB 2122, the ABA policy urges that: the process for determining whether to grant an accommodation be made public; a decision on approving an accommodation be conveyed to the applicant within a reasonable amount of time; and a fair and timely appeals process be provided for a denied accommodation.

The American Bar Association and its Commission on Disability Rights are committed to improving access to standardized tests for individuals with disabilities and ensuring that all students are allowed to compete on an even playing field. We hope that you will join us in support of AB 2122. Please let us know how we can assist your efforts by contacting Thomas Susman, Director of the ABA’s Governmental Affairs Office, at (202) 662-1765 or at Thomas.Susman@americanbar.org.

Sincerely,

Laurel G. Bellows
President, American Bar Association