

██████████,  
Complainant,

v.

**LAW SCHOOL ADMISSION COUNCIL,**  
Respondent.

**NOTICE OF FINDING**

The Deputy Director of the Indiana Civil Rights Commission, (“Commission”) pursuant to statutory authority and procedural regulations, hereby issues the following finding with respect to the above-referenced case. The Deputy Director finds that there is probable cause to believe an unlawful discriminatory act has occurred or is occurring. 910 IAC 1-3-2(b)

On January 18, 2011, ██████████ (“Complainant”) filed a complaint with the Commission against Law School Admission Council (“Respondent”) alleging the denial of a requested accommodation in the area of education, in violation of the Indiana Civil Rights Law ██████████. The Indiana Civil Rights Law states that it is the public policy of the State to provide all its citizens with equal educational opportunities, and that equal educational opportunities are declared to be civil rights. IC 22-9 et seq. Accordingly, the Commission has jurisdiction over the parties and the subject matter of this complaint.

An investigation has been completed. All parties have been interviewed and have had an opportunity to submit evidence. Based on the Final Investigative Report and a full review of the relevant files and records, the Deputy Director now finds the following:

The issue before the Commission is whether Complainant was denied a request for a reasonable accommodation for his disability. In order to prevail on such a claim, the Complainant must prove 1) he has a disability as that term is defined by the relevant statutes; 2) he requires an accommodation in order to be equally situated to non-disabled individuals; 3) Respondent knew or should have known of the need for the accommodation; and 4) Respondent denied the requested accommodation absent a showing of undue hardship.

The evidence indicates that Complainant does suffer from a disability that substantially limits a major life activity. Complainant completed the Candidate Form for the Law School Admission Test (“LSAT”) on May 13, 2010, requesting accommodations per Respondent’s requirements. Complainant’s treating psychiatrist completed the Evaluator Form on May 14, 2010. Evidence shows that Respondent received these forms and the required documentation after the established May 4, 2010, deadline. Complainant again enrolled to take the LSAT in February 2011. Complainant asked Respondent if the documentation that he had previously submitted

would be sufficient to be granted accommodations for the LSAT on February 12, 2011. Respondent informed Complainant that additional documentation and testing would be required prior to his being granted the requested accommodation for the February 12 LSAT. It was also at this time that Respondent informed Complainant that the deadline for accommodation requests had again passed.

Complainant again enrolled to take the LSAT scheduled for June 2011. Complainant again attempted to verify that he had provided the necessary documentation and testing that had been previously provided to Respondent. Respondent denied Complainant's requested accommodation, stating that he had not shown sufficient need for the accommodation by submitting certain evaluations. The evidence indicates, however, that Complainant did submit extensive documentation of his need for an accommodation, including neuropsychological testing and the Functional Assessment of Verbal Reasoning and Executive Strategies test. Nonetheless, Respondent denied the request and demanded additional personality and psychological exams. An evidentiary hearing is necessary to establish whether the law was indeed violated.

As permitted by 910 IAC 2-6-6(h), the parties to this complaint may elect to have these claims decided in a state court located in the county in which these actions occurred, in lieu of an administrative proceeding under 910 IAC 2-7. However, both parties must agree to such an election and it must be made no later than twenty (20) days after service of this Notice of Finding. If such an election is not timely made, an administrative hearing of this matter will be scheduled.

Date September 7, 2011

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Joshua Brewster, Esq.  
Deputy Director  
Indiana Civil Rights Commission