

Minutes for Faculty Meeting August 20, 2019

The meeting was called to order at 3:03 p.m. by Dean Sergio Pareja, once a quorum was reached. The following people were present for at least some portion of the meeting:

Faculty: Maryam Ahranjani, George Bach, Reed Benson, Camille Carey, Barbara Creel, Elizabeth Elia, Scott England, Paul Figueroa, Joseph Gallardo, Marc-Tizoc González, Justin Goodman, Vinay Harpalani, Steven Homer, John Kang, Joshua Kastenber, April Land, Jennifer Laws, Nathalie Martin, Serge Martinez, Jennifer Moore, Adrian Oglesby, Gabe Pacyniak, Mary Leto Pareja, Sergio Pareja, Sonia Gipson Rankin, Michelle Rigual, Lysette Cordova Romero, Leo Romero, Joseph Schremmer, Alexandra Siek, Amy Sirignano, Laura Spitz, Sarah Steadman, David Stout, Carol Suzuki, Sherri Thomas, Brian Tucker, Gloria Valencia-Weber, Cliff Villa, Samuel Winder, Peter Winograd, Jeanette Wolfley, Veronica Gonzales-Zamora, Christine Zuni Cruz (20 needed for quorum; names that count toward quorum in bold)

Staff: Beverly Akin, Krista Allen, Chad Covey, Hannah Farrington, David Pallozzi, Bonnie Stepleton, Ernest Tafoya

Students: Jarred Armijo, Jessica Arreola

ANNOUNCEMENTS

- The Back-to-School BBQ will be on Friday, August 23, 2019, on the back patio and lawn of the law school from 5:00 to 7:30 p.m.
- The Wellness Center, for which we received legislative funding, is moving forward. Assistant Dean Krista Allen has been working on getting bids from architects for the cost of architectural drawings. We have received three bids so far. Some of the bids have come in higher than we were anticipating, and we are trying to be cost-conscious.
- The Alumni Board meeting is beginning immediately after this meeting in the King Room. The board has invited the new faculty to attend the meeting and meet the board members.
- Vice Dean Camille Carey reminded the faculty to take roll in their classes and that any student that is NOT on the “official” class list cannot be attending the class. Please check your class lists regularly because they may change. Class lists can be found on Banner (my.unm.edu). If you have any question please contact Vice Dean Carey or Registrar Ernest Tafoya.

ACTION ITEM: Approval of Minutes from May 7, 2019 faculty meeting – Dean Sergio Pareja: A motion was made and seconded to approve the minutes. There was no discussion. The minutes were approved with no nay votes and six abstentions.

Introductions of New Faculty – Dean Sergio Pareja: Dean Pareja welcomed new tenured and tenure-track faculty members, Elizabeth Elia, Marc-Tizoc González, Veronica Gonzales-Zamora, Vinay Harpalani, John Kang, and Joe Schremmer, as well as new visiting faculty members, Lysette

Cordova Romero, Joseph Gallardo, Amy Sirignano, Brian Tucker, and Samuel Winder, to the law school. Each new faculty member introduced himself or herself. They were welcomed with warm rounds of applause.

Report on Plan for Academic Year – Associate Dean Sherri Thomas: Associate Dean Thomas introduced herself to our new faculty members. She then explained what her role is as the Associate Dean of Institutional Climate & Equity. Associate Dean Thomas reminded everyone that this is not a “one and done thing.” Through small conversations, small changes will begin to happen. She also noted how important it is to give people the benefit of the doubt and to be open to having your mind change at meetings. She noted that everybody has the right to be heard but that you may not get exactly what you want at meetings. That is fine, and we must continue to respect each other. She also noted that it is inappropriate, due to the power differential, for a tenured faculty member to show up in the office of a pre-tenured faculty member or staff member to advocate for a particular position on a controversial matter. Associate Dean Thomas noted that we will be discussing the plan for our next dean search over the next couple of years and that we need to think through what that should look like. For example, we may want to push for some form of ranked-choice voting in dean searches so that we don’t inadvertently advantage external candidates whenever we have more than one internal candidate. She also noted that she would be emailing the new and visiting faculty members to meet to discuss climate and is looking for suggestions to move things in a positive direction.

Report on Admissions – Dean Sergio Pareja:

- Dean Pareja reported that the final 1L count was 83 new students. This was significantly smaller than last year’s more typical number of 105 new 1Ls. Dean Pareja gave an overview of how we arrived at the smaller number this year. In the spring, he instructed the Admissions Committee to shoot for a median LSAT score of 155 and a median GPA of 3.5, which are more consistent with our historic numbers, while ensuring that the class would remain at least as diverse as it has been in recent memory, while sticking with our strong preference of about 80 to 85 percent New Mexico residents, while also paying close attention to avoiding character and fitness issues whenever possible. The committee did a wonderful job of doing this, despite the relatively low final number of students. Our historic median LSAT scores, back to 1992, can be found in **Exhibit A**. Please note that the dates in the chart are US News edition dates, which are effectively two years ahead of the date of the admitted class. For example, the first time we hit 153 is listed as 2016, but that is referring to the class that was admitted in the spring and summer of 2014. In short, subtract two from the date to get the year that the class was admitted and enrolled. Our historic median GPAs, back to 2001, can be found at **Exhibit B**.
- Unfortunately, we ended up facing a very difficult year in terms of applications from New Mexico residents. Specifically, only 273 New Mexicans applied to any law school in the country, which is the lowest number we currently have on record. Dean Pareja’s theory is that this is largely due to the fact that the job market in New Mexico is stronger than it has been in years, and many people choose to apply to law school when they can’t get a job. While the percentage of New Mexico applicants who applied to our school remained near our norm of around 85 percent, the low numbers simply meant that we received very few applications from New Mexicans. We continued receiving applications over the summer, and it was not clear how small our class would be until late in the summer. In fact, we lost

students up until the day of orientation, often as a result of full-ride scholarship offers from other schools. It is worth noting that our numbers are not final until October 5, which is the date we use for reporting purposes (number of students, median LSAT and GPA, etc.).

- Despite the smaller number of 1Ls, there is some very good news to report. First, the stats of this class are wonderful. It has a median LSAT score of 155 and a median GPA of 3.43. Importantly, it is a majority-minority class, with 51 percent of the 1L class being from minority groups (10% Native American, 2% Asian American, 4% African American, and 35% Hispanic). It is also a strong majority female (55%). It ended up being only 78% New Mexico residents, which is lower than our norm but quite good under the circumstances. The stats of the new 1L class are attached as **Exhibit C**.
- One concern Dean Pareja had was how to finance the smaller class. Due to successful fundraising efforts and salary savings resulting from our smaller faculty size over the past few years, we have ended each recent year with a surplus despite the financial strain that the university has been experiencing. When we have a surplus, we must irrevocably categorize our reserves at the end of the year in order to keep the funds at the law school for use at the law school. Over the past few years, as we have set our sights on significant infrastructure improvements, we have irrevocably earmarked reserves for major facilities upgrades and remodeling. When it became apparent that the 1L class would be small, Dean Pareja considered lowering the standards he had set for the committee for the sole purpose of filling slots in the class. This was one option, and it would have resulted in much greater tuition revenue. In considering this, Dean Pareja had Stephanie Grant compute how much we would lose in tuition with a smaller class size as compared to our historic norm. The amount came to approximately \$225,000, and Dean Pareja decided against lowering the standards he had set in order to fill slots in the class. To play it safe, however, Dean Pareja set up an index with \$300,000 in it for the sole purpose of making up for our tuition shortfall due to the smaller class size.
- It is Dean Pareja's goal to work toward increasing class sizes in the future to eventually bring them closer to our historic norm. Looking forward, here are some changes that have happened or will be happening that can affect our class size. First, there have been shifts in the makeup of our admissions team, and we are in the process of hiring two people to replace two who have left in the past couple of months. Second, Dean Pareja met with Heather Mechler, head of Intuitive Analytics at UNM, to reevaluate the places our admissions team has been going to recruit. The result of this analysis may lead us to cut some locations to focus on others. Third, Dean Pareja also plans to personally do quite a bit more traveling to help recruit this year. Now that the large wave of judicial selection meetings has passed, this should be doable. Fourth, Dean Pareja and Vice Dean Carey are also meeting with Dean Greg Lanier of the Honors College next week to explore the possibility of, say, a six year B.A./J.D. program with the Honors College. Fifth, Dean Pareja also has had conversations with some of our faculty members who have agreed to help out with recruiting. For example, Professor Sonia Rankin is going to guest lecture in a joint Engineering/Honors College class to drum up student interest. In addition, Associate Dean Sherri Thomas has volunteered to go to the Farmington area, where she is from, to recruit. Sixth, Dean Pareja has also reached out to Provost Carol Parker at NMSU, which does not have a law school, to work on creating a pipeline to our law school. Finally, Dean Pareja

reminded the faculty that we are in a very competitive environment and that raising money for scholarships to attract students is fundamentally important. He will continue to work on that. The floor was opened for discussion and, after much discussion and in the interest of time, it was decided that we would continue these discussion at a future faculty meeting.

Announcement Regarding Food Service – Dean Sergio Pareja: Last December, food services informed Dean Pareja that they were losing \$40,000 a year on the Venue at the law school. As a result, they decided to reduce the Venue’s hours this past spring. Recently, Dean Pareja had another meeting with the people who handle food services at UNM, and they have informed him that they still lost \$35,000 in the spring even with the reduced hours. As a result, after the end of the fall semester, they will no longer be providing regular food service at the law school. They did state that they could replace regular food service with “high end” vending machines, but they would like input from the law school regarding what we want. Dean Pareja asked for feedback from the faculty and the student representatives as to what they would like to do. He is open to ideas this semester.

Announcement Regarding Promotion and Tenure – Professor Carol Suzuki, Chair of the Faculty Retention, Promotion, and Tenure Committee: Professor Suzuki introduced herself and informed the faculty that there are four faculty members up for tenure and promotion to full professors this year. In addition, there are two faculty members up for promotion from assistant professor to associate professor. This is very exciting. In addition, we also have regular annual reviews of all faculty members that are used to assist Dean Pareja with his annual reviews of faculty members. That is why all of you who are qualified reviewers will be involved in helping to review our colleagues this year. This year is particular tricky because the Senior Vice Provost has moved the submission deadline up by a month from last year. As a result, Professor Suzuki announced that she will be moving quickly to work on the fast approaching deadlines with the faculty members who up for promotion. As a preliminary matter, please consult with Associate Dean Nathalie Martin about preparing your dossiers and working on your scholarship. Also, please provide names of your external reviewers to the committee as soon as possible.

Report on Accommodations – Dean Sergio Pareja: Dean Pareja announced that it has been brought to his attention that the request for accommodations by students have gone up significantly. In the past we would see about three students with accommodations, and most recently we have 23 students with accommodations. This is obviously a much bigger number than in the past. Some professors have commented that some students have been writing a tremendous amount for the allotted exam time, not knowing that the students may have double time for the exam. Accommodations can, in certain situations, include the use of note cards on a closed-book exam, unbeknownst to the professor. In addition, some students have expressed resentment if they suspect that classmates near the top of their class are receiving accommodations. We, as faculty members, often do not know what “typical” accommodations are. Students go through the Accessibility Resource Center (ARC) and Registrar Ernest Tafoya to request accommodations. Dean Pareja mentioned some questions that have arisen for him, including whether there are similar accommodations on the Bar Exam and whether the ABA has a position on accommodations. While considering these issues, Dean Pareja saw a New York Times article noting the socio-economic disparity on the use of accommodations (the article is attached as **Exhibit D**). According to the article, people seeking and obtaining accommodations tend to be non-minorities who are well-off financially. Dean Pareja noted that this is something that we need to consider and perhaps revisit at a future faculty meeting. He is open to suggestions. It is also worth thinking

about whether accommodations may affect your way of testing students. For example, you may consider removing time pressure from exams or, instead, putting line or word limitations on answers.

Report on Border Initiative – Dean Sergio Pareja: Dean Pareja noted that he has heard that some students are now saying that we are creating an immigration clinic. This is not the case, and it simply is an outgrowth, through the rumor-mill, of our work on a “Border Initiative.” Numerous people, including Professor Carol Suzuki, Professor April Land, Adjunct Professor Rebecca Kitson, Professor Maryam Ahranjani, Professor Jennifer Moore, Bonnie Stepleton, and others have been involved in this work. In fact, Professors Suzuki, Land, and Kitson have made trips to the border with students. In addition, we had two-days of all-day meetings involving Dean Pareja, Vice Dean Carey, Professor Suzuki, Professor Land, Adjunct Professor Kitson, and Bonnie Stepleton. Karen Leaffer, who is proposing to finance a large part of our work, flew to Albuquerque with a couple of people from her team to participate in the meetings. Although we do not currently know how this will play out, we are engaged in serious discussions regarding what we could potentially do if we receive funding to do the work. We have also discussed other ways to engage in additional fundraising to do this work if Karen provides us with funds to get the project started.

EXECUTIVE SESSION (Order of the Coif faculty only):

ACTION ITEM: Vote on Order of the Coif status of 2019 graduates – Dean Sergio Pareja: A motion was made to accept the twelve nominees as presented by Dean Pareja. The motion was seconded. There was no discussion. The motion passed unanimously.

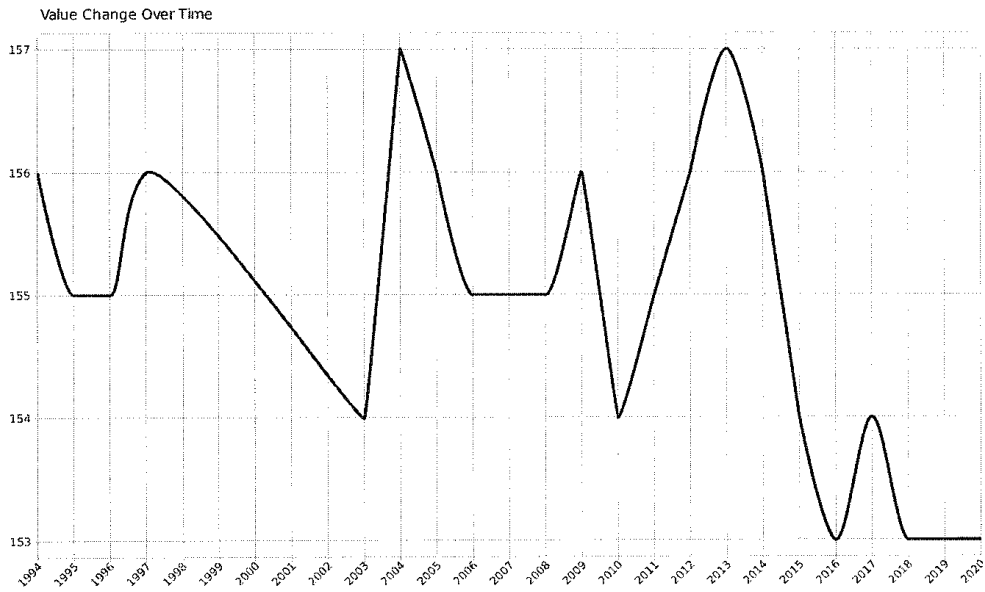
The meeting was adjourned at 5:03 p.m. by unanimous consent.

EXHIBIT
A



Metric Trend - Trended Metric Report

For University Of New Mexico to University Of New Mexico by Median LSAT (Full-Time) during 1994 - 2020



EXHIBIT

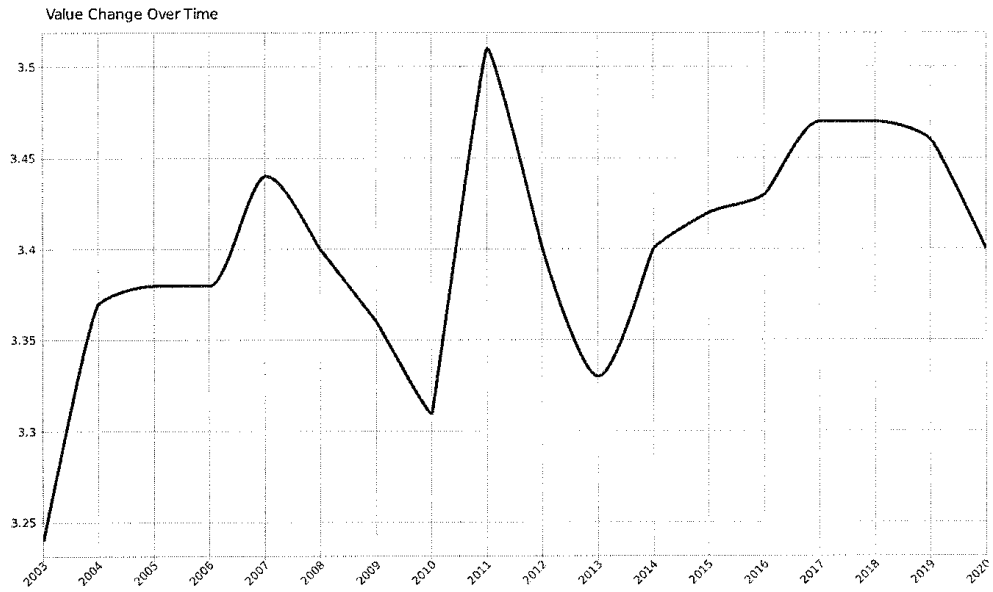
B



ACADEMIC INSIGHTS

Metric Trend - Trended Metric Report

For University Of New Mexico to University Of New Mexico by Median Undergraduate GPA (Full-Time) during 2003 - 2020



Fall 2019 Enter Class Stats

Total Number in class	83	
Residents	65	78%
Non Residents	18	22%
Male	37	46%
Female	46	55%
Average Age	28	

	LSAT	GPA
25%	151	3.16
Median	155	3.43
75%	157	3.72

Ethnicities

American Indian/Native	8	10%
1 American Indian/Hispanic		
1 American Indian/Black/AA		
Asian	2	2%
Black/African American	3	4%
Caucasian/White	36	43%
Did Not Indicate	5	6%
Hispanic	29	35%
1 Hispanic/Asian		
2 Hispanic/Black/AA		
14 Hispanic/Caucasian		
Total Minorities	42	51%

Resident Admits	112	45%	65 Matrics	58% yield rate
Non Resident Admits	136	55%	18 Matrics	15% yield rate
Total Admits	248			
Total JD Applications	527			

47% Acceptance Rate

34% Overall yield rate on admission offers

Universities Represented

Total 38

University of New Mexico

New Mexico State

Arizona State

States Represented

Total 12

New Mexico

Arizona

California

Colorado/North Carolina

Majors Represented

Total 38

Political Science

Criminal Justice/Psychology

English

Sociology/History

EXHIBIT

D

The New York Times

Need Extra Time on Tests? It Helps to Have Cash

Demand for disability accommodations for schoolwork and testing has swelled. But access to them is unequal and the process is vulnerable to abuse.

By [Dana Goldstein](#) and [Jugal K. Patel](#)

July 30, 2019

The boom began about five years ago, said Kathy Pelzer, a longtime high school counselor in an affluent part of Southern California. More students than ever were securing disability diagnoses, many seeking additional time on class work and tests.

A junior taking three or four Advanced Placement classes, who was stressed out and sleepless. A sophomore whose grades were slipping, causing his parents angst. Efforts to transfer the children to less difficult courses, Ms. Pelzer said, were often a nonstarter for their parents, who instead turned to private practitioners to see whether a diagnosis — of attention-deficit hyperactivity disorder, perhaps, or anxiety or depression — could explain the problem.

Such psychological assessments can cost thousands of dollars, and are often not covered by insurance. For some families, the ultimate goal was extra time — for classroom quizzes, essays, state achievement tests, A.P. exams and ultimately the SAT and ACT.

“You’ll get what you’re looking for if you pay the \$10,000,” Ms. Pelzer said, citing the highest-priced evaluations. “It’s a complicated mess.”

From Weston, Conn., to Mercer Island, Wash., word has spread on parenting message boards and in the stands at home games: A federal disability designation known as a 504 plan can help struggling students improve their grades and test scores. But the plans are not doled out equitably across the United States.

In the country’s richest enclaves, where students already have greater access to private tutors and admissions coaches, the share of high school students with the designation is double the national average. In some communities, more than one in 10 students have one — up to seven times the rate nationwide, according to a New York Times analysis of federal data.

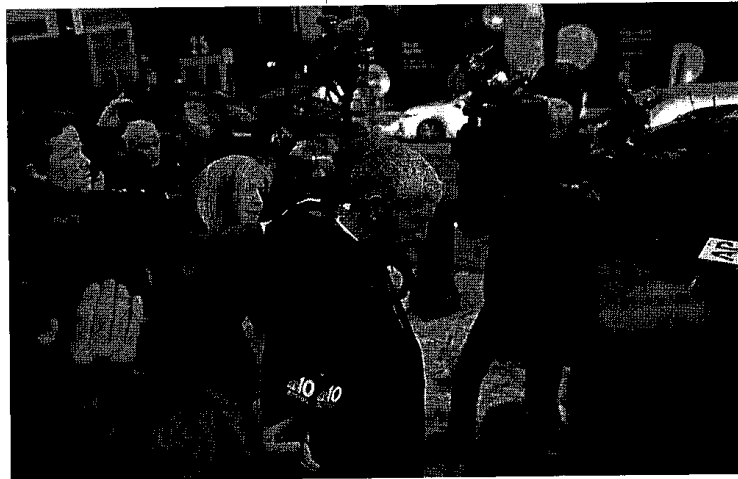
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In Weston, where the median household income is \$220,000, the rate is 18 percent, eight times that of Danbury, Conn., a city 30 minutes north. In Mercer Island, outside Seattle, where the median household income is \$137,000, the number is 14 percent. That is about six times the rate of nearby Federal Way, Wash., where the median income is \$65,000.

Students in every ZIP code are dealing with anxiety, stress and depression as academic competition grows ever more cutthroat. But the sharp disparity in accommodations raises the question of whether families in moneyed communities are taking advantage of the system, or whether they simply have the means to address a problem that less affluent families cannot.

While experts say that known cases of outright fraud are rare, and that most disability diagnoses are obtained legitimately, there is little doubt that the process is vulnerable to abuse. Some of the learning differences exist in diagnostic gray areas that can make it difficult to determine whether a teenager is struggling because of parental and school pressure or because of a psychological impairment. And private mental health practitioners operate with limited oversight, either from school systems or from within their own professions.

Many Americans got their first look at disability accommodations in the wake of the college admissions scandal, in which affluent parents were accused of hiring a consultant, William Singer, to cheat their children's way into prestigious universities through a variety of schemes. According to court papers, Mr. Singer directed families to a handpicked psychologist in Los Angeles, telling one of his clients, a powerful Connecticut lawyer, that his daughter should "be stupid" during the psychologist's evaluation. The goal was for her to receive an accommodation that would enable her to take the ACT in a private room, before a proctor in his employ would correct her answer sheet.



William Singer, a college admissions consultant, has admitted that he helped the children of wealthy clients cheat on college admissions exams.
Jessica Rinaldi/The Boston Globe, via Getty Images

In a phone call recorded by the F.B.I., Mr. Singer assured the student's father that "all the wealthy families" were shopping for diagnoses. "The playing field is not fair," he said.

An Unequal Diagnosis

In Washington, D.C., one mother said she had spent about \$7,000 on neuropsychological evaluations for her son, now 17. She had little doubt that he needed extra help but she acknowledged that her family had resources that others in similar situations did not.

"It's totally unfair," said the mother, who works in political communications and asked not to be named because she wanted to keep her child's medical history private. "I know how to advocate for my kid. We made sure he got what he needed and it wasn't always clear. We bring that privilege to the table."

In early childhood, her son had delays in speech, language and fine motor skills, struggling to sound out words and hold a pencil. By middle school, he had A.D.H.D. and anxiety diagnoses. His charter high school gave him a 504 plan, which offered extra time on tests and the use of a keyboard to type answers and take notes in class. He was also able to avoid filling in bubble sheets.

The 504 plans, which get their name from Section 504 of the Rehabilitation Act of 1973, are intended to help people who have a physical or mental impairment that "substantially limits" learning or other activities. They offer students such accommodations as a seat at the front of the classroom or a private room for exams, free of distractions.

One of the most common accommodations is extra time on classroom tests, which the two main college admissions testing companies, the College Board and ACT, look for when determining whether to grant students additional time for their exams. Many students struggle to complete standardized tests in the allotted minutes, and research has found that having more time can raise scores for students who have a decent grasp of the test material, whether or not they have a disability.

The testing agencies also look for detailed diagnostic evaluations conducted within the last several years. The Washington student, who was thriving in his advanced classes, was repeatedly evaluated both by his public schools, for free, and by private practitioners hired by his parents, one of whom provided a 32-page report that the family and school submitted to ACT and the College Board.

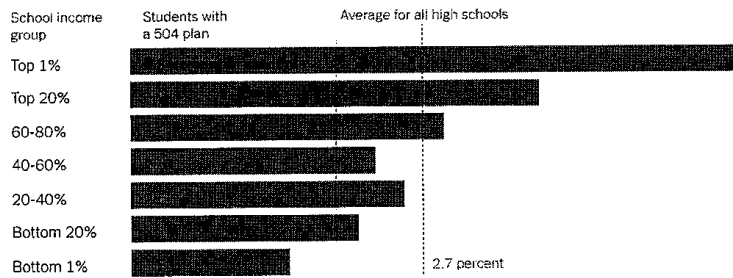
He got extended time on the ACT, and scored a 35 out of 36. The College Board allowed him to circle answers in his SAT booklet instead of filling in bubbles, but rejected his request for more time, even though his parents appealed the decision twice. He still scored a 1560 out of 1600, and will attend a Midwestern liberal arts college in the fall.

In an analysis of Department of Education data, The Times looked at students with 504 designations at more than 11,000 high schools across the country. It did not include students who are served under the Individuals with Disabilities Education Act, a further-reaching program that can also offer extra testing time, but is

generally meant for students more severely affected by disabilities.

The Times found a glaring wealth gap in 504 designations. At high schools in the richest school districts — the top 1 percent as measured by census income data — 5.8 percent of students held a 504 plan, more than double the national average of 2.7 percent. Some wealthy districts had 504 rates of up to 18 percent.

Public high schools in the nation's richest districts have a higher share of 504 students, on average, than most other schools.



Note: Income groups reflect a ranking of schools by the median household income of each school's district. Schools that self-identified as charter, magnet, alternative or special education schools, and those with fewer than 200 students, are not included. The 504 plan data is from the 2015-16 school year. • Sources: Department of Education, Census Bureau • By The New York Times

There were also racial disparities, The Times found. A larger percentage of white students held a 504 plan than students of any other race.

The Cleveland Metropolitan School District, one of the poorest in the country, had a 504 rate of less than 1 percent, though a fifth of the district's students had disabilities with needs that were generally too severe to be covered solely by 504 accommodations, said Jessica Baldwin, the district's executive director of intervention services.

"The impact of poverty can't be understated here," Ms. Baldwin said.

Federal disability data does not include private schools. But in some areas, like Manhattan and the West Side of Los Angeles, private school students are even more likely than affluent public school students to use disability diagnoses to qualify for extended testing time, according to research and interviews with school workers.

Some private schools help smooth the process. One mother in Montgomery County, Md., said that when she transferred her son, who has A.D.H.D. and a reading disability, from a public high school to a private one that charges \$45,000 per year in tuition, the staff at the new school told her about ACT accommodations she had not known about. Her son scored a 33 after taking the exam over multiple days, and is now considering applying to Ivy League schools.

In communities where these accommodations have become commonplace, public and private school officials often declined to speak about them in detail, or said they were simply following federal law.

In Mercer Island, Wash., Craig Degginger, a school district spokesman, said officials were concerned about the system's high 504 rate, and were working to bring it in line with regional and national averages. "We strive to appropriately identify students who truly need supports," he said in an email.

Looking for an Admissions Edge

Ms. Pelzer, the California high school counselor, had more than two decades of experience in her profession before retiring this year. The share of students with 504 plans in her district, Capistrano Unified, in Orange County, has tripled since the 2013-14 school year, accounting for about 1,000 more students, according to district data.

Ms. Pelzer said that determining whether a child is disabled or simply struggling with academic and social pressure is "not as objective as it appears."

Federal law states that K-12 schools have the right to decide whether a student qualifies for disability services, and that school officials who are skeptical about a diagnosis from a private practitioner can have a student reassessed. But that can be costly, and can lead to legal battles with parents who have the means to hire a lawyer.

Ms. Pelzer said the frenzy over college applications was a major cause of the growth in disability diagnoses. "It's the competitiveness and wanting to get the edge," she said. Private admissions consultants, she added, recommend that parents seek out diagnoses, and word gets out.

Online message boards are another wellspring for tips. On one serving the capital region, DC Urban Moms and Dads, a parent inquired in January about how to get accommodations for a 10th grader with a 3.6 grade-point average who received an A.D.H.D. diagnosis in elementary school but was denied a 504 plan. "We started thinking ahead to junior year and beyond when the coursework will undoubtedly get harder," the parent wrote.

Several respondents said a new neuropsychological evaluation would be well worth the expense, and some suggested having one done regularly. "We got a new ed-psych every 3-4 years," one parent wrote. Another said an evaluation "may also be useful if you seek extended time on standardized tests."

Demand for extra time on college entrance exams has swelled since 2003, when the College Board and ACT stopped notifying admissions offices of whether a student had taken a test with accommodations, in part to ease the stigma against disabled students.

The College Board said that in recent years 4 percent of the roughly two million students who take the SAT each year used accommodations, up from 2 percent in 2002. According to ACT, 5 percent of the two million

test-takers in the high school class of 2017 used extended time; the company said it had not tracked how the percentage had changed since the early 2000s.

Both testing agencies are required by federal guidelines to defer to recommendations from qualified professionals, like psychologists, when granting accommodations. But not having an up-to-date evaluation can hurt a student's chances.

Melanie McDaniel, 21, was in the fourth grade in San Antonio when her parents learned she had A.D.H.D. By her junior year of high school, she was struggling so much during tests that at the sound of a pencil dropping, she said, "my head would be spinning." Her school gave her a 504 plan that offered her extra time on exams.

But when Ms. McDaniel applied for more time to take the SAT, she was rejected. Her parents never got a concrete reason, but her A.D.H.D. evaluation was seven years old and did not include a full battery of assessments.

Reapplying with a new evaluation would have been a stretch for her middle-class parents. "My mom said we couldn't afford it because it cost thousands of dollars," Ms. McDaniel said.

She ended up focusing her college applications on the growing number of schools that do not require SAT scores.

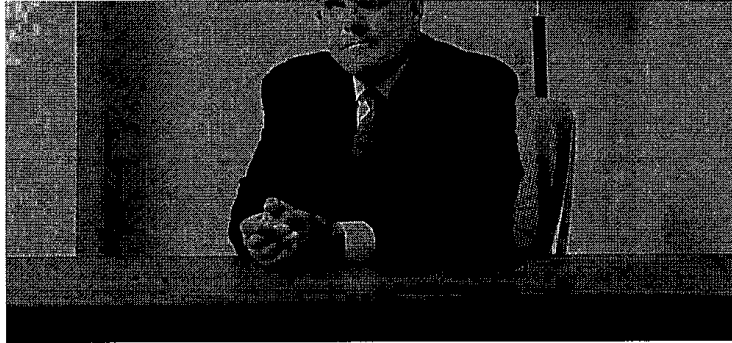
Inside the Psychologist's Office

"Get ACT Extra Time," reads one blunt web advertisement from the Cognitive Assessment Group. "35+ Years of Accurate Testing."

The Manhattan-based practice behind the ad is run by Wilfred van Gorp, a psychologist with an unusual history. He once testified that the Genovese crime boss Vincent Gigante was mentally impaired, years before Mr. Gigante admitted that he had feigned his mental illness. (Dr. van Gorp said he had been tricked.)

In his current practice, Dr. van Gorp assesses 20 to 24 patients a month, he said, two or three of whom are high school students seeking a diagnosis before they sit for standardized tests. The appointments cost about \$6,000 and are often not covered by insurance, though he said he provided financial assistance to some patients.





Dr. Wilfred van Gorp, a psychologist, said about 70 percent of the patients he sees leave his practice with a disability diagnosis. George Etheredge for The New York Times

In one 14-minute test that Dr. van Gorp administers on a computer, letters pop up at varying intervals, and students must press a button whenever they see a letter that is not X. In an assessment of working memory, students must repeat strings of numbers forward and backward.

While abnormal scores on these tests, as well as a history of symptoms in early childhood, may lead to an A.D.H.D. diagnosis, Dr. van Gorp said he also had the discretion to give a diagnosis to a patient with normal scores if he observed signs of inattention, like constant fidgeting.

About 70 percent of the patients he sees leave with a diagnosis, he said, and testing agencies usually approve accommodations for them. He acknowledged that some patients arrive with information about the assessment process, gleaned from internet research. But he said he tried to screen out cheating through tests of effort and motivation.

The ability to rehearse for assessments “is a concern both of mine and the field in general,” he said.

Lorrie Ann Ness, a psychologist in Silver Spring, Md., outside Washington, sees teenagers who “are working 300 percent harder than their peers to keep their heads above water,” she said. “Their tears are real. Their pain is real.”

Dr. Ness begins the diagnosis process by interviewing the student and the parents about the child’s behavioral and educational history. Only then does she conduct eight to 10 hours of tests, over the course of several appointments. The cost, about \$3,000, is sometimes partly covered by insurance.

She said she has occasionally met parents who were looking for a diagnosis for a child who did not seem to need one. Such parents often pay for testing just to “make sure,” Dr. Ness said, but she will not offer a diagnosis that is not warranted.

Like several psychologists interviewed across the country in the wake of the college scandal, Dr. Ness said some practitioners conduct rushed assessments that could result in a misdiagnosis. “There is some really bad,

sketchy stuff out there, and schools are right to be skeptical,” she said.

In the college admissions fraud case, the government is not investigating any psychologists to whom Mr. Singer referred clients, according to a person with knowledge of the investigation, who requested anonymity because of the sensitivity of the case. The American Psychological Association said it was “not aware of any widespread, systemic” abuse of the systems for diagnosing learning differences or recommending testing accommodations.

Ultimately, the disparities in the system may come down to cost and access. Some experts called into question the assumption that speed is an important element of intelligence or ability and have argued that admissions tests would be fairer if all students were given the option of more time.

Rachel Fish, an assistant professor of special education at New York University, said it was difficult to determine whether wealthy and white students were being overdiagnosed with conditions such as A.D.H.D. and anxiety, or whether poor students and children of color were being underdiagnosed.

“It’s different levels of advantage in being able to acquire services,” she said.

Kate Taylor contributed reporting.

A version of this article appears in print on July 30, 2019, Section A, Page 1 of the New York edition with the headline: A Diagnosis Can Give Students Extra Test Time (Money Helps)

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