

SFGATE BLOG

Ex-USF law student can sue school for disclosing disability

By Bob Egelko on July 17, 2013 at 7:39 PM

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A federal appeals court says a former University of San Francisco law student can sue the school for letting other students know he has a learning disability.

Jason Tecza, who enrolled at USF in 2006, said he was diagnosed in his first year with attention deficit hyperactivity disorder, or ADHD. He said the university agreed to provide the standard accommodations for such disabilities — letting him take tests in a separate room, with 50 percent more time than usual to complete the exam — and promised to keep his condition confidential.

But while he was studying in overseas programs in Dublin and Prague in the summer of 2007, Tecza said, USF made it clear to other students that he had separate testing arrangements, which were spelled out in a form on view at the Prague campus. Though the form didn't disclose his condition, Tecza said fellow students would have known that he had a learning disorder.

After transferring to another school — out of embarrassment, he said — Tecza sued USF in 2009 for violating its promise to him. The suit was dismissed by a federal judge in 2010 but was reinstated last month by the Ninth U.S. Circuit Court of Appeals.

The university's student handbook includes a promise to keep student disabilities confidential, and Tecza may be able to show that USF disclosed information about his condition that wasn't already known to other students, the court said in a 3-0 ruling.

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Tecza's lawyer, Ewa Davison, said he later moved out of state and took and passed the bar exam. She said he was pleased with the ruling, which can be viewed here:

<http://cdn.ca9.uscourts.gov/datastore/memoranda/2013/06/25/10-16270.pdf>.

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