

Reasonable Accommodation (*Nachteilsausgleich*) - Improvement of Average Grade

You can file a claim for special circumstances that prevented you from achieving a better average grade.

Special circumstances

Before filing your claim for special circumstances, please consider carefully whether the claim has reasonable prospect of success. Many applicants put too much hope in claims for special circumstances. Not every factor you might consider relevant justifies a claim for special circumstances in the admission procedure. To justify a claim for special circumstances, the factors you put forward must lead to severe impairment, must already **exist in your person at the time you are filing your claim** and **must be beyond your control**. Please consider carefully whether the factors you are putting forward really qualify as special circumstances.

As a rule, a claim for special circumstances must be submitted at the same time as you submit your application for admission.

When you are filing a claim for special circumstances, you must provide appropriate evidence to support your claim. For information on what documents are considered appropriate evidence, please refer to the section on examples of justified claims. Please bear in mind the following: The evidence you include to support your claim must illustrate the special circumstances you are claiming in such a clear way that outside parties will be able to understand your arguments merely by consulting the respective documents. You can facilitate the processing of your claim by submitting, along with the required evidence, a short written statement in which you present arguments to support your claim. Documents issued by bodies that hold an official seal must bear an impression of that official seal. Photocopies must be certified.

If you are submitting several applications for admission (e. g. one for universities and one for universities of applied sciences in the service procedure) you may be required to file a separate claim for special circumstances (each to be submitted together with all required documents) for each of these applications for admission.

Improvement of average grade

An applicant's average grade is the decisive selection criterion when places at university are allocated under the *Abiturbestenquote* (quota of places allocated to those applicants with the best grades in the *Abitur*). The average grade is also considered when determining what applicant is offered a place at what university. Therefore, an applicant that was prevented, by certain circumstances, from achieving a better grade when acquiring his/her higher education entrance qualification (e. g. *Abitur*) is eligible for reasonable accommodation. If an applicant can provide proof of the existence of such circumstances and the effect they had on his/her grade, he/she will participate in the admission procedure with an improved average grade.

Providing proof of the existence of circumstances that had a negative impact on the applicant's performance (e. g. the applicant having spent months in hospital) alone does not suffice to justify a claim for reasonable accommodation. Rather, the applicant must also provide proof of the effect the respective circumstances had on his/her average grade.

You must include certified copies of your school reports to serve as proof of the drop in your performance. Normally, you will also be required to submit a **statement** issued by your school (not by individual teachers) to serve as additional proof of whether and to what extent the circumstances you are referring to affected your performance at school. Your school alone is in a position to judge this. Please contact your school as soon as possible to request this statement to make sure your school will have enough time to prepare it before expiry of the application deadline. For information on what the **statement** is required to contain and what other requirements are to be met, please refer to the guidelines below. Together with your claim for reasonable accommodation, you must submit all documents the statement issued by your school draws from, e. g. school reports and statements from specialist medical practitioners.

Only if your school is not in a position to prepare such a statement do you not have to submit a statement issued by your school. Example: You only attended the school for a short period of time and the school is thus not in a position to judge what effect the circumstances you are referring to had on your performance.

In this case, the statement can also be prepared by an expert; you must hire this expert, who must have a background in both pedagogy and psychology, at your own expense. The expert must have successfully completed professional training in both pedagogy (e. g. must have successfully completed both *Lehramtsprüfungen* (state examinations in teaching)) and psychology (e. g. must have acquired a degree as *Diplom-psychologin/Diplompsychologe*); the school psychology service (*schulpsychologischer Dienst*) may be able to help you find a suitable expert. Please submit to the expert a letter issued by your school stating that it is not in a position to judge what effect the circumstances you are referring to had on your performance and is thus not able to prepare the required statement.

In his/her capacity as a teacher, the expert must assess your performance at school prior to and after the occurrence of the challenging circumstances. Based on this assessment, the expert must apply and provide proof of having applied the methods used in psychology to test a person's intelligence, aptitude, personality structure,

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achievement motivation and resilience and must provide a plausible account of the results. Finally, the statement must mention the exact average grade or point total you would have achieved had the circumstances you are referring to not occurred. Please note: Together with your claim for reasonable accommodation, you must submit all documents the pedagogic-psychological statement draws from, e. g. school reports and statements from specialist medical practitioners; in addition, you must include the letter issued by your school stating that it is not in a position to prepare the required statement.

Guidelines
for schools concerning the preparation of statements to accompany
claims for reasonable accommodation

To ensure that the statements prepared by schools to accompany claims for reasonable accommodation in admission procedures in which places are allocated according to the applicants' average grades are comparable with regard to the standards according to which they were prepared, the guidelines below are to be followed when preparing such a statement:

1. *The head teacher of the school at which the applicant acquired his/her higher education entrance qualification will decide, after due consideration, whether the school will prepare a statement to accompany the applicant's claim for reasonable accommodation in an admission procedure in which places are allocated according to the applicants' average grades. The school has the right to refuse to prepare such a statement; it will do so in particular if it lacks the necessary information with regard to the applicant (e. g. because the applicant attended the school only for a short period of time) and is thus not in a position to comment on the factors in question.*
2. *The statement must be signed by the head teacher and must contain:*
 - a) *a short outline of the applicant's educational background;*
 - b) *information on the nature and duration of the circumstances beyond the applicant's control which led to a drop in the applicant's performance (the school may only mention proven facts);*
 - c) *information on and credible evidence of any noticeable effects the respective circumstances had, in the opinion of the respective subject teachers, on the applicant's performance in the individual subjects;*
 - d) *a clause stating that the statement is intended for submission to the Stiftung für Hochschulzulassung (Trust for Admission to Higher Education) only and must not be used for any other purpose.*
3. *If the school is convinced that the special circumstances the applicant is claiming (and which are beyond the applicant's control) had a negative impact on the applicant's performance at school, the school must provide - taking into account the long-term overall development of the applicant's performance in each subject that is to be considered - a credible statement on which grade or point total the applicant could have been expected to achieve had the negative impact not occurred. The resulting improved average grade or higher point total the applicant would have achieved when acquiring his/her higher education entrance qualification must also be specified in the statement.*
4. *Only when attesting minor differences in performance may a statement be based on general facts or experience. The higher the improvement of the applicant's average grade or point total, the higher the standards to be met when providing a conclusive account of the effect the circumstances referred to in the claim had on the applicant's performance.*
5. *If necessary and possible in individual cases, a school psychologist working at or responsible for the school can be consulted when preparing the statement.*

Justified claims

Listed below are examples of reasons existing in the applicant and beyond the applicant's control that prevented him/her from achieving a better average grade that can justify a claim for reasonable accommodation:

1. Special social circumstances

1.1 Special medical conditions.

1.1.1 Prolonged periods of absence from school due to illness during the last three years prior to the applicant acquiring his/her higher education entrance qualification (statement from specialist medical practitioner).

1.1.2 The applicant is severely handicapped and has a degree of disability of at least 50 (*Feststellungsbescheid*)

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des Versorgungsamtes (letter issued by the *Versorgungsamt* confirming that the applicant is considered severely handicapped)).

- 1.1.3 Prolonged periods of severe handicap or illness other than those specified under 1.1.1 or 1.1.2 (statement from specialist medical practitioner).
- 1.1.4 Other comparable special medical conditions (statement from specialist medical practitioner).
- 1.1.5 The applicant was pregnant during the last three years prior to acquiring her higher education entrance qualification (letter issued by a medical practitioner to verify the fact of pregnancy or birth certificate of the child).
- 1.2 Special economic circumstances (appropriate documents to serve as proof).
- 1.3. Other comparable special social circumstances (appropriate documents to serve as proof).

2. Special family-related circumstances

- 2.1 The applicant was caring for his/her own underage children in the last three years prior to acquiring his/her higher education entrance qualification (birth certificates of children).
 - 2.2 The applicant was caring for relatives in the ascending line with care needs or for his/her siblings in the last three years prior to acquiring his/her higher education entrance qualification (letter to confirm relatives' eligibility for care level I or II according to *Sozialgesetzbuch XI* (social code, book XI, SGB XI) or letter issued by a medical practitioner to confirm care needs).
 - 2.3 In the last three years prior to acquiring his/her higher education entrance qualification, the applicant was caring for underage siblings living in the same household that would otherwise have gone uncared for (birth certificates of siblings).
 - 2.4 Death of a parent or both parents in the last three years prior to the applicant acquiring his/her higher education entrance qualification if the applicant was unmarried and under the age of 25 when his/her parent(s) died (death certificate of parent(s) and certificate confirming the applicants marital status at the time).
 - 2.5 The applicant had to move schools several times in the last three years prior to acquiring his/her higher education entrance qualification due to his/her parents moving home (certificate issued to the applicant when leaving a school (*Abgangszeugnis*) as well as certificate of residence (*Meldebesccheinigung*) of applicant's parents).
 - 2.6 Other comparable special family-related circumstances (appropriate documents to serve as proof).
- 3. A minimum of one year of uninterrupted membership of the A, B or C squad of a German national sports federation** during the last three years prior to the applicant acquiring his/her higher education entrance qualification (letter issued by the responsible national sports federation to confirm membership).

4. Other comparable special circumstances (appropriate documents to serve as proof).

Unjustified claims

Listed below are cases in which a claim for reasonable accommodation will normally not be accepted:

Re 2.6:

- While still at school, the applicant worked in his/her parents' household or business without having been driven to do so by necessity.
- The applicant's parents suffer(ed) from an illness.
- One of the applicant's parents or another close relative died before the applicant acquired his/her higher education entrance qualification (cases other than those specified under 2.4).
- The applicant's parents separated or divorced.
- The applicant's parents moved home more than three years prior to the applicant acquiring his/her higher education entrance qualification.

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Re 4:

Listed below are cases in which a claim for reasonable accommodation will normally not be accepted:

- The applicant claims to have suffered disadvantage due to him/her having attended a certain type of *Gymnasium* (secondary school) or having taken the examination to acquire his/her higher education entrance qualification as an external candidate (*Nichtschülerreifepfung*).
- The applicant claims to have suffered disadvantage due to him/her having taken the examination to acquire his/her higher education entrance qualification in a German federal state in which these examinations are centralised (*Zentralabitur*).
- The applicant attended a school struggling with poor facilities or teacher shortage.
- The applicant claims to have suffered disadvantage due to unfair grading.
- The applicant was ill during final examinations at school.
- The applicant was faced with long and time-consuming commutes to school.
- The applicant participated in an exchange programme.
- The applicant was a member of his/her school's student council.