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CORPORATE PLAZA – BUILDING 3
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ALBANY, NY 12203-5195
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TEST ACCOMMODATIONS
Applications, Instructions and Guidelines

[A large print version of this publication is available upon request]

Revised 3/10

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GENERAL INFORMATION

- I. The Americans with Disabilities Act of 1990 as Amended (ADA).** The ADA and applicable regulations define a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities. The New York State Board of Law Examiners (Board) provides reasonable and necessary test accommodations to disabled persons who qualify for accommodations under the ADA and relevant regulations and case law.
- II. The Purpose of Test Accommodations.** The purpose of test accommodations is to provide equal access to the bar examination. Test accommodations are adjustments or modifications to the standard testing conditions which alleviate the impact of the applicant's impairment on the examination process without: fundamentally altering the nature of the examination; imposing an undue administrative or financial burden on the Board; compromising the security, validity or reliability of the examination; or providing an unfair advantage to the applicant with the disability. Test accommodations must be reasonable, consistent with the nature and purpose of the examination, and necessitated by the applicant's disability. While the use of accommodations on the bar examination should enable applicants to better demonstrate their knowledge mastery, test accommodations are not a guarantee of improved performance, test completion or a passing score.
- III. Applicant's Burden of Proof under the ADA.** The burden of proof is on the applicant to establish a disability as defined by the ADA and to establish the need for test accommodations. Requests for test accommodations are evaluated on a case-by-case basis. Applicants are required to complete the appropriate application in accordance with the instructions provided. The documentation necessary to support a request for test accommodations varies with the nature of the disability and is described in the following guidelines provided with this document: *Guidelines for the Documentation of Physical and Psychiatric Disabilities*; *Guidelines for Documentation of Learning Disabilities and other Cognitive Disorders*; and *Guidelines for Documentation of Attention Deficit/Hyperactivity Disorder*. Documentation which sufficed in other testing situations may not be sufficient to support a request for accommodations on the New York bar examination.
- IV. Who Should Complete an Application for Test Accommodations?** Applications for test accommodation should be completed only by those individuals with disabilities under the ADA who require test accommodations on the bar examination. All applicants must check "Yes" to the ADA question on the online bar examination application. *All applicants, including those who have been awarded accommodations in the past, must timely submit one of the following paper applications:*
- A. Application for Test Accommodations. This application must be filed by applicants requesting test accommodations on the bar examination for the first time; applicants who were denied accommodations on a prior examination; applicants for re-examination who did not previously request accommodations; and applicants who were granted accommodations in the past but who have not taken the examination in the last three (3) years.
- B. Re-Applicant Application for Test Accommodations. This application must be filed by applicants who have previously been granted test accommodations by the Board and have taken the examination with those accommodations within the past three years.
- V. Who does NOT need to complete an Application for Test Accommodations?** Applicants requesting only the following do not need to file an application for test accommodations:
- A. Food and Drink. All applicants are permitted to have quiet snacks and beverages in soft containers (no glass or cans) in the examination room.

- B. Medications. All applicants are permitted to have necessary over-the-counter and legally prescribed medications during the examination. Medications must be brought in their original containers.
- C. Lumbar Support. Applicants who *only* want permission to bring a lumbar cushion or pillow into the examination room should make a written request to the Board, addressed to the *Administrative Accommodations Unit*, describing the item and the reason(s) for its use. The request must be received by the Board no later than the first day of the month of the scheduled exam. If the request is granted, the Board will provide a letter granting the request which must be presented to security at the entrance of the test center.
- D. Restroom Accessible Seat. Applicants who wish *only* to be seated near a restroom should make a written request to the Board, addressed to the *Administrative Accommodations Unit*, describing the request and the reason(s) for the request. The request must be received by the Board no later than the first day of the month of the scheduled exam.
- E. Laptop Computer. All applicants are allowed to participate in the Board’s laptop program, regardless of disability. Applicants who seek *only* the use of a laptop computer do not need to complete a paper ADA application. Such applicants must register for the laptop program by checking “Yes” to the laptop question on the online bar examination application. Applicants who are requesting the use of a laptop computer *and* any other accommodation (i.e. additional testing time) must file a paper application for test accommodations. Such applicants must check “Yes” to the laptop question and “Yes” to the ADA question on the online examination application.

VI. Filing. The completed application for test accommodations or re-applicant application for test accommodations together with all required supporting documentation must be filed by the close of the application filing period that applies for the general bar examination (see Board Rule 6000.2). Applications are deemed filed as of the day they are received in the Board’s office. If the general application deadline falls on a holiday or weekend, the application must be received by the last business day preceding the deadline. The Board's office is not open on weekends or holidays and does not receive mail on these days.

- A. Deadline. The bar examination is held each year during the last week of February and during the last week of July. The following deadlines apply:

<u>Exam</u>	<u>Received by</u>
February	November 30
July	April 30

- B. Extension for Candidates Failing the Immediately Preceding Administration of the Examination. An applicant who received an unsuccessful score on the immediately preceding administration of the examination must file the application for test accommodations or re-applicant application for test accommodations by the later of (1) the deadline indicated above or (2) the 14th day following the date of the Board's notification of failure. Applications are deemed filed as of the day they are received in the Board’s office. If the application deadline falls on a holiday or weekend, the application must be received by the last business day preceding the deadline. The Board's office is not open on weekends or holidays and does not receive mail on these days.
- C. Address. Completed applications for test accommodations or re-applicant applications for test accommodations together with all required supporting documentation must be mailed to:

New York State Board of Law Examiners
OFFICE OF TEST ACCOMMODATIONS
Corporate Plaza – Building 3
254 Washington Avenue Extension
Albany, NY 12203-5195

- D. Postmark Policy Change. Applications are not timely unless they are RECEIVED by the deadline. The postmark is no longer the method to comply with the deadline. If your application is received after the deadline, your application will be rejected as untimely.
- E. Late Applications. It is the applicant's obligation to ensure that the application was timely received by the Board. Candidates should keep a copy of the completed application and all documentation that is submitted to the Board for their own records. The Board will consider only those applications for test accommodations and re-applicant applications for test accommodations that are timely filed. *Applications that are untimely shall be rejected and returned to the applicant.*
- F. Incomplete Applications. The Board will consider only those applications for test accommodations and re-applicant requests for test accommodations that are complete. To be complete, each and every question must be answered on the application and all required supporting documentation must be submitted. Please note that some supporting documentation must be obtained from third parties. Care must be taken to plan ahead so that all documentation is available as of the filing deadline. You must complete the checklist found on the last page of the application before submitting your application to demonstrate that you have submitted a complete application. Documentation submitted past the filing deadline will not be considered. *Applications that are incomplete or are missing required supporting documentation shall be rejected and returned to the applicant.*
- G. Early Applications. A request for test accommodations may be made as early as six months prior to the date of the examination. Applicants are encouraged to send in applications as soon as they know they will be requesting accommodations.
- H. Confidentiality. In order to preserve confidentiality, applications for test accommodations and supporting documentation must be sent to the Office of Test Accommodations at the address set forth above. If you file a paper application for the bar examination, DO NOT attach test accommodations applications or supporting documentation to that application; mail each application separately.
- I. Faxing Policy. Faxing does not satisfy the filing requirement or relieve the applicant from their responsibility to submit the original signed/notarized application or re-application (with all required supporting documentation) to the Board's office within the filing period.

VII. Test Center Locations. The Board tests candidates receiving test accommodations in the Capital District (Albany), Western New York and New York City. Candidates are assigned to test centers based on their residence address or, if employed full-time in New York, their employment address. *Candidates who are neither residents of New York State nor employed full-time in New York are assigned to the Capital District.* All candidates seeking test accommodations who wish to request a change in test center must submit a written request to the Board, *attention Office of Test Accommodations*, on or before the application deadline. The request must indicate the reason for the change in location. The Board will attempt to accommodate such requests based on availability.

VIII. Review Process for Applications for Test Accommodation.

- A. Independent Review. Pursuant to Board Rule 6000.4[c][6], the Board reserves the right to have any application for test accommodations together with all supporting documentation evaluated by an expert(s) in the appropriate area of disability for a fair and impartial professional review. The Board may, in its discretion, require the applicant to provide additional information and documentation in support of the request, and may also require the applicant to submit to examination by an expert professional designated by the Board.
- B. Determinations. All complete and timely applications for test accommodations and re-applicant applications for test accommodations will be acted on as soon as is practicable. For the February examination, determination letters will generally be available by the first week of February; for the July examination, determination letters will generally be available by the first week in July. The determination letter will be sent via email and regular US mail to the addresses provided on the test accommodations application. It is the applicant's responsibility to keep the Board apprised of changes of address. If the application is granted, the determination letter will detail the specific accommodations awarded and will include an affidavit which must be signed, notarized and returned to accept the terms of the accommodations. If the application is denied, the determination letter will describe the reason(s) for the denial and the appeal process under Judiciary Law §460-b and Board Rule 6000.4(e).
- C. Appeals. Applicants are referred to Board Rule 6000.4(e) for complete details on filing an appeal. An appeal is not a substitute for an incomplete application as the board shall not consider new material that was not included in the original application. All documents which support the request for accommodations should be filed with the original application. Appeals must be received at the Board's office no later than 14 days from the date on the Board's determination denying the request for test accommodations. The Board will make a decision on the appeal and notify the candidate as soon as is practicable. NOTE: Rule 6000.4(e) only provides for an appeal for applicants whose applications are *denied*. Applicants whose applications are *rejected* as incomplete or untimely do not have the right to appeal.
- D. Other Eligibility Requirements. Applicants for test accommodations must meet all eligibility requirements for the bar examination. These include: timely applying for the bar examination, paying the appropriate fee and meeting all residency and/or foreign legal education requirements. Questions concerning these other eligibility requirements should be addressed to the Board's main office, and not to the Test Accommodations Office.

- IX. **Email.** The Board will email determination letters and other important information to candidates at the email address provided in the application. Applicants must ensure that email addresses are kept up to date and that the same email address is used for all Board correspondence. Applicants should use an email address which will remain active after graduation and at least through the results reporting period. Applicants are encouraged to check their email at least once a day for important information from the Board. If no email address is provided, such information will be sent by regular US mail.

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APPLICATION FOR TEST

ACCOMMODATIONS

This application should be used by: applicants requesting test accommodations on the bar examination for the first time; applicants who were denied accommodations on a prior examination; applicants for re-examination who did not previously request accommodations; and applicants who were granted accommodations in the past but who have not taken the examination in the last three (3) years. Late and incomplete applications will be rejected and not considered. Please refer to the instructions which accompany this application and the Guidelines for Documentation of Physical and Psychiatric Disabilities, Guidelines for Documentation of Learning Disabilities and other Cognitive Disorders and Guidelines for Documentation Attention Deficit/Hyperactivity Disorder when completing this application.

GENERAL INFORMATION

- 1. Name: Last First Middle
2. Address where you may be contacted concerning this application: Number and Street Address or P.O. Box Number City State/Province Zip/Postal Code Country Daytime Telephone Number E-mail address
3. I am requesting test accommodations for the following exam (circle one): FEB / JULY (year)
4. BOLE ID or social security number:
5. Law School and degree awarded: Dates attended:
6. Have you previously applied to take the New York bar examination? [] Yes [] No
If yes, please state the month and year of the last exam for which you filed an application
Have you previously requested accommodations on the New York bar examination? [] Yes [] No
If yes, please state the month and year of the last exam for which you requested accommodations
Were you awarded test accommodations for that examination? [] Yes [] No

DISABILITY DESCRIPTION AND HISTORY

- 7. I am requesting accommodations on the basis of the following disability. Only those disabilities checked below will be considered by the Board:
[] ADHD / ADD [] Physical Disability [] Vision Disability
[] Learning Disability [] Psychiatric Disability [] Hearing Disability
[] Other (specify):

8. I was first professionally diagnosed with _____(state specific diagnosis) in _____(month), _____(year) by:
 Name of Qualified Professional: _____
 Type of health care provider: _____
9. This diagnosis was most recently confirmed or reassessed in _____(month), _____(year) by:
 Name of Qualified professional: _____
 Type of health care provider: _____
10. What treatment is currently being prescribed and by whom (name, occupation, specialty)? _____

TEST ACCOMMODATIONS REQUESTED

11. List all accommodations you are requesting for the New York bar examination. *Only those accommodations requested in the space provided here will be considered by the Board.* (If you are requesting additional testing time you must also answer question 12.)

12. Additional testing time: Do you request extra time to take the bar exam? [] Yes [] No
If Yes:
 New York sessions (AM: essays 1, 2, & 3 and 50 multiple choice questions - 3 hours and 15 minutes; PM: essays 4, 5 & the MPT – 3 hours). Specify the amount of time requested for the AM and PM sessions (i.e. time and a half, one extra hour, 30 extra minutes):
 AM: _____
 PM: _____

MBE sessions (AM: 100 multiple choice questions – 3 hours; PM: 100 multiple choice questions – 3 hours). Specify the amount of time requested for the AM and PM sessions (i.e. time and a half, one extra hour, 30 extra minutes):
 AM: _____
 PM: _____

13. Laptop Program: Are you electing to participate in the Board’s laptop program for the New York essays and MPT? The laptop program is not available for multiple choice sections. Spelling and grammar are not graded on the examination, and the software does not come with spell check or grammar check. [] Yes [] No

PAST ACCOMMODATIONS HISTORY

For questions 14 through 17, please use the following instructions: If you were granted accommodations, check “Yes.” Describe *all* accommodations granted in the area indicated below the question. Provide the name(s) of the school(s) and include the time frames when the accommodations were granted (i.e. senior year only, all years, etc.). If you did not request accommodations, check “No.” Explain why you did not request accommodations and explain why accommodations are now requested on the New York bar examination. If you applied for accommodations and were denied, check “denied.” If you did not attend the type of school indicated, check “N/A”.

14. Did you receive test accommodations in **Law School**?

Yes No Denied N/A

15. Did you receive test accommodations during your **Undergraduate Studies**?

Yes No Denied N/A

16. Did you receive test accommodations for **Secondary Education (High School)**?

Yes No Denied N/A

17. Did you receive test accommodations during **Elementary Education**?

Yes No Denied N/A

18. Did you receive test accommodations for the following **Standardized Exams**?

LSAT	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied <input type="checkbox"/> N/A	GMAT	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied <input type="checkbox"/> N/A
SAT	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied <input type="checkbox"/> N/A	MCAT	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied <input type="checkbox"/> N/A
ACT	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied <input type="checkbox"/> N/A	MPRE	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied <input type="checkbox"/> N/A
GRE	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied <input type="checkbox"/> N/A	Other _____	<input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Denied <input type="checkbox"/> N/A

If you were granted accommodations, check “Yes.” Describe *all* accommodations granted in the area indicated below. If you did not request accommodations, check “No.” Explain why you did not request accommodations and explain why you are now requesting accommodations for the New York bar examination. If you applied for accommodations and were denied, check “denied.” If you did not take the exam, check “N/A.” If you did not take the LSAT and SAT, explain why. If you took an exam multiple times but did not receive accommodations for all administrations of the exam, please so indicate. _____

SUPPORTING DOCUMENTATION

19. Medical Documentation:

A. *Current Medical Documentation.* Attach a current and comprehensive report from a qualified professional. The report must comply with the appropriate documentation guidelines which are included with this application: *Guidelines for Documentation of Physical and Psychiatric Disabilities; Guidelines for Documentation of Learning Disabilities and other Cognitive Disorders;* and *Guidelines for Documentation of Attention Deficit/Hyperactivity Disorder.* The report must include, among other

things: 1) a specific diagnosis; 2) a description of your disability and your functional limitations; 3) an explanation as to how your disability was diagnosed; and 4) an explanation as to how your disability currently impacts your ability to take the New York bar examination under standard conditions and a recommendation for specific accommodations. *For learning disabilities and other cognitive disorders*, your examiner’s report must also include, among other things: 1) a DSM-IV diagnosis including, where appropriate, a discussion of the significant discrepancy (Criterion A) and the significant impairment (Criterion B); 2) test results from a full cognitive and achievement test battery using tests which are acceptable under the Board’s guidelines; 3) test results reported using standardized scores and age norms.

If you have more than one disability, you must have medical documentation to support each disability. It is your responsibility to carefully read the instructions accompanying this form, the documentation guidelines applicable to your stated disability, and Board Rule 6000.4 to ensure that your supporting documentation is current and fully compliant. Provide a copy of the applicable documentation guidelines to your treating professional before s/he prepares your documentation.

B. ***Historical Documentation.*** If the application for test accommodations is based upon a learning disability, Attention Deficit/Hyperactivity Disorder, or other cognitive disorder, medical documentation concerning your first formal diagnosis is helpful. For ADHD, it is essential that you attach copies of any available historical documentation that can establish a childhood onset (i.e. elementary school, middle school, high school) of symptoms and impairment. Applications based on ADHD should also include copies of documents demonstrating that the impairments are not limited to test taking and extend into other life domains, and that the impairments currently impact daily activities. ***Including historical documentation that evidences the existence of symptoms at an early age improves the likelihood of being awarded accommodations.***

- 20. **Personal Statement:** Provide a personal statement describing when you first became impaired by your disability, when you were first formally diagnosed, how your disability impacts on your daily life activities including your educational functioning and other life domains, and how your disability affects your ability to take the bar examination under standard testing conditions.
- 21. **Proof of Past Accommodations.** Provide proof of past accommodations received, if any, for law school, college, and prior standardized examinations (i.e., LSAT, SAT, MPRE, etc.).
- 22. **Test Scores and Transcripts.** If the nature of your disability is a learning disability, ADHD, or other cognitive disorder, you must provide transcripts for law school and college, and test scores for the SAT and LSAT.
- 23. **Prior or Concurrent Bar Examinations:** If you have ever applied for a bar examination in any jurisdiction other than New York, or if you are applying for a concurrent bar examination, list each jurisdiction and complete the information below. If you were granted or denied accommodations, submit a copy of the decision and your exam result (pass/fail). If you no longer have a copy of the decision, acquire and submit a letter from the other bar jurisdiction. *If a request for test accommodations is currently pending in another jurisdiction you must forward a copy of the decision to the Board upon receipt.*

Jurisdiction	Mo/Yr of Exam	Accommodations Requested?	Granted?/Denied?	If Granted, describe.	Did you pass?

Jurisdiction	Mo/Yr of Exam	Accommodations Requested?	Granted?/Denied?	If Granted, describe.	Did you pass?

CERTIFICATION

24. I am aware that it is my responsibility to file a timely and complete application for test accommodations. I understand that my application must be received by the general application deadline. (For applicants who failed the immediately preceding examination, applications must be received no later than the 14th day following the date of the Board’s notification of failure.) I also understand that all required supporting documentation must be submitted with my application.

I understand that if my application is late or incomplete, it will be rejected and not considered by the Board.

I certify under penalty of perjury under the laws of the State of New York that all of the information and statements made by me herein are true and correct to the best of my knowledge and belief. I understand that if any of my answers are willfully omitted or false, I may be subjected to such penalties as provided by law and be subject to discipline pursuant Board Rule 6000.9 (Fraud, Dishonesty and Other Misconduct).

STATE OF _____)
COUNTY OF _____)

Subscribed and sworn to before this
____ day of _____, 20__.

Print name of Applicant

Notary Public
(Seal or Stamp must be affixed)

Signature of Applicant

AUTHORIZATION AND RELEASE

25. I, _____, in connection with my application for test accommodations on the bar examination, authorize the New York State Board of Law Examiners (Board) to provide, at its discretion, a copy of any and all documentation that I submit in connection with this application, including any confidential medical records or information, to such persons and/or consultants as the Board may deem necessary to adequately evaluate my application for test accommodations. If requested by the Board, I further agree to submit to diagnostic testing by a physician, psychologist or other professional authority chosen by the Board.

If further information regarding the documentation that I have provided is needed, I authorize the Board to contact the professional(s) who diagnosed and/or treated my disability. I further authorize such professionals to communicate with the Board in this regard to provide such clarification and/or further information and documentation as the Board requires.

I authorize the Board to contact those entities which have provided me test accommodations or with whom I have a current application for test accommodations pending for the purposes of ascertaining what accommodations have been or will be granted or denied. I further authorize such entities to communicate with the Board in this regard to provide such clarification and/or further information and documentation as the Board requires.

I hereby release, discharge, and exonerate the New York State Board of Law Examiners, its agents, and representatives and/or any person from any and all liabilities of every nature and kind arising out of the furnishing, inspection or receipt of medical records, documents, records and other information, or any investigation made by or on behalf of the Board.

STATE OF _____)
COUNTY OF _____)

Subscribed and sworn to before this
____ day of _____, 20__.

Print name of Applicant

Notary Public
(Seal or Stamp must be affixed)

Signature of Applicant

CHECKLIST

26. Please review and checkmark each line below to demonstrate that you have submitted all the required documentation in the appropriate format. You must submit this completed checklist with your application packet. If any of the required information or documentation is missing from your submission, your application is incomplete. *Incomplete applications will be rejected and returned to the candidate.*

- I have REMOVED all staples, paperclips, binding and/or exhibit tabs from every page so that all of my documentation can be efficiently bar coded with my BOLE ID and image-scanned upon arrival.
- ALL pages are single-sided. I have not enclosed any double-sided pages.
- I have made a copy for my records of the entire application packet before submitting to the Board
- I have answered each and every question in my Application for Test Accommodations.
- I have enclosed Current Medical Documentation in full compliance with the Board’s Guidelines (question 19[A])
- I have enclosed my Personal statement (question 20)
- I have enclosed Proof of Accommodation letters from ____ law school; ____ LSAT; ____ college; and ____ SAT, specifying the particular accommodations I received (question 21). If you did not receive accommodations, state “N/A”.
- I have enclosed Proof of Prior or Concurrent bar examination accommodations received and my subsequent exam results (question 23). If you have never requested accommodations on the NY bar examination or another jurisdiction, state “N/A.”
- I have enclosed my Signed and Notarized Certification (question 24)
- I have enclosed my Signed and Notarized Authorization and Release (question 25)

For applications based on **(1) learning disabilities; (2) Attention Deficit/Hyperactivity Disorder; and/or (3) other cognitive disorders**, I have enclosed the following **REQUIRED** documentation (question 22). If you did not take the LSAT or SAT, state “N/A”:

- LSAT score report (from LSAC) – a photocopy is permitted for this purpose;
- SAT score report (from College Board or High School) – a photocopy is permitted for this purpose. If you are unable to get your score report quickly from the College Board, contact your high school for a copy of your transcript (be sure your SAT scores are reflected on your transcript). If either source indicates they no longer have your records in their archives, you must get a signed letter from them confirming such, and it must be included with this application packet;
- Law school transcript(s) – a photocopy is permitted for this purpose; and
- College transcript(s) – a photocopy is permitted for this purpose.

Please check one of the following:

- Historical documentation from first formal diagnosis and/or childhood is enclosed (question 19[B])
- Historical documentation from first formal diagnosis and/or childhood is not provided (question 19[B]). *Please provide explanation as to why historical documentation is not provided:*

FILING INFORMATION

27. Applications and all required supporting documentation must be received by the general application deadline in the Board's office as indicated below. (For applicants who failed the immediately preceding examination, applications must be received no later than the 14th day following the date of the Board's notification of failure.)

New York State Board of Law Examiners
OFFICE OF TEST ACCOMMODATIONS
Corporate Plaza – Building 3
254 Washington Avenue Extension
Albany, NY 12203-5195

Exam Cycle:	Application Deadline:
February	November 30
July	April 30

INSTRUCTIONS FOR COMPLETING APPLICATION FOR TEST ACCOMMODATIONS

GENERAL INFORMATION

1. Provide your name as it appears on your general bar examination application.
2. Provide the mailing address, phone number and email address where you may be contacted concerning your application for test accommodations. This is the mailing address where your determination letter will be sent. The Board will also contact you at your email address, and will send your determination letter to you via email. Be sure to keep your addresses up to date and to check your email at least once a day for important information regarding your application and/or the bar examination itself. You should use the same email address for all Board correspondence.
3. Indicate the examination for which you are requesting accommodations.
4. Provide the BOLE ID number as it appears in your general bar examination application. If you do not yet have a BOLE ID number, provide your social security number.
5. Indicate the law school where you received your degree and the dates you were in attendance
6. Provide information concerning previous New York bar examinations for which you have applied including whether you received test accommodations on previous examinations. If you have received accommodations in the last three years, you should complete the Re-Applicant request for Test Accommodations and not this application.

DISABILITY DESCRIPTION AND HISTORY

7. Indicate the basis for your request for test accommodations. The Board will only consider the disabilities you check in response to this question. *It will not consider disabilities mentioned in your personal statement or medical documentation unless they are checked in response to this question.*
8. For each disability checked in question 7, provide the diagnosis and the date when you were first professionally diagnosed. If you have multiple disabilities, attach additional sheets as necessary. Provide the name of the qualified professional who made the original diagnosis. A "Qualified Professional" is defined as a licensed physician, psychiatrist, psychologist or other health care provider who has comprehensive training in the field related to your disability. It is expected that you will submit medical documentation from this individual in response to question 19[B]. If you are claiming a learning disability, ADHD, or other cognitive disorder the following professionals would generally be considered qualified to provide an evaluation provided that they have additional training in the specific field and direct experience in working with an adult population: clinical or educational psychologists, school psychologists, neuropsychologists, psychiatrists, learning disabilities specialists and medical doctors.
9. For each disability checked in question 7, provide information concerning when the diagnosis was most recently confirmed or reassessed and the qualified professional who made the reassessment. It is expected that you will submit medical documentation from this individual in response to question 19[A]. If you have multiple disabilities, attach additional sheets as necessary.
10. For each disability checked in question 7, provide information on what treatment is currently being prescribed. If you have multiple disabilities, attach additional sheets as necessary.

TEST ACCOMMODATIONS REQUESTED ON NEW YORK BAR EXAM

11. List all accommodations you are requesting for the bar examination. Accommodations must be reasonable, appropriate to the disability, and supported by your professional documentation. The Board will only consider the accommodations you list in response to this question. *It will not consider accommodations mentioned in your personal statement or medical documentation unless they are listed in response to this question.*

Please consider the following description of the standard bar examination when making your request:

The New York bar examination is given on the last Tuesday and Wednesday of February and July. The New York portion of the examination is given on Tuesday and consists of one 3 hour 15 minute session in the morning and one 3 hour session in the afternoon, with a 1 and ½ hour lunch break in between. During the morning session, applicants are required to hand write (or type if the applicant elects to participate in the laptop program) answers to 3 essay questions, and to answer 50 multiple-choice questions by filling in circles on a computer graded grid sheet. Although applicants are free to use their time as they choose, the Board estimates an allocation of 40 minutes per essay and 1.5 minutes per multiple-choice question. During the afternoon session, applicants are required to hand write/type answers to 2 essay questions, and 1 Multistate Performance Test (MPT) question. Although applicants are free to use their time as they choose, the National Conference of Bar Examiners developed the MPT with the intention that it be used as a 90 minute test. The Board recommends that applicants allocate 90 minutes to the MPT and 45 minutes to each essay. The regular testing schedule for the morning session is 9:00 am to 12:15 pm and the afternoon session is 1:45 pm to 4:45 pm. The MBE portion is given on Wednesday and consists of one 3 hour morning session and one 3 hour afternoon session, with a 1 and ½ hour lunch break in between. Each session consists of 100 multiple-choice questions, which must be answered by filling in circles on a computer graded grid sheet. The regular testing schedule for the morning session is 9:00 am to 12:00 pm and the afternoon session is 1:30 pm to 4:30 pm.

Reasonable test accommodation may include, but are not necessarily limited to, the following:

- Additional testing time. Please note that if additional testing time is granted, the exam may begin as early as Monday and conclude as late as Thursday.
- Amanuensis (scribe to write essays)
- Assistive devices (i.e., tens unit, pillow, brace, heating pad, etc., provided by candidate)
- Audiotape version of exam
- Braille examination materials
- Essay questions and MPT questions in JAWS compatible format (not available for MBE or New York multiple choice questions)
- Large print materials (18 point font) (not available for scantron answer sheets)
- Reader
- Waiver of scantron answer sheet and permission to mark or circle answers in question booklet with answers transferred after the examination at the Board's office
- Off-the-clock breaks

12. If you are requesting additional testing time, you must state how much time you are requesting for each session (for example: time and a half, one extra hour per session, 30 extra minutes per session). A request for unlimited time is not reasonable under the ADA.
13. All applicants may elect to participate in the laptop program for the essay portion of the examination, regardless of disability. The laptop program uses security software that permits applicants to type their answers to essay questions on their personal laptops while blocking access to any unauthorized programs or information while the exam is in progress. (Please note that the multiple choice sections of the bar examination are not available on computer.) There is a non-refundable technology fee that all applicants using laptop are required to pay directly to the software vendor which will handle the registration, software download and qualification of laptops used for the examination. Applicants using laptops should be aware that there are risks associated with using a laptop on the bar examination. More detailed information about the risks is contained in the Notice to Participants in the New York Bar Examination Laptop Program which all applicants must review and sign prior to participating in the laptop program. Spelling and grammar are not graded on the examination, and the software does not come with spell check or grammar check.

If the only accommodation you seek is the use of a laptop, you do not need to fill out this application. Instead, check the “Yes” box following the laptop question on the general bar examination application. Instructions for participating in the laptop program will be provided closer to the examination date.

If you seek the use of a laptop and any other accommodation, you must (1) check the “Yes” box following the laptop question on the general bar examination application; (2) check the “Yes” box following the ADA question on the general bar examination application; and (3) complete this application. If your application for test accommodations is denied, your request will be converted to a request to participate in the laptop program along with the general applicant pool.

PAST ACCOMMODATION HISTORY

14. **Law School Accommodations.** If you received accommodations in law school, check “Yes.” Provide the name(s) of the law school(s) and a description of *all* accommodations granted (i.e. extra time, waiver of scantron, etc.). If you attended multiple law schools, you must list each law school. Include the time frames when the accommodations were granted (i.e. first year only, all three years, etc.). If you did not request accommodations, check “No.” Explain why you did not request accommodations and why accommodations are now requested on the New York bar examination. If you did not attend law school, explain why.
15. **Undergraduate Studies.** If you received accommodations in college, check “Yes.” Provide the name(s) of the college(s) and a description of *all* accommodations granted (i.e. extra time, waiver of scantron, etc.). If you attended multiple colleges, you must list each college. Include the time frames when the accommodations were granted (i.e. first year only, all four years, etc.). If you did not request accommodations, check “No.” Explain why you did not request accommodations and why accommodations are now requested on the New York bar examination. If you did not attend college, explain why.
16. **High School.** If you received accommodations in high school, check “Yes.” Provide the name(s) of the school (s) and a description of *all* accommodations granted (i.e. extra time, waiver of scantron, etc.). If you attended multiple colleges, you must list each college. Include the time frames when the accommodations were granted (i.e. first year only, all four years, etc.). If you did not request accommodations, check “No.” Explain why you did not request accommodations and why accommodations are now requested on the New York bar examination. If you did not attend high school, explain why.
17. **Elementary School.** If you received accommodations during elementary school, check “Yes.” Provide the name of the school and a description of *all* accommodations granted (i.e. extra time, waiver of scantron, etc.). Include the time frames when the accommodations were granted (i.e. first grade only, all years, etc.). If you did not request accommodations, check “No.” Explain why you did not request accommodations and why accommodations are now requested on the New York bar examination. If you did not attend elementary school, explain why.
18. **Standardized Exams.** If you received accommodations on an exam, check “Yes.” Provide a description of *all* accommodations granted (i.e. extra time, waiver of scantron, etc.). If you did not request accommodations, check “No.” Explain why you did not request accommodations and why accommodations are now requested on the New York bar examination. If you did not take the exam, check “N?A.” If you did not take the LSAT or SAT, explain why. You must provide a response for each exam listed. If you took standardized exam which is not listed, indicate it in the “Other” line. If you took an exam multiple times but did not receive accommodations for all administrations, please indicate by specifying which scores were received using accommodations and which were not. Attach additional sheets as necessary.

SUPPORTING DOCUMENTATION

19. **Medical Documentation.**
 - A. ***Current Medical Documentation.*** You must attach to your application a current and comprehensive written report from a qualified professional for each of your disabilities. To assist applicants in assembling appropriate medical documentation, the Board has developed the following documentation guidelines which apply to specific types of disabilities: *Guidelines for Documentation of Learning*

Disabilities and Other Cognitive Disorders; Guidelines for Documentation of Attention Deficit/Hyperactivity Disorder; and Guidelines for Documentation of a Physical and Psychiatric Disabilities. If you or your clinicians are claiming that a physical or psychiatric disability causes cognitive impairments, you must comply with the Board's *Guidelines for Documentation of Learning Disabilities and Other Cognitive Disorders.* The report must comply with the Board's documentation guidelines and must include, among other things: 1) a specific diagnosis; 2) a description of your disability and your functional limitations; 3) an explanation as to how your disability was diagnosed; and 4) an explanation as to how your disability currently impacts your ability to take the New York bar examination under standard conditions, and a recommendation for specific accommodations. *For learning disabilities and other cognitive disorders,* your examiner's report must include: 1) a DSM-IV diagnosis including, where appropriate, a discussion of the significant discrepancy (Criterion A) and the significant impairment (Criterion B); 2) test results from a full cognitive and achievement test battery using tests which are acceptable under the Board's guidelines; 3) test results reported using standardized scores and age norms. Your evaluator must rule out alternative explanations for your difficulties and, where appropriate, conduct a differential diagnosis. *For ADHD,* your examiner's report must demonstrate that there is an early onset of symptoms and impairments due to ADHD which is documented beyond self-report, and should include the original documentation the examiner reviewed such as elementary school report cards, teacher comments, Individualized Education Plans, 504 Plans and documentation from tutors or learning specialists.

It is important that you provide a copy of the relevant guidelines to your medical professional for use in preparing a comprehensive written report in support of your application. If you already have a report you should still provide your examiner with a copy of the guidelines to ensure that the existing report is current and compliant with the guidelines; your evaluator can provide an addendum. You should compare the documentation provided by your medical professional with the relevant documentation guidelines to ensure full compliance. Do not submit forms that were completed by your evaluator for another jurisdiction since in many cases those forms do not satisfy New York's documentation guidelines. The report must be typewritten; a doctor's note or script will not suffice.

If the request for test accommodations is based upon a learning disability, Attention Deficit/Hyperactivity Disorder, or other cognitive disorder, the documentation from your professional *may not be more than four years old.* The documentation must contain standard and/or scaled scores of all cognitive and achievement neuropsychological testing conducted by your professional and must be based on age norms. The tests must be acceptable under the Board's guidelines. If the request for test accommodations is based upon any other type of disability (i.e. physical, psychiatric, vision, hearing), the documentation from your professional *may not be more than one year old.* It is the applicant's responsibility to ensure that medical documentation is current. Failure to provide current supporting documentation will result in the rejection of your application. If you have any questions about your medical documentation, contact the Board's test accommodations office.

- B. *Historical Documentation.* If the application for test accommodations is based upon a learning disability, Attention Deficit/Hyperactivity Disorder, or other cognitive disorder, you must provide copies of any available historical documentation that can establish a childhood onset (i.e. elementary school and middle school) of symptoms and impairment. These early symptoms and impairments must be documented beyond self-report, and can include such items as elementary school report cards, teacher comments, Individualized Education Plans, 504 Plans and documentation from tutors or learning specialists. Medical documentation concerning your first formal diagnosis is also helpful and should be provided where available. For applications based on ADHD, you should include copies of documents demonstrating that your impairments are not limited to test taking and extend into other life domains (such as work or social settings) and that the impairments currently impact your daily activities. Including information which documents an early onset of impairment and current impairment will improve the likelihood of being awarded accommodations. If you cannot provide historical documentation, you must explain why the documentation cannot be provided.

20. Personal Statement. Provide a personal statement describing when you first became impaired by your disability, when you were first formally diagnosed, how your disability impacts on your daily life activities including your educational functioning, and how your disability affects your ability to take the bar examination under standard testing conditions. You may add any additional information that you wish the Board to consider when making its decision. Please note, however, that the Board will not consider disabilities and accommodations requests discussed in your personal statement unless they are also listed on the application in response to questions 7 and/or 11.
21. Proof of Past Accommodations. Attach proof of past accommodations received, if any, from law school, college and prior standardized examinations. The best proof is a letter from the educational institution or testing authority. Photocopies are acceptable. If a letter cannot be obtained, other proof may be acceptable. Contact the Board's test accommodations office for further information.
22. Test Scores and Transcripts. If the nature of your disability is a learning disability, ADHD or other cognitive disorder, you must attach copies of undergraduate and law school transcripts and LSAT and SAT scores. Photocopies are acceptable. Score reports should be on the letterhead of the testing institution. If these documents cannot be obtained, other proof may be acceptable. For SAT scores, you may submit a copy of your high school transcript if it reports your test scores. Contact the Board's test accommodations office for further information. NOTE: If you are also required to submit transcripts to the Board as proof of your eligibility to sit for the bar examination, you must submit those transcripts (certified copies) separately.
23. Prior or Concurrent Bar Examinations. List each jurisdiction in which you have ever applied for a bar examination. Indicate whether you requested accommodations, and if you did, submit a copy of the decision made by each jurisdiction. If you no longer have a copy of the decision, submit a letter from the bar jurisdiction. *If a request for test accommodations is currently pending in another jurisdiction, forward a copy of the decision to the Board upon receipt.* If you have applied to take the bar exam in more than one jurisdiction it is your responsibility to coordinate testing accommodations with both jurisdictions. The New York bar examination takes place on the last Tuesday and Wednesday of February and July each year. If you are granted additional testing time as an accommodation, your New York testing days could begin as early as Monday and end as late as Thursday.

CERTIFICATION

24. You must sign and date the Certification before a notary public or other like official. A failure to complete the Certification will result in the rejection of your application for test accommodations.

AUTHORIZATION AND RELEASE

25. You must sign and date the Authorization and Release before a notary public or other like official. A failure to complete the Authorization and Release will result in the rejection of your application for test accommodations.

CHECKLIST

26. You must complete the check list to demonstrate that you are submitting a complete application. The checklist must be included with your application packet. If you have any questions concerning what documentation is required for your application, contact the test accommodations office prior to filing your application. Incomplete applications will be rejected and returned to the candidate.

FILING INFORMATION

27. You must file the application in accordance with the instructions provided on the application. While you may fax a courtesy copy of the application to the Board's office, this does not relieve you of your responsibility to timely mail the signed and notarized original application to the Board.

GUIDELINES FOR DOCUMENTATION OF PHYSICAL AND PSYCHIATRIC DISABILITIES

The Americans with Disabilities Act (ADA) and accompanying regulations define a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities. The following guidelines are provided to assist the applicant and his or her clinician in documenting a need for accommodations based on a disability. The applicant should share these guidelines with his or her medical professional so that appropriate documentation can be assembled. **If you or your clinicians are claiming that your physical or psychiatric disability causes cognitive impairments, you must comply with the Board's *Guidelines for Documentation of Learning Disabilities and Other Cognitive Disorders*.** Documentation that fails to fully comply with the Board's guidelines may result in the rejection of the application for test accommodations. The comprehensive written report must:

- 1. Set forth the qualifications of the evaluator.** The report should establish the professional credentials of the evaluator that qualify him/her to make the particular diagnosis, including information about license or certification, specialization in the area of the diagnosis, and training and direct experience in the area of the diagnosis. If multiple diagnoses are given, the evaluator must demonstrate he or she is qualified to make all diagnoses.
- 2. All reports should be on professional letterhead, typed, dated, signed, and otherwise legible.**
- 3. The documentation must be current.** The granting of reasonable test accommodations is based on assessment of the **current** impact of the applicant's disability on the testing activity. Since the manifestations of a disability may vary over time and in different settings, the comprehensive report must be based on an evaluation of the patient that is **no more than one year old**. The report should indicate the date the patient was last seen by the evaluator.
- 4. State a specific diagnosis.** The evaluator must state a professionally recognized diagnosis and clearly define the nature of the disability, its severity and duration, and explain how the disability specifically affects the applicant's ability to take the bar examination. Does the individual suffer from an impairment, and if so, to what extent or degree?
- 5. Describe the specific diagnostic criteria and/or diagnostic tests used, including date(s) of evaluation, test results and a detailed interpretation of the test results.** This description should include the results of diagnostic procedures and tests utilized and should include relevant educational, developmental, and medical history. Specific test results should be reported to support the diagnosis (i.e., findings from neurological exams, x-rays, MRI, CT scans, etc.). Diagnostic methods used should be appropriate to the disability and current professional practices within the field. Informal or non-standardized evaluations should be described in enough detail that other professionals could understand their role and significance in the diagnostic process.
- 6. Describe the individual's functional limitations due to the diagnosed disability and how they will substantially limit the individual's ability to take the bar examination under regular testing conditions, including the relationship of the test results to the identified limitations resulting from the disability.** The ADA defines a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities as compared to most people. List any major life activities that are affected by the individual's current condition and explain how the impairment substantially limits those major life activities as compared to most people. A description of the New York bar examination and what is expected of applicants is set forth below.
- 7. Describe treatments, assistive devices, medications, etc.** The report should contain a description of current treatments, assistive devices, medications, etc. that ameliorate the impact of the disability.
- 8. Recommend specific test accommodations and/or assistive devices, including a detailed explanation of why these accommodations or devices are needed and how they will reduce the impact of the identified functional limitations.**
- 9. If no prior accommodations have been provided, the qualified professional should include a detailed explanation of why no accommodations were needed in the past and why accommodations are needed now.**

***Vision Disabilities:** the report should also include a description of general eye health; a binocular evaluation; visual acuity with and without corrective lenses for distance and near point acuities; focusing skills at distance and near point (with and without lenses); oculomotor skills; and visual fields.

DESCRIPTION OF THE NEW YORK STATE BAR EXAMINATION

The following description is provided to assist the evaluating professional in determining whether the patient's disability will affect the patient's ability to take the bar examination under normal testing conditions, and in recommending required testing accommodations.

The first day of the examination consists of one 3 hour 15 minute session in the morning and one 3 hour session in the afternoon, with a 1 and ½ hour lunch break in between. During the morning session, applicants are required to hand write or type on a laptop (at the preference of the candidate) answers to 3 essay questions, and to answer 50 multiple-choice questions by filling in circles on a computer graded grid sheet. Although applicants are free to use their time as they choose, the Board estimates an allocation of 40 minutes per essay and 1.5 minutes per multiple-choice question. During the afternoon session, applicants are required to hand write/type answers to 2 essay questions, and one Multistate Performance Test (MPT) question. Although applicants are free to use their time as they choose, the National Conference of Bar Examiners developed the MPT with the intention that it be used as a 90 minute test. The Board recommends that applicants allocate 90 minutes to the MPT and 45 minutes to each essay. The regular testing schedule for the morning session is 9:00 a.m. to 12:15 p.m. and the afternoon session is 1:45 p.m. to 4:45 p.m.

The second day of the examination consists of one 3 hour morning session and one 3 hour afternoon session, with a 1 and ½ hour lunch break in between. Each session consists of 100 multiple-choice questions which must be answered by filling in answers on a computer graded grid sheet. The regular testing schedule for the morning session is 9:00 a.m. to 12:00 p.m. and the afternoon session is 1:30 p.m. to 4:30 p.m.

Applicants are typically seated two to a 6-foot table. They are permitted to leave their desk to go to the restroom or the water fountain, and are also permitted to have a beverage and a "soft" snack with them at their desk. All applicants are permitted to wear ear plugs during the examination and to take any necessary over-the-counter and legally prescribed medications so long as they are in their original containers.

GUIDELINES FOR DOCUMENTATION OF LEARNING DISABILITIES AND OTHER COGNITIVE DISORDERS¹

The following guidelines are provided to assist the applicant and his or her clinician in submitting supporting documentation of a learning disability or other cognitive impairment. If the applicant is requesting test accommodations based on a cognitive disability, such as, but not limited to, a specific learning disability, a processing deficiency, or a physical, medical, neurological, or psychological disorder that affects their cognitive abilities, the applicant must submit a comprehensive psycho-educational or neuropsychological assessment report that complies with the following requirements. The applicant should share these guidelines with his or her clinician so that appropriate documentation can be assembled to support the request for test accommodations. Documentation that fails to fully comply with the following guidelines may result in the rejection of the request for test accommodations. The comprehensive report must:

- 1. Set forth the qualifications of the evaluator.** The report should establish the professional credentials of the evaluator that qualify him/her to make the particular diagnosis, including information about license or certification, specialization in the area of the diagnosis, and training and direct experience with an adult population. If multiple diagnoses are given, the evaluator must demonstrate he or she is qualified to make all diagnoses.
- 2. The documentation must be current.** The granting of reasonable test accommodations is based on assessment of the **current** impact of the applicant's disability on the testing activity. Since the manifestations of a disability may vary over time and in different settings, the evaluation must be **no more than four years old**. If an evaluation is outdated or inadequate in scope or content, it must be updated by a qualified professional to address the current level of functioning and the continued need for test accommodations.
- 3. Documentation must be comprehensive.** Objective evidence of a substantial limitation in cognition or learning must be provided. At a minimum, the comprehensive assessment battery and the resulting diagnostic report should include a diagnostic interview and history taking, assessment of aptitude, academic achievement, information processing, a specific diagnosis, relevant academic records, and a clinical summary. **All reports must be on professional letterhead, typed, dated, signed, and otherwise legible.**

A. A Diagnostic Interview and History Taking

The report of assessment should include a summary of a comprehensive diagnostic interview that includes relevant background information to support the diagnosis. Since learning disabilities are commonly manifested during childhood, though not always formally diagnosed, relevant historical information regarding the applicant's academic history and learning processes in elementary, secondary, and post-secondary education should be investigated and documented. In addition to the applicant's self-report, the report of assessment should include:

- ◆ A description of the presenting problem(s);
- ◆ Developmental, medical, psychosocial and employment histories;
- ◆ Relevant family history, including primary language of the home and the applicant's current level of fluency in English;
- ◆ Relevant academic history including results of prior standardized testing, reports of classroom performance and behaviors including transcripts, study habits and attitudes and notable trends in academic performance;
- ◆ A discussion of dual diagnosis, alternative or co-existing mood, behavioral, neurological, personality and/or psychiatric disorders along with any history of relevant medication and current medication that may impact the individual's learning; and
- ◆ Exploration of possible alternatives which may mimic a learning disability when, in fact, one is not present (e.g., motivational problems).

¹ These guidelines were adapted from *Guidelines for Documentation of a Learning Disability in Adolescents and Adults* developed by an ad hoc committee of the Association on Higher Education and Disability (AHEAD).

B. Assessment

The neuropsychological or psycho-educational evaluation must provide clear and specific evidence that a learning or cognitive disability does or does not exist. Assessment must consist of a comprehensive battery of tests that does not rely on any one test or subtest. Tests must be appropriately normed for the age of the patient and must be administered in the designated standardized manner. Any resulting diagnosis must be based on the aggregate of the test results, history, and level of current functioning. Objective evidence of a substantial limitation to learning or other major life activity must be provided. Minimally, the domains to be addressed must include the following:

(1) **Aptitude** - A complete intellectual assessment with all subtests and standard scores reported (percentiles alone are unacceptable). Acceptable measures include, but are not limited to the following: *Wechsler Adult Intelligence Scale-Revised (WAIS - III)*; *Woodcock-Johnson - III: Tests of Cognitive Ability*; *Kaufman Adolescent and Adult Intelligence Test*; and *Stanford-Binet Intelligence Scale (4th Ed.)*. The WAIS-R or other earlier versions are not acceptable. Also, the tests must have norms appropriate for the age of the applicant. The *Slosson Intelligence Test - Revised* and the *Kaufman Brief Intelligence Test* are primarily screening devices, which are not comprehensive enough to provide the kinds of information necessary to make accommodation decisions.

(2) **Achievement** - A comprehensive achievement battery with all subtests and standard scores reported. The battery must include current levels of academic functioning in relevant areas such as reading (decoding and comprehension), writing and written language. Acceptable instruments include, but are not limited to the following: *Woodcock-Johnson III: Tests of Achievement*; *The Scholastic Abilities Test for Adults (SATA)*; *Stanford Test of Academic Skills*; *Woodcock Reading Mastery Tests - Revised*.

Specific achievement tests such as, the *Test of Written Language - 3 (TOWL-3)*, the *Wide Range Achievement Test- 3 (WRAT-3)*, and the *Nelson-Denny Reading Skills Test (NDRT)* may be useful instruments when administered under standardized conditions and when interpreted within the context of other diagnostic information, however, they are not comprehensive measures of achievement and not acceptable if used as the sole measure of achievement. If these measures are used, you must identify the norms that are being used.

(3) **Information Processing** - Specific areas of information processing (e.g., short and long term memory; sequential memory; auditory and visual perception/processing; processing speed; executive functioning; motor ability) must be assessed. Acceptable instruments include, but are not limited to, the following: the *Detroit Tests of Learning Aptitude - Adult (DTLA-A)*, *Woodcock-Johnson III: Tests of Cognitive Ability*, *Wechsler Memory Scale - III (WMS-III)*, as well as other relevant instruments that may be used to address these areas.

(4) **Other Assessment Measures** - Other assessment measures such as non-standard measures and informal assessment procedures or observations may be helpful in determining performance across a variety of domains. Other formal assessment measures may be integrated with the above instruments to help determine a learning disability and differentiate it from co-existing neurological and/or psychiatric disorders (i.e., to establish a differential diagnosis). In addition, relevant clinical observations of the applicant made during the test administration may be useful and should be included in the report.

C. **Test Scores - Standard scores, as well as the form of test used and identification of the norms used, must be provided for all normed measures. (Percentiles alone are not acceptable.) It is helpful to list all test data in a score summary sheet appended to the report.** Grade equivalents are not useful unless standard scores and percentiles are also included. The data should logically reflect a substantial limitation to learning for which the patient is requesting accommodation. The particular profile of the patient's strengths and weaknesses must be shown to relate to functional limitations that necessitate accommodations. The tests used must be current, reliable, valid, and standardized for use with an adult population. The test findings should document both the nature and severity of the disability. Informal inventories, surveys, and direct observation by a qualified professional may be used in tandem with formal tests in order to further develop a diagnosis and recommend accommodations.

D. **A specific DSM-IV diagnosis must be included in the report and alternative explanations must be ruled out.** Individual "learning styles", "learning differences", "academic problems" and "test difficulty or anxiety," do not by themselves constitute a learning disability for which accommodations will be granted. Where

indicated in the DSM-IV, the diagnosis must include identification of the significant discrepancy (Criterion A) and the significant impairment (Criterion B) and a full discussion of each.. The diagnosis must be supported by the test data, history, anecdotal and clinical observations that may include comments about the applicant's level of motivation, study skills, and other noncognitive factors. These findings must demonstrate that the patient's functional limitations are the result of the diagnosed disability. It is important to rule out alternative explanations for problems in learning such as emotional, attentional or motivational problems that may be interfering with learning but do not constitute a disability. The clinician is encouraged to use direct language in the diagnosis and documentation of a disability, avoiding the use of terms such as "suggests" or "is indicative of."

E. Records of academic history must be provided. Since learning disabilities commonly have a childhood onset, relevant records detailing difficulties in elementary, secondary and postsecondary education should be reviewed by the examiner and discussed in the report. Copies of any academic records (transcripts, report cards, teacher comments, standardized test scores) and previous neuropsychological records that are reviewed by the evaluator and cited in his/her report must be annexed to the report. Such records will serve to substantiate self-reported academic difficulties.

F. Clinical Summary. A well-written diagnostic summary based on a comprehensive evaluative process is a necessary component of the report. Assessment instruments and the data they provide do not diagnose; rather, they provide important data that must be integrated by the evaluator with background information, historical information, and clinical observations of the applicant during the testing situation, and current functioning. It is essential then that the qualified professional integrate all information gathered in a well-developed clinical summary. The clinical summary must include:

- (1) Demonstration that the evaluator has ruled out alternative explanations for academic problems as a result of poor education, poor motivation and/or study skills, emotional problems, attentional problems and cultural or language differences;
- (2) Indication of how patterns in cognitive ability, achievement and information processing are used to determine the presence of a disability;
- (3) **An indication of the substantial limitation to current learning or other major life activity presented by the disability and the degree to which it impacts the individual in the context of the bar examination (a description of the bar examination and what is expected of applicants is included below);**
- (4) Indication as to why specific accommodations are needed and how the effects of the specific disability are mediated by the recommended accommodations; and
- (5) Indication of any corrective measures (i.e., medications, assistive devices) that alleviate the substantial limitation and the extent thereof.

4. Recommendations for Accommodations and Rationale: The report must include specific recommendations for accommodations as well as a detailed explanation as to why each accommodation is necessary. The evaluator should describe the impact the diagnosed disability has on a specific major life activity as well as the degree of significance of this impact on the individual. The evaluator should support recommendations with specific test results or clinical observations.

The summary should also include any record of prior accommodation or auxiliary aids, including any information about specific conditions under which the accommodations were used (e.g., standardized testing, final exams, licensing or certification examinations). It is important to recognize that accommodation needs can change over time and are not always identified through the initial diagnostic process. Conversely, a prior history of accommodation does not, in and of itself, warrant the provision of a similar accommodation. If no prior accommodations have been provided, the qualified professional should include a detailed explanation as to why no accommodations were needed in the past and why accommodations are now needed.

DESCRIPTION OF THE NEW YORK STATE BAR EXAMINATION

The following description is provided to assist the evaluating professional in determining whether the patient's disability will affect the patient's ability to take the bar examination under normal testing conditions, and in recommending required testing accommodations.

The first day of the examination consists of one 3 hour 15 minute session in the morning and one 3 hour session in the afternoon, with a 1 and ½ hour lunch break in between. During the morning session, applicants are required to hand write or type on a laptop (at the preference of the candidate) answers to 3 essay questions, and to answer 50 multiple-choice questions by filling in circles on a computer graded grid sheet. Although applicants are free to use their time as they choose, the Board estimates an allocation of 40 minutes per essay and 1.5 minutes per multiple-choice question. During the afternoon session, applicants are required to hand write/type answers to 2 essay questions, and one Multistate Performance Test (MPT) question. Although applicants are free to use their time as they choose, the National Conference of Bar Examiners developed the MPT with the intention that it be used as a 90 minute test. The Board recommends that applicants allocate 90 minutes to the MPT and 45 minutes to each essay. The regular testing schedule for the morning session is 9:00 a.m. to 12:15 p.m. and the afternoon session is 1:45 p.m. to 4:45 p.m.

The second day of the examination consists of one 3 hour morning session and one 3 hour afternoon session, with a 1 and ½ hour lunch break in between. Each session consists of 100 multiple-choice questions which must be answered by filling in answers on a computer graded grid sheet. The regular testing schedule for the morning session is 9:00 a.m. to 12:00 p.m. and the afternoon session is 1:30 p.m. to 4:30 p.m.

Applicants are typically seated two to a 6-foot table. They are permitted to leave their desk to go to the restroom or the water fountain, and are also permitted to have a beverage and a "soft" snack with them at their desk. All applicants are permitted to wear ear plugs during the examination and to take any necessary over-the-counter and legally prescribed medications so long as they are in their original containers.

GUIDELINES FOR DOCUMENTATION OF ATTENTION- DEFICIT/HYPERACTIVITY DISORDER (ADHD)²

The following additional guidelines are provided to assist the applicant in documenting a need for test accommodations on the bar examination based on Attention-Deficit/Hyperactivity Disorder (ADHD). The applicant should share these guidelines with his or her professional clinician so that appropriate documentation can be assembled to support the request for test accommodations. Documentation that fails to fully comply with the following guidelines may result in the rejection of the request for test accommodations.

- 1. Set forth the qualifications of the evaluator.** The report should establish the professional credentials of the evaluator that qualify him/her to make the particular diagnosis, including information about license or certification, specialization in the area of the diagnosis, and their training and direct experience with an adult ADHD population. Professionals conducting assessments and rendering diagnoses of ADHD must be qualified to do so. Comprehensive training in the differential diagnosis of ADHD and other psychiatric disorders and direct experience in the diagnosis and treatment of adults is necessary. If multiple diagnoses are given, the evaluator must demonstrate he or she is qualified to make all diagnoses.
- 2. The documentation must be current.** The granting of reasonable test accommodations is based on assessment of the **current** impact of the applicant's disability on the testing activity. Since the manifestations of a disability may vary over time and in different settings, the evaluation must be **no more than four years old**. If an evaluation is outdated or inadequate in scope or content, it must be updated by a qualified professional to address the current level of functioning and the continued need for test accommodations. **All reports must be on professional letterhead, typed, dated, signed, and otherwise legible.**
- 3. Documentation to substantiate the disability must be comprehensive.** Objective evidence of a substantial limitation in a major life activity must be provided. Since the symptoms of ADHD are first exhibited in childhood (although it may not have been formally diagnosed) and are manifested in more than one setting, objective, relevant, historical information is essential. Therefore, a clinical evaluation should provide information verifying a chronic course of ADHD symptoms from childhood through adolescence to adulthood, such as educational transcripts, report cards, teacher comments, tutoring evaluations, job assessments, past psycho-educational testing, etc. At a minimum, the comprehensive written report should include a diagnostic interview and history, neuropsychological or psycho-educational assessment, identification of DSM-IV criteria, a specific diagnosis, relevant academic records, and a clinical summary.
 - A. A diagnostic interview and history taking.** The report must include a summary of a comprehensive diagnostic interview that includes relevant background information to support the diagnosis. The information collected by the qualified professional must consist of more than self-report. Information from third party sources is critical in the diagnosis of adult ADHD. The evaluation must include a summary of a comprehensive diagnostic interview that should include, but not necessarily be limited to, the following:
 - (1) History of presenting attentional symptoms, including evidence of ongoing impulsive/hyperactive or inattentive behavior that has significantly impaired functioning over time;
 - (2) Developmental history;
 - (3) Family history for presence of ADHD and other educational, learning, physical or psychological difficulties deemed relevant by the examiner;
 - (4) Relevant medical and medication history, including the absence of a medical basis for the symptoms being evaluated;
 - (5) Relevant psychosocial history and any relevant interventions;
 - (6) A thorough academic history of elementary, secondary and postsecondary education;

² These guidelines were adapted from the *Guidelines for Documentation of Attention-Deficit/Hyperactivity Disorder in Adolescents and Adults* developed by The Consortium on ADHD Documentation.

- (7) Review of prior psycho-educational test reports to determine whether a pattern of strengths or weaknesses is supportive of attention or learning problems; and
- (8) Relevant employment history;
- B. Assessment.** A neuropsychological or psycho-educational assessment may be necessary in order to determine the individual's pattern of strengths or weaknesses and to determine whether there are patterns supportive of attention problems. Test scores or subtest scores alone should not be used as the sole basis for the diagnostic decision. Standard scores must be provided for all normed measures. Selected subtest scores from measures of intellectual ability, memory functions tests, attention or tracking tests, or continuous performance tests do not in and of themselves establish the presence or absence of ADHD. They may, however, be useful as one part of the process in developing clinical hypotheses. Checklists and/or surveys can serve to supplement the diagnostic profile but by themselves are not adequate for the diagnosis of ADHD and do not substitute for clinical observations, evidence from history, an analysis of current functioning, and sound diagnostic judgment. When testing is used, standard scores must be provided for all normed measures.
- C. Identification of DSM-IV Criteria.** The report must include a review and discussion of the DSM-IV diagnostic criteria for ADHD both currently and retrospectively and specify which symptoms are present and the extent to which the patient currently meets those criteria. The report must also include:
- (1) Symptoms of hyperactivity-impulsivity or inattention that cause impairment that were present in childhood;
 - (2) Current symptoms that have been present for at least the past six months; and
 - (3) Impairment from the symptoms across several life settings (home, school, work, social, etc.).
- D. A Specific Diagnosis.** The report must include a specific diagnosis of ADHD based on the DSM-IV diagnostic criteria. Individuals who report problems with organization, test anxiety, memory and concentration only on a situational basis do not fit the prescribed diagnostic criteria for ADHD. Given that many individuals benefit from prescribed medications and therapies, a positive response to medication by itself is not supportive of a diagnosis, nor does the use of medication in and of itself either support or negate the need for accommodation.
- E. Records of academic history must be provided.** Since ADHD, by definition, is a disorder with a childhood onset (although it may not have been formally diagnosed until later) that impairs more than one life setting, relevant, objective, historical information is essential to the diagnosis. Information and documentation verifying a chronic course of ADHD symptoms across various life settings from childhood through adolescence to adulthood (i.e. academic transcripts, report cards, teacher comments, standardized test scores, employment records, etc.) are necessary. Such records will serve to substantiate self-reported symptoms and academic difficulties.
- F. Clinical Summary** - A well-written diagnostic summary based on a comprehensive evaluative process is a necessary component of the report. Assessment instruments and the data they provide do not diagnose; rather, they provide important data that must be integrated by the evaluator with background information, historical information, and clinical observations of the applicant during the testing situation, and current functioning. It is essential then that the qualified professional integrate all information gathered in a well-developed clinical summary. The clinical summary must include:
- (1) A discussion of the differential diagnosis, including alternative or co-existing mood, behavioral, neurological and/or personality disorders that may confound the diagnosis of ADHD;
 - (2) Exploration of possible alternative diagnoses as well as educational and cultural factors impacting the applicant that may mimic ADHD;
 - (3) Demonstration that the qualified professional has ruled out alternative explanations for inattentiveness, impulsivity, and/or hyperactivity as a result of psychological or medical disorders or noncognitive factors;
 - (4) An indication of how patterns of inattentiveness, impulsivity and/or hyperactivity across the life span and across settings are used to determine the presence of ADHD;

- (5) **An indication of the substantial limitation to current learning or other major life activity presented by ADHD and the degree to which it impacts the individual in the context of the bar examination (a description of the bar examination and what is expected of applicants is included below);**
- (6) An indication of whether medication has been tried as a method of treatment, what results were obtained, and if medication is not an appropriate treatment, why not;
- (7) An indication of whether or not the applicant was evaluated while on medication, whether or not there is a positive response to the prescribed treatment, and whether or not a positive response to the treatment obviates the need for test accommodations; and
- (8) An indication as to why specific accommodations are needed and how the effects of ADHD symptoms, as designated by the DSM-IV, are mediated by the accommodations.

4. Recommendations for Accommodations and Rationale. The report must include specific recommendations for accommodations as well as a detailed explanation as to why each accommodation is necessary. The evaluator should describe the impact the diagnosed learning disability has on a specific major life activity as well as the degree of significance of this impact on the individual. The evaluator should support recommendations with specific test results or clinical observations. The summary should also include any record of prior accommodation or auxiliary aids, including any information about specific conditions under which the accommodations were used (e.g., standardized testing, final exams, licensing or certification examinations). It is important to recognize that accommodation needs can change over time and are not always identified through the initial diagnostic process. Conversely, a prior history of accommodation does not, in and of itself, warrant the provision of a similar accommodation. If no prior accommodations have been provided, the qualified professional should include a detailed explanation as to why no accommodations were needed in the past and why accommodations are now needed.

DESCRIPTION OF THE NEW YORK STATE BAR EXAMINATION

The following description is provided to assist the evaluating professional in determining whether the patient's disability will affect the patient's ability to take the bar examination under normal testing conditions, and in recommending required testing accommodations.

The first day of the examination consists of one 3 hour 15 minute session in the morning and one 3 hour session in the afternoon, with a 1 and ½ hour lunch break in between. During the morning session, applicants are required to hand write or type on a laptop (at the preference of the candidate) answers to 3 essay questions, and to answer 50 multiple-choice questions by filling in circles on a computer graded grid sheet. Although applicants are free to use their time as they choose, the Board estimates an allocation of 40 minutes per essay and 1.5 minutes per multiple-choice question. During the afternoon session, applicants are required to hand write/type answers to 2 essay questions, and one Multistate Performance Test (MPT) question. Although applicants are free to use their time as they choose, the National Conference of Bar Examiners developed the MPT with the intention that it be used as a 90 minute test. The Board recommends that applicants allocate 90 minutes to the MPT and 45 minutes to each essay. The regular testing schedule for the morning session is 9:00 a.m. to 12:15 p.m. and the afternoon session is 1:45 p.m. to 4:45 p.m.

The second day of the examination consists of one 3 hour morning session and one 3 hour afternoon session, with a 1 and ½ hour lunch break in between. Each session consists of 100 multiple-choice questions which must be answered by filling in answers on a computer graded grid sheet. The regular testing schedule for the morning session is 9:00 a.m. to 12:00 p.m. and the afternoon session is 1:30 p.m. to 4:30 p.m.

Applicants are typically seated two to a 6-foot table. They are permitted to leave their desk to go to the restroom or the water fountain, and are also permitted to have a beverage and a "soft" snack with them at their desk. All applicants are permitted to wear ear plugs during the examination and to take any necessary over-the-counter and legally prescribed medications so long as they are in their original containers.

NEW YORK STATE BOARD OF LAW EXAMINERS

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RE-APPLICANT APPLICATION FOR TEST ACCOMMODATIONS

This application should be used by: applicants who have previously been granted test accommodations by the New York State Board of Law Examiners and have taken the examination with those accommodations within the past three years. *Late and incomplete applications will be rejected and not considered. Please refer to the instructions which accompany this application when completing this application.* **NOTE:** Faxing your re-application does not satisfy the filing requirement or waive you of your responsibility to ensure that your original signed/notarized re-application (with any new/updated supporting documentation) is received in the Board’s office within the filing period. Additionally, if you have not already done so, you must timely re-register to sit for the bar exam. Please refer to our web site for instructions on how to re-register to sit for the bar exam using your existing BOLE ID.

1. Name: _____
Last First Middle

2. Address where you may be contacted concerning this application:

Number and Street Address or P.O. Box Number

City State/Province Zip/Postal Code

Country Daytime Telephone Number E-mail address

3. I am requesting test accommodations for the following exam (circle one): FEB / JULY _____ (year)

4. BOLE ID Number: _____

5. State the nature of your disability: _____

6. Accommodations Requested (*Please Check either A or B*):

A. I last received test accommodations for the (circle one) FEB / JULY _____ (year) administration of the New York bar exam and I am requesting ***exactly the same accommodations*** that were awarded for that examination, namely:

B. I last received test accommodations for the (circle one) FEB / JULY _____ (year) administration of the New York State bar examination and I am requesting ***different accommodations*** than those previously awarded due to a change in the nature or extent of my disability or new documentation. In the space provided below, describe what accommodations you were awarded, briefly describe the change in the nature or extent of your disability, and specify the exact accommodations you now request:

Past Accommodations: _____

Change in Disability: _____

Accommodations now Requested: _____

7. Medical Documentation:

- A. If you checked question 6[A]: If your re-applicant application for accommodations is based on a *learning disability, other cognitive disorder or ADHD* the Board must have on file medical documentation which is no more than four years old (measured from the date of the evaluation to the date of your re-applicant request for test accommodations). If your re-applicant request for accommodations is based on *any other disability*, the Board must have on file medical documentation which is no more than one year old (measured from the date of the evaluation to the date of your re-applicant request for test accommodations). If your documentation is outdated, you must supply new supporting documentation in full compliance with the Board’s documentation guidelines.
- B. If you checked question 6[B]: If you are requesting different accommodations based on a change in the nature or extent of your disability or new documentation, you **must** submit new supporting medical documentation which demonstrates the change in your disability since the last bar examination you took. Your new medical documentation must be in full compliance with the Board’s guidelines. Failure to provide new supporting documentation will result in the denial of your request for different accommodations and your application will be treated as one for the same accommodations you received on the last examination.

8. Laptop Program: Are you electing to participate in the Board’s laptop program for the New York essays and MPT? The laptop program is not available for multiple choice sections. Please note that spelling and grammar are not graded on the examination, and the software does not come equipped with spell check or grammar check.
[] Yes [] No

CERTIFICATION

I certify under penalty of perjury under the laws of the State of New York that all of the information and statements made by me herein are true and correct to the best of my knowledge and belief. I understand that if any of my answers are willfully omitted or false, I may be subjected to such penalties as provided by law and be subject to discipline pursuant Board Rule 6000.9 (Fraud, Dishonesty and Other Misconduct).

STATE OF _____)
COUNTY OF _____)

Subscribed and sworn to before this
____ day of _____, 20____.

Print Name of Application

Notary Public
(Notary Stamp or Seal Must be Affixed)

Signature of Applicant

INSTRUCTIONS FOR COMPLETING RE-APPLICANT APPLICATION FOR TEST ACCOMMODATIONS

BE ADVISED: If you have been awarded accommodations in the past three years, you will not be awarded accommodations for any subsequent examination unless you timely submit a re-applicant application for test accommodations. Faxing your re-application does not satisfy the filing requirement or waive you of your responsibility to ensure that your original signed/notarized re-application (with any new/updated supporting documentation) is received in the Board's office within the filing period.

ADDITIONAL NOTE: If you have not already done so, you must timely re-register to sit for the bar exam using your existing BOLE ID to re-register online. If you do not have a credit card or computer to re-register online, please contact the Board office to request a paper re-application to register to sit for the bar exam. Your re-registration (whether online or paper) to sit for the bar must be received by the Board within the filing period.

1. Provide your name as it appears on your general bar examination application.
2. Provide the mailing address, phone number and email address where you may be contacted concerning your re-applicant application for test accommodations. This is the mailing address where your determination letter will be sent. The Board will also contact you at your email address, and will send your determination letter to you via email. Be sure to keep your addresses up to date and to check your email at least once a day for important information regarding your application and/or the bar examination itself.
3. Indicate the examination for which you are requesting accommodations.
4. Provide the BOLE ID number as it appears in your general bar examination application.
5. State the disability (diagnosis) for which you were awarded accommodations in the past.
6. Indicate whether you are requesting the *same* or *different* accommodations as you were *awarded* on a prior exam. The prior examination must have been taken within the last three years. If it was more than three years ago, you may not use this re-application application for test accommodation. Instead, you must file an Application for Test Accommodations. The accommodations you were *awarded* are those that the Board determined were required under the Americans with Disabilities Act and were included in your determination letter and the affidavit you signed and returned to the Board.

If you are requesting the *same* accommodations as you were awarded for a prior exam check box A. If you are requesting *different* accommodations than you were awarded because of a change in the nature or extent of your disability, check box B. Please note that if you are requesting accommodations based on a *new* disability, you may not use this re-applicant application for test accommodations. Instead, you must file an Application for Test Accommodations.

- 7[A]. It is your obligation to ensure that the medical documentation on file with the Board is current. If your documentation is outdated, you must supply new supporting documentation in full compliance with the Board's documentation guidelines. If your evaluator demonstrates that your disability is permanent and will not change over time, you can be excused from the requirement of filing subsequent medical documentation. Decisions to waive the requirement for new medical documentation are made on a case-by-case basis. If you have any question whether you are required to provide updated medical documentation, contact the Board's test accommodations office prior to filing your application. Failure to supply new documentation when required will result in the rejection of your application.

Important Note: If your medical documentation was current for the last offered bar examination and you failed the examination, and your documentation is now outdated, the Board will allow you to use your outdated medical documentation for the next administration of the examination. However, if you apply for a subsequent examination, you will be required to provide new medical documentation. *Example:* If you took the July 2009 bar examination with current medical documentation and failed the examination, you may use the outdated documentation for the February 2010 bar examination. You may not use the outdated documentation for the July 2010 bar examination or for any subsequent bar examination.

7[B]. If you are requesting different accommodations based on a change in the nature or extent of your disability, you must submit new supporting medical documentation which demonstrates the change in your disability since the last bar examination you took. Your new medical documentation must be in full compliance with the Board's guidelines. Failure to provide new supporting documentation will result in the denial of your request for different accommodations and your application will be treated as one for the same accommodations you received on the last examination.

8. All applicants may elect to participate in the laptop program for the essay portion of the examination, regardless of disability. The laptop program uses security software that permits applicants to type their answers to essay questions on their personal laptops while blocking access to any unauthorized programs or information while the exam is in progress. (Please note that the multiple choice sections of the bar examination are not available on computer.) There is a non-refundable technology fee that all applicants using laptop are required to pay directly to the software vendor which will handle the registration, software download and qualification of laptops used for the examination. Applicants using laptops should be aware that there are risks associated with using a laptop on the bar examination. More detailed information about the risks is contained in the Notice to Participants in the New York Bar Examination Laptop Program which all applicants must review and sign prior to participating in the laptop program. Spelling and grammar are not graded on the examination, and the software does not come with spell check or grammar check.

If the only accommodation you seek is the use of a laptop, you do not need to fill out this application. Instead, check the "Yes" box following the laptop question on the general bar examination application. Instructions for participating in the laptop program will be provided closer to the examination date.

If you seek the use of a laptop and any other accommodation, you must (1) check the "Yes" box following the laptop question on the general bar examination application; (2) check the "Yes" box following the ADA question on the general bar examination application; and (3) complete this application. If your application for test accommodations is denied, your request will be converted to a request to participate in the laptop program along with the general applicant pool.

6000.4 Test Accommodations for Applicants with Disabilities (Revised 10/22/08)

(a) Purpose. The bar examination is intended to test qualified applicants for knowledge and skills relevant to the practice of law. In accordance with the Americans with Disabilities Act of 1990 (42 U.S.C.S. § 12101 et seq.) (ADA) and applicable regulations and case law, it is the policy of the New York State Board of Law Examiners to provide accommodations in testing conditions to applicants with disabilities who are qualified candidates for the bar examination, to the extent such accommodations are timely requested, reasonable, not unduly burdensome, consistent with the nature and purpose of the examination and necessitated by the applicant's disability.

(b) Definitions. For purposes of this section:

(1) The term "disability" shall mean a disability as that term is defined under the ADA, applicable regulations and case law;

(2) The term "qualified professional" shall mean a licensed physician, psychologist, psychiatrist or other health care provider who has comprehensive training in the field related to the applicant's disability.

(c) Application Process.

(1) Application Materials. The Board shall make available to candidates requesting test accommodations the documents necessary for submitting an application including: (a) the Application for Test Accommodation and the Re-applicant Application for Test Accommodations; (b) Instructions for Completing Application for Test Accommodations; and (c) Guidelines for Documentation of Physical and Psychiatric Disorders, Guidelines for Documentation of Learning Disabilities and Other Cognitive Disorders, and Guidelines for Documentation of Attention Deficit/Hyperactivity Disorder. Application materials are available online at the Board's website or by contacting the Board's office.

(2) Filing Deadline. Applications for test accommodations, together with all required supporting documentation, shall be received in the Board's office no later than the applicable deadline as set forth in Section 6000.2(a) and (d).

(3) Requirements. To be eligible to receive test accommodations, the applicant shall submit the appropriate application form and all required supporting documentation.

(4) Incomplete and Untimely Applications. Applications which are incomplete or not timely filed shall be rejected and returned to the applicant.

(5) Medical Documentation. All applications must be supported by appropriate medical documentation. Medical documentation must be from a qualified professional and must comply with the appropriate guidelines documenting disabilities: Guidelines for Documentation of Physical and Psychiatric Disorders, Guidelines for Documentation of Learning Disabilities and Other Cognitive Disorders, and/or Guidelines for Documentation of Attention Deficit/Hyperactivity Disorder.

(a) If the application is based upon a learning disability or other cognitive disorder or Attention Deficit/Hyperactivity Disorder, the medical documentation may not be more than four years old (measured from the date of the evaluation to the date of the application).

(b) If the application is based upon any other type of disability, the medical documentation may not be more than one year old (measured from the date of the evaluation to the date of the application).

(6) Independent Evaluations. The Board reserves the right to have any application, together with all supporting documentation, evaluated by an expert retained by the Board. The Board may, in its discretion, require the applicant to provide additional information and documentation and may also require the applicant to submit to examination by an expert retained by the Board.

(d) Determinations.

(1) Complete and Timely Applications. The Board shall act upon all applications which are complete, timely and submitted in full compliance with the foregoing provisions of this Section, and shall notify the applicant of its determination no later than twenty (20) days prior to the date of the examination for which such accommodations are requested. If the application is denied in whole or in part, the Board's notification shall state the reason(s) for such denial.

(2) Early Determinations. An applicant may request a determination of eligibility for test accommodations prior to the application filing period by filing a complete application including all required supporting documentation no more than six months prior to the examination for which the applicant seeks accommodations. The Board will act upon such requests as soon as practicable.

(e) Appeals. Any applicant whose application is denied in whole or in part may appeal the determination by filing a verified petition responding to the Board's stated reason(s) for denial. The petition must attest to the truth and accuracy of the statements made therein, be made under penalty of perjury and be notarized. The petition may be supported by a report from the applicant's examiner clarifying facts and identifying documentation, if any, which the Board allegedly overlooked or misapprehended. The appeal may not present any new diagnosis or disability that was not discussed in the applicant's application, nor may any additional documentation that was not originally provided with the application be offered on appeal. Appeals must be received at the Board's office no later than 14 days from the date of the Board's determination. The Board shall decide such appeal and shall notify the applicant of such decision prior to the date of the examination for which the accommodations were requested.

(f) Delegation. The Board may, in its discretion, delegate to any of its members, or to its Executive Director, Deputy Executive Director or counsel, all or any part of its duties and responsibilities under the foregoing provisions of this Section, other than its responsibilities under subsection (e) in connection with appeals.