

New York State Board of Law Examiners

Mailing Address

Corporate Plaza – Building 3
254 Washington Avenue Extension
Albany, NY 12203-5195

Phone, Fax, and Website

Telephone: (518) 453-5990
Fax: (518) 452-5729
Website: www.nybarexam.org

Test Accommodations Handbook

Instructions, Forms, and Guidelines

For questions, call the Board at (518) 453-5990

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GENERAL INFORMATION

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 as compared to most people in the general population. The New York State Board of Law Examiners (Board) provides reasonable and necessary test accommodations to applicants who are qualified to take the bar examination and who are disabled under the ADA and relevant regulations and case law.

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.

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 documentation guidelines provided with this document: *Guidelines for the Documentation of Attention Deficit/Hyperactivity Disorder*, *Guidelines for the Documentation of Learning and Other Cognitive Disabilities*, *Guidelines for the Documentation of Physical and Chronic Health Disabilities*, *Guidelines for the Documentation of Psychiatric Disabilities*, and *Guidelines for the Documentation of Visual Disabilities* (see pages A15 – A26). **Documentation that sufficed in other testing situations may not be sufficient to support a request for accommodations on the New York State bar examination.**

Who Should Complete an Application for Test Accommodations?

Applications for test accommodations should be completed only by those individuals with disabilities under the ADA who require test accommodations on the bar examination. All applicants who require test accommodations on the examination must complete the ADA questions on the online bar examination application. Accommodations do not automatically “carry-over” from one exam to the next. You must file a paper application each time you are requesting test accommodations. *All applicants requesting accommodations, including those who have been awarded accommodations in the past, must timely submit one of the following paper applications:*

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.

Re-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 (3) years.

Who does NOT need to complete an Application for Test Accommodations?

Food and Drink.

All applicants are permitted to have quiet snacks and one beverage/drink in a re-sealable clear **plastic** container. If the plastic container contains a label, the label **must** be removed. It must be kept under the table when not being used.

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.

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.

Administrative Accommodations.

Applicants who *only* want permission to bring into the examination room an assistive device, such as a lumbar cushion, diabetic supplies or a lactation pump, or who want to request a special seating arrangement due to a medical condition, should make a written request to the Board on the form provided by the Board which is available on our website (Administrative Accommodation Request). Such applicants do not need to complete a paper ADA application. Likewise, nursing applicants seeking off the clock breaks (up to 30 minutes per session) during the exam to use a lactation pump do not need to complete an application for test accommodations, but must complete the Administrative Accommodation Request form, available on the [Board's website at www.nybarexam.org](http://www.nybarexam.org). The completed Administrative Accommodation Request form and supporting documentation must be received in the Board's office by June 1st for a July exam, or January 1st for a February exam. Should the need for an administrative accommodation arise after this deadline, you may make the request using the required form (and providing supporting documentation) but the Board cannot guarantee that the request will be granted. 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.

Filing

Fillable PDF.

The Application and Re-Application for Test Accommodations must be submitted to the Board independent of the online general bar examination application, and are available at pages A1 and R1, and on the [download page](http://www.nybarexam.org/forms/forms.htm) (<http://www.nybarexam.org/forms/forms.htm>).

Deadline.

The bar examination is held twice a year: once during the last week of February, and once during the last week of July. The NYLE is held four times a year on dates set by the Board and published on its website and in this handbook. The original signed and notarized application or re-application for test accommodations together with all required supporting documentation must be filed by the deadlines set forth in Board Rule 6000.4, which are:

<u>Exam</u>	<u>Application Received By</u>
February UBE	November 30
July UBE	April 30

Exam**Application Received By**

NYLE

For new applicants: 90 days prior to date of NYLE

For re-applicants: 30 days prior to date of NYLE

(Note: If you were previously denied accommodations you are a new applicant)

Applications are deemed filed as of the day they are received in the Board's office. Please note this is NOT a "postmarked by" deadline. ***To be timely, the original signed and notarized application must be received in the Board's office by the filing deadline. Faxing your request by the deadline does not satisfy this requirement, nor does postmarking your application by the deadline.*** The Board's office is not open on weekends or holidays and does not receive mail on these days. If the filing deadline falls on a Saturday, Sunday, or public holiday, the filing deadline will be extended to the next business day. Applicants are strongly advised to use carriers with tracking and delivery confirmation. That a carrier's delivery took longer than anticipated will not excuse an application received after the deadline.

Extension for Candidates Failing the Immediately Preceding Administration of the Examination.

An applicant who received a failing score on the immediately preceding administration of the examination must file the application for test accommodations or re-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. Please note this is NOT a "postmarked by" deadline. ***To be timely, the original signed and notarized application must be received in the Board's office by the deadline. Faxing your request by the deadline does not satisfy this requirement, nor does postmarking your application by the deadline.*** The Board's office is not open on weekends or holidays and does not receive mail on these days. If the filing deadline falls on a Saturday, Sunday, or public holiday, the filing deadline will be extended to the next business day.

Address.

Completed applications or re-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

Late Applications.

It is the applicant's obligation to ensure that the application is 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. In addition, proof of receipt of mailing should be obtained and retained by the candidate. The Board will consider only those applications for test accommodations and re-applications for test accommodations that are timely filed. *Applications that are untimely shall be rejected and returned to the applicant.*

Incomplete Applications.

The Board will consider only those applications and re-applications 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. *Applications received before the filing deadline will be reviewed. In most instances, applicants will be notified of any*

deficiencies and given a short period of time to correct them.

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.

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. DO NOT attach test accommodations applications or supporting documentation to any other documentation you file with the Board such as a paper application, transcript or handwriting sample. Mail your test accommodations materials separately.

Faxing Policy.

Faxing does not satisfy the filing requirement or relieve applicants from their responsibility to file the original signed and notarized application or re-application (with all required supporting documentation) in the Board's office within the filing period. Similarly, faxing an appeal does not satisfy the requirement that the original appeal be received in the Board's office within 14 days of the date of the determination letter.

Test Center Locations.

The Board has two primary test centers for applicants with disabilities: one in New York City, and the other in the Albany area. Seating is no longer based on an applicant's residency. First-time applicants who graduated with a Juris Doctor degree from a First or Second Department law school will be given first preference to available seats at the test center in the New York City area. First-time applicants who graduated with a Juris Doctor degree from a Third or Fourth Department law school will be given first preference to available seats outside of the New York City area. All other applicants, including all repeat applicants and all applicants attending law school outside of New York State, will be assigned to a test center where seats are available. Seating availability will not be known to the Board staff until approximately four weeks after the application period closes. Seating in either New York City or Albany for a previous administration of the exam does NOT guarantee the same seating location for a future exam. If an applicant has a preference for seating, that preference can be stated but is NOT guaranteed.

Review Process for Applications for Test Accommodation.

Independent Review.

Pursuant to Board Rule 6000.7 (c) (5), the Board reserves the right to have any application for test accommodations or re-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.

Determinations.

All complete and timely applications for test accommodations and re-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 in 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 in whole or in part, the determination letter will describe the reason(s) for the denial and the appeal process under Judiciary Law §460-b and Board Rule 6000.7 (e).

Appeals.

Applicants are referred to Board Rule 6000.7 (e) for complete details on filing an appeal. An appeal is not a substitute for an incomplete application. All documents which support the request for accommodations should be filed with the original application. Original signed and notarized appeals must be *received* at the Board's office no later than **14 days from the date on the Board's determination**. There is no need to resubmit information already on file with the Board. The Board will make a decision on the appeal and notify the candidate as soon as is reasonably possible. NOTE: Rule 6000.7 (e) only provides for an appeal for applicants whose applications are *denied* in whole or in part. Applicants whose applications are *rejected* as incomplete or untimely do not have the right to appeal.

Other Eligibility Requirements.

All applicants, whether awarded accommodations or not, must still meet all eligibility requirements for the bar examination and NYLE in order to sit for those examinations. These include: timely registration; paying the appropriate fees; meeting all legal education requirements; and timely providing the appropriate supporting proofs (i.e. Certificate of Law School Attendance, transcript(s), handwriting sample). Questions concerning these other eligibility requirements should be addressed to the Board's main office.

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 (May for a February exam and November for a July exam). Applicants are encouraged to check their email at least once a day for important information from the Board.

22 NYCRR 6000.7 “Test Accommodations for Applicants with Disabilities”

(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 as amended (42 U.S.C.S. § 12101 et seq.) (ADA) and applicable regulations and case law, it is the policy of the Board to provide accommodations in testing conditions to applicants with disabilities who are qualified candidates for the bar examination and the NYLE, 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 and who conducted an individualized assessment of the applicant.

(c) Application Process

(1) Application Materials. The application materials and Board guidelines for requesting test accommodations shall be available on the Board's website. Applicants who have not previously been awarded test accommodations by the Board must file a signed and notarized application for test accommodations on a form provided by the Board, together with all supporting documentation, by the deadline as set forth herein. Applicants who have previously been awarded test accommodations by the Board must file a signed and notarized re-application for test accommodations on a form provided by the Board, together with any supporting documentation, by the deadline as set forth herein. Faxed copies of the application or re-application for test accommodations will not be accepted.

(2) Filing Deadline

(i) New York State Bar Examination (UBE). Applications and re-applications for test accommodations for an administration of the New York State Bar Examination, together with all required supporting documentation, shall be received in the Board's office within six months prior to the date of the examination for which accommodations are requested but no later than April 30 for the subsequent July administration, and no later than November 30 for the subsequent February administration. No request for testing accommodations that is received by the Board after the designated deadline will be accepted. No extensions will be granted for accommodation requests, and no late requests will be considered.

(ii) NYLE. Applications and re-applications for test accommodations for an administration of the NYLE, together with all required supporting documentation, shall be received in the Board's office within six months prior to the date of the examination for which accommodations are requested and at least 90 days prior to the date of the administration of the NYLE for which test accommodations are requested. If, however, the re-application is seeking the same test accommodations as previously awarded by the Board for a prior administration of either the New York State Bar Examination or the NYLE with no additional or different accommodations, then the re-application must be received in the Board's office at least 30 days prior to the date of the administration of the NYLE for which the test accommodations are requested. No request for testing accommodations that is received by the Board after the designated deadline will be accepted. No extensions will be granted for accommodation requests, and no late requests will be considered.

(3) Incomplete and Untimely Applications. Applications which are incomplete or not timely filed shall be rejected.

(4) Medical Documentation. All applications must be supported by medical documentation in accordance with the Board's guidelines.

(5) Independent Evaluations. The Board reserves the right to have an 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. 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.

(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 identified in the applicant's application. Original signed and notarized 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 its 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.

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APPLICATION FOR TEST ACCOMMODATIONS

Please be advised This application should be used by: applicants requesting test accommodations on the New York bar examination and/or New York Law Exam (NYLE) 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. *Please refer to the instructions which accompany this application and the Handbook for Requesting Test Accommodations on the New York State Bar Examination and New York Law Exam, including the Guidelines for the Documentation of Attention Deficit/Hyperactivity Disorder, Guidelines for the Documentation of Learning and Other Cognitive Disabilities, Guidelines for the Documentation of Physical and Chronic Health Disabilities, Guidelines for the Documentation of Psychiatric Disabilities, and Guidelines for the Documentation of Visual Disabilities, when completing this application.* To be timely, the completed application with all required documents must be received in the Board's office by 5:00 PM ET on the application deadline. **This is NOT a "postmarked by" deadline and faxing your application does not satisfy the filing requirement.**

Introductory Information

You must have a Board of Law Examiners ("BOLE") ID # to complete this application. If you do not have a BOLE ID # you must create one at the [Board's website at http://www.nybarexam.org](http://www.nybarexam.org).

1. BOLE ID: _____ 2. Name: _____
BOLE ID Last Name First Name Middle Name

3. (A) Residence Address

Be advised: Residence address is the physical address where you are residing **during the general application period.**

House or building number and street, Apartment number if applicable, PO Box not permitted

County

City

State/Province

Country

Zip/Postal Code

Daytime telephone No.: _____

E-mail address: _____

(B) Correspondence Address:

(If your correspondence address is different from your residence address, attach a brief explanation.)

(No. and Street/P.O. Box)

(City, State/Province, Country)

(Zip/Postal Code)

4. Bar examination for which application is made: (check one) FEB JULY (year) _____

NYLE for which application is made: _____
(month/year)

5. Law School(s): _____ Degree(s): _____
Dates attended: _____

6. Have you previously applied to take the New York bar examination or NYLE? Yes No

If yes, please state the month and year of the last exam for which you filed an application: _____
Have you previously requested test accommodations on the New York bar examination or NYLE? 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/disabilities. *Only those disabilities checked below will be considered by the Board:*
- ADHD / ADD Physical Disability Vision Disability
 Learning Disability (i.e. reading, writing) Psychiatric Disability Hearing Disability
 Other
(specify): _____
8. I was first professionally diagnosed with _____ (state diagnosis) at the age of _____ in _____ (year) by _____ (Name of Qualified Professional).
9. This diagnosis was most recently confirmed or reassessed at the age of _____ in _____ (year) by _____ (Name of Qualified Professional).

Test Accommodations Requested

10. List all accommodations you are requesting for the (a) New York bar examination and (b) NYLE. (If you are requesting additional testing time you must also answer question 11.)
(a) New York Bar Examination (UBE) _____

(b) NYLE _____

11. **Additional testing time:** Do you request extra testing time to take the bar exam and/or NYLE? Yes No
If yes, specify the amount requested for each session (e.g. 25%, 50%, or 100% of the standard testing time):
Note: For applicants awarded 50% or 100% additional testing time for all sessions of the bar examination, the order of the UBE will be MEE on Tuesday, MBE on Wednesday and Thursday, and MPT on Friday.
MPT and MEE Sessions
AM (two MPT items – 3 hours): _____
PM (six MEE items – 3 hours): _____
MBE Sessions
AM (100 multiple choice questions – 3 hours): _____
PM (100 multiple choice questions – 3 hours): _____
NYLE
One online session (50 multiple choice questions – 2 hours): _____
12. **Laptop Program (does not apply to NYLE):** Are you electing to participate in the Board’s laptop program for the MPT and MEE? 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. **Note: Checking “Yes” on this application will not register you for participation in the laptop program. You must also check “Yes” on the general online bar examination application where it asks if you want to participate in the laptop program and follow all instructions and emails.** Yes No
13. **Test Center:** The Board has two primary test centers for applicants with disabilities: one in New York City, and the other in the Albany area. Seating is no longer based on an applicant’s residency. First-time applicants who

graduated with a Juris Doctor degree from a First or Second Department law school will be given first preference to available seats at the test center in the New York City area. First-time applicants who graduated with a Juris Doctor degree from a Third or Fourth Department law school will be given first preference to available seats outside of the New York City area. All other applicants, including all repeat applicants and all applicants attending law school outside of New York State, will be assigned to a test center where seats are available. Seating availability will not be known to the Board staff until approximately four weeks after the application period closes. Seating in either New York City or Albany for a previous administration of the exam does NOT guarantee the same seating location for a future exam. If an applicant has a preference for seating, that preference can be stated but is NOT guaranteed.

I prefer a seat in (check one, or leave blank if no preference): _____ New York City _____ Albany area

History of Accommodations

For questions 14 through 18, please use the following instructions: If you were granted accommodations, check “Yes” and list *all* accommodations you received. Provide the name(s) of the college(s) or school(s) attended 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 accommodations are now requested on the New York bar examination. If you applied for accommodations and were denied, check “denied.” Explain why your request was denied and provide the denial letter from the institution. If you did not attend the type of school or take the exam indicated, check “N/A”.

14. Did you receive test accommodations in **Law School**?
 Yes (provide documentation) Did Not Request Denied (provide denial letter) N/A (explain below)

15. Did you receive test accommodations during your **Undergraduate Studies**?
 Yes (provide documentation) Did Not Request Denied (provide denial letter) N/A (explain below)

16. Did you receive test accommodations for **Secondary Education (High School)**?
 Yes (provide documentation) Did Not Request Denied (provide denial letter) N/A (explain below)

17. Did you receive test accommodations or other services during **Elementary Education**?
 Yes (provide documentation) Did Not Request Denied (provide denial letter) N/A (explain below)

18. Did you receive test accommodations for the following **Standardized Exams**?
ACT Yes (provide documentation) Did Not Request Denied (provide denial letter) Did Not Take
GMAT Yes (provide documentation) Did Not Request Denied (provide denial letter) Did Not Take
GRE Yes (provide documentation) Did Not Request Denied (provide denial letter) Did Not Take
LSAT Yes (provide documentation) Did Not Request Denied (provide denial letter) Did Not Take
MCAT Yes (provide documentation) Did Not Request Denied (provide denial letter) Did Not Take
MPRE Yes (provide documentation) Did Not Request Denied (provide denial letter) Did Not Take
SAT Yes (provide documentation) Did Not Request Denied (provide denial letter) Did Not Take
TOEFL Yes (provide documentation) Did Not Request Denied (provide denial letter) Did Not Take

NOTE: 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. *Recent Medical Documentation.* You must include a copy of a comprehensive written report from a qualified professional who conducted an individualized assessment and who gave the diagnosis which forms the basis for this request for test accommodations. The report must be recent and comply in all other respects with the Board’s documentation guidelines (e.g. *Guidelines for the Documentation of Attention Deficit/Hyperactivity Disorder, Guidelines for the Documentation of Learning and Other Cognitive Disabilities, Guidelines for the Documentation of Physical and Chronic Health Disabilities, Guidelines for the Documentation of Psychiatric Disabilities, and Guidelines for the Documentation of Visual Disabilities*). If you have more than one disability, you must submit recent medical documentation to support each disability. We recommend that you provide a copy of the applicable documentation guidelines to your qualified professional before s/he prepares the report.
- B. *Historical Documentation.* If the application for test accommodations is based upon a condition commonly appearing although not always formally diagnosed in childhood, such as a learning disability, Attention Deficit/Hyperactivity Disorder, or other cognitive disorder, it is extremely helpful to include: documentation of your first formal diagnosis, and copies of any available historical documentation (i.e. report cards, IEPs, teacher comments, etc.) that can establish a childhood onset of symptoms and impairment.
20. Personal Statement: Provide a personal statement, no longer than 750 words, describing when you first became impaired by your disability, when you were first formally diagnosed, how your disability affects your daily life activities, including your educational and testing functioning, and how your disability affects your ability to take the bar examination under standard testing conditions, and explaining how each accommodation requested alleviates the impact of your disability. *If English is a second or foreign language, please include the age at which you first began learning and speaking English.*
21. Proof of Past Accommodations: Provide proof of past accommodations received, if any, for other bar exams, law school, college, and prior standardized examinations (i.e., LSAT, SAT, MPRE, TOEFL, etc.). If a request for accommodations was ever denied, provide a copy of the denial letter.
22. Test Scores and Transcripts. For applications based on Learning Disabilities, ADHD, or other cognitive disorders, provide copies of your score reports on the SAT/ACT and LSAT, transcripts from all colleges and law schools attended. If English is a foreign or second language, provide any TOEFL scores received.
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 such jurisdiction and complete the information below.
- | 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? |
|--------------|---------------|---------------------------|------------------|-----------------------|---------------|
| | | | | | |
24. Disciplinary Proceedings. Have you ever been found guilty of, or are you currently charged with or the subject of an investigation regarding, fraud, dishonesty or other misconduct in connection with the administration of a bar examination of any other jurisdiction? Yes No (check one)

If you checked “Yes” to the foregoing question, you must mail a separate statement to the Board setting forth the institution/jurisdiction, date(s) of incident, explanation of the circumstances, the stage of proceedings, the disposition, and any penalties imposed, for each matter.

Note: Make sure to complete the Affidavit, Authorization, and Release, and Checklist on the following pages.

Affidavit

STATE OF _____)
COUNTY OF _____)

_____, being duly sworn deposes and says:

I am aware that it is my responsibility to file a timely and complete application for test accommodations. I understand that my complete application with all required supporting documents must be received in the office of the New York Board of Law Examiners (Board) by 5:00 PM ET on the general application deadline date, that this is NOT a “postmarked by” deadline, and that faxing my application does NOT satisfy the filing requirement. I understand that if my application is late or incomplete, it will be rejected and not considered.

All of the information and statements made by me in my application and supporting documentation are true and correct to the best of my knowledge and belief. I understand that I am under a continuing obligation to provide truthful and correct information to the Board. I understand that if any of my answers or statements to the Board are false, I may be subjected to such penalties as are provided by law and be subject to discipline pursuant to Board Rule 6000.13 (Fraud, Dishonesty and Other Misconduct).

Signature of Applicant

Subscribed to and sworn before me this _____ day of _____(month), _____ (year),

Signature of Notary Public

[Stamp or Seal of Notary Public]

Authorization and Release

I, _____, in connection with this application for test accommodations and any future application for test accommodations I may submit to the Board, authorize the New York Board of Law Examiners (Board) to provide, at its discretion, a copy of any and all documentation that I submit in connection with the 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 qualified professional 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 purpose 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.

Signature of Applicant

STATE OF: _____)
COUNTY OF _____)

On this _____ day of _____, 20____, before me personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person described in and who executed the foregoing instrument and acknowledged to me that he/she executed the same.

Signature of Notary Public

[Stamp or Seal of Notary Public]

Filing Information

The signed and notarized application and all required supporting documentation must be received in the Board's office by the deadline indicated below. Please note this is NOT a "postmarked by" deadline. For applicants who **failed** the immediately preceding examination, applications must be received by the later of the 14th day following the date of the Board's notification of failure and the general application deadline.

New York State Board of Law Examiners
Office of Test Accommodations
Corporate Plaza – Building 3
254 Washington Avenue Extension
Albany, NY 12203-5195

UBE Administration	Application Must Be Received By:
February	November 30
July	April 30

NYLE Administration	Application Must Be Received By:
December 20, 2018	September 21, 2018
March 21, 2019	December 21, 2018
June 13, 2019	March 15, 2019
September 26, 2019	June 28, 2019
December 19, 2019	September 20, 2019

Checklist

27. 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. If any of the required information or documentation is missing from your submission, your application is incomplete.
- 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 it to the Board as well as retained proof of delivery information from any carrier I used to mail my application.
 - I have **answered each and every question** in my Application for Test Accommodations.
 - I have enclosed Recent Medical Documentation in full compliance with the Board's Guidelines (question 19[A]).
 - I have enclosed my Personal Statement.
 - I have enclosed proof of accommodation letters and/or denial letters from other bar exam; law school; LSAT; college; SAT/ACT; and _____ (other).
 - I have enclosed my Signed and Notarized Affidavit, Authorization, and Release.

For applications based on (1) Attention Deficit/Hyperactivity Disorder, (2) learning disabilities, or (3) other cognitive disorders.

I have enclosed the following documentation:

- LSAT score report (from LSAC) – a photocopy is permitted for this purpose;
- SAT/ACT score report (from College Board or ACT) – a photocopy is permitted. Contact (212) 713-8000 or visit the College Board’s website at [College Board’s website at www.collegeboard.com](http://www.collegeboard.com). If you are unable to get your score report from the College Board, contact your high school for a copy of your transcript (be sure your SAT scores are reflected on your transcript);
- TOEFL score report – a photocopy is permitted;
- Law school transcript(s) from each law school attended – a photocopy is permitted; and
- College transcript(s) from each college attended – a photocopy is permitted.

Please check one of the following:

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

INSTRUCTIONS: APPLICATION FOR TEST ACCOMMODATIONS

Introductory Information

1. Provide the BOLE I.D. number as it appears in your general bar examination application. If you do not yet have a BOLE I.D. number, first visit the [Board's website at http://www.nybarexam.org](http://www.nybarexam.org) to create a BOLE account.
2. Provide your name as it appears on your general bar examination application.
3. (A) Provide the physical address, phone number, and email address of where you are residing during the application period.

(B) Provide the correspondence address, phone number and email address where you may be contacted concerning your application for test accommodations. This is the address to where your determination letter will be sent. Letters are mailed out as determinations are made, but generally no later than the first week of February (February exam) or first week of July (July exam). The Board will also 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.
4. Indicate the bar examination and/or NYLE for which you are requesting accommodations.
5. Indicate all law schools you attended, the dates you were in attendance, and the degrees you received. If you were educated in a country outside the United States, please list your foreign law school as well as any law school you may have attended in the United States.
6. Provide information concerning previous New York bar examinations and/or NYLEs for which you have applied including whether you received test accommodations on previous examinations. *If you received accommodations in the last three years, you should complete the Re-Application for Test Accommodations and not this application.*

Disability Description and History

7. Indicate the disability or disabilities that form the basis of your request for test accommodations. The Board will only consider the disabilities you check in response to this question.
8. For each disability checked in question 7, provide information concerning your first professional diagnosis including the diagnosis, your age when you were diagnosed and the year when you were diagnosed. Provide the name of the qualified professional who made the original diagnosis. Attach additional sheets as necessary. 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. You will submit medical documentation from this individual if you provide the documentation requested in question 19[B].
9. For each disability checked in question 7, provide information concerning when the diagnosis was most recently confirmed or reassessed including your age at the most recent reassessment, the year of the reassessment, and the name of the qualified professional who made the reassessment. Attach additional sheets as necessary. You will submit medical documentation from this individual in response to question 19[A].

Test Accommodations Requested

10. List all accommodations you are requesting for the bar examination. Accommodations must be reasonable, appropriate to the disability, and supported by your medical documentation. Please consider the following description of the standard bar examination when making your request:

The New York State bar examination consists entirely of the Uniform Bar Examination (UBE). The UBE is administered on the last Tuesday and Wednesday of February and July. During the morning

session on Tuesday, applicants are given three hours to complete two Multistate Performance Test (MPT) items. Applicants may work on the MPTs in any order and they are free to decide how to allocate their time between the two MPT items although NCBE develops each MPT as a 90 minute test item. During the afternoon session on Tuesday, applicants are given three hours to answer six Multistate Essay Exam (MEE) questions. Again, applicants are free to answer the questions in any order and they may decide how to allocate their time among the MEE questions. On Wednesday, applicants will take the Multistate Bar Examination (MBE), which is a six-hour, 200 question multiple-choice exam divided into two three-hour sessions.

The schedule for the UBE in New York is as follows:

Tuesday: 9:30 am to 12:30 pm and 2:00 pm to 5:00 pm

Wednesday: 9:30 am to 12:30 pm and 2:00 pm to 5:00 pm

The UBE is in Times New Roman 12 point font.

Applicants are typically seated two to a 6-foot table. They are permitted to leave their desk to go to the restroom and are also permitted to have a beverage and a “quiet” snack with them at their desk. All applicants are permitted to wear ordinary foam 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.

All candidates who are awarded test accommodations are seated in reduced-distraction small-group rooms away from the general testing population with others receiving similar accommodations. Reasonable test accommodations 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 Tuesday and conclude as late as Friday.
 - Amanuensis (scribe to write essays).
 - Assistive devices provided by candidate (i.e., tens unit, pillow, brace, heating pad, etc.).
 - Audio version of exam.
 - Braille examination materials.
 - Examination questions in electronic format to be read by screen reader software.
 - Large print materials (not available for scantron answer sheets).
 - Reader (proctor who will read the examination out loud to the candidate).
 - Waiver of scantron answer sheet and permission to mark or circle answers in the question booklet with answers transferred to the scantron sheet by the Board after the examination at the Board’s office.
 - Off-the-clock breaks.
11. If you are requesting additional testing time, you must state how much time you are requesting for each session. Where supported, the Board awards the following amounts of additional testing time: 25%, 50%, and 100% extra time.
12. All applicants may elect to participate in the laptop program for the MPT and MEE portions of the examination, regardless of disability. The laptop program uses secure software that permits applicants to type their answers to the MPT and MEE 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 laptop.) There is a non-refundable

technology fee that all applicants using laptops are required to pay directly to the software vendor who 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 (i.e. extra examination time), you must (1) check the “Yes” box following the laptop question on the general bar examination application; (2) complete the ADA questions on the general bar examination application; and (3) complete this application. If your application for test accommodations is denied, you will be allowed to participate in the laptop program along with the general applicant pool.

The NYLE is administered online. For more information, visit the [Board’s UBE webpage at www.nybarexam.org/UBE/UBE.html](http://www.nybarexam.org/UBE/UBE.html).

13. The Board has two primary test centers for applicants with disabilities: one in New York City, and the other in the Albany area. Seating is no longer based on an applicant’s residency. First-time applicants who graduated with a Juris Doctor degree from a First or Second Department law school will be given first preference to available seats at the test center in the New York City area. First-time applicants who graduated with a Juris Doctor degree from a Third or Fourth Department law school will be given first preference to available seats outside of the New York City area. All other applicants, including all repeat applicants and all applicants attending law school outside of New York State, will be assigned to a test center where seats are available. Seating availability will not be known to the Board staff until approximately four weeks after the application period closes. Seating in either New York City or Albany for a previous administration of the exam does NOT guarantee the same seating location for a future exam. If an applicant has a preference for seating, that preference can be stated but is NOT guaranteed.

History of Accommodations

14. Law School Accommodations. If you received accommodations in law school, check “Yes.” Provide the name(s) of each law school attended and a description of *all* the accommodations granted (i.e. extra time, waiver of scantron, etc.). If you attended multiple law schools, you must list each law school. If you were educated outside of the United States, you must provide information on the accommodations received at your foreign law school as well as any United States law school you attended. Include the time frames when the accommodations were granted (i.e. first year only, all four years, etc.). For example, if you received accommodations only during your last year of law school, you must indicate as much on your application. If you did not request accommodations, check “No.” Explain why accommodations are now requested on the New York bar examination. If you were denied accommodations, explain why and provide your denial letter.
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.). For example, if you received accommodations only during your last year of college, you must indicate as much on your application. If you did not request accommodations, check “No.” Explain why accommodations are now requested

on the New York bar examination. If you were denied accommodations, explain why and provide your denial letter.

16. Secondary School (High School). If you received accommodations in high school, check “Yes.” Provide 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 year only, all four years, etc.). For example, if you received accommodations only during your last year of high school, you must indicate as much on your application. If you did not request accommodations, check “No.” Explain why accommodations are now requested on the New York bar examination. If you were denied accommodations, explain why.
17. Elementary School. If you received accommodations or other services during elementary school, check “Yes.” Provide a description of *all* accommodations or services provided (i.e. extra time, resource room, IEP, etc.). Include the time frames when the accommodations were granted (i.e. first grade only, all years, etc.). For example, if you received accommodations only during sixth grade, you must indicate as much on your application. If you did not request accommodations or services, check “No.” Explain why accommodations are now requested on the New York bar examination. If you were denied accommodations or services, explain why.
18. Standardized Exams. If you received accommodations on any standardized 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 accommodations are now requested on the New York bar examination. If you were denied accommodations, explain why and provide your denial letter. If you did not take the exam, check “N/A.” If English is a foreign or second language, you must indicate whether you received test accommodations on the TOEFL exam and you must provide any score reports you have. If you took a standardized exam which is not listed, discuss it in the lines provided. If you took an exam multiple times but did not receive accommodations for all administrations, please indicate by specifying which administration(s) of the exam(s) were taken using accommodations and which were not. Attach additional sheets as necessary.

Supporting Documentation

19. Medical Documentation.
 - A. *Recent Medical Documentation*.
 - (1) RECENT. You must include with your application a copy of a comprehensive written report from a qualified professional who conducted an individualized assessment and who gave the diagnosis which forms the basis for this request for test accommodations. The report must be recent. Failure to provide recent medical documentation will result in the rejection of your application as incomplete. Use the following guidelines when preparing your application.
 - (a) Applications based on Learning Disabilities, Attention Deficit/Hyperactivity Disorder, or other Cognitive Disorder:
 - (i) Your medical documentation must be no more than *five years old* measured from the date of the evaluation to the date of your current application for test accommodations.
 - (ii) If you were evaluated as an adult (age 21 or older), the Board will consider that documentation, even if it is more than five years old, but if the documentation is not comprehensive (discussed below), the Board will ask you to supplement the documentation.
 - (b) Applications based on Physical, Vision, or Hearing Disabilities:
 - (i) PERMANENT DISABILITIES - If you have a disability that has been present since birth, or is expected to be permanent, or is not expected to improve over time, provide a copy of your most recent medical evaluation so stating. You may also include prior

evaluations to demonstrate changes in disorder severity or to provide a baseline. If further information is needed to comply with the Board's guidelines, attach prior evaluations as necessary.

(ii) RECENT OR TEMPORARY DISABILITIES – If you have a disability that has not been present since birth, or is expected to be temporary, or is expected to improve with time, your medical documentation must be no more than *one year old* measured from the date of the evaluation to the date of your current application for test accommodations. You may also include prior evaluations to demonstrate changes in disorder severity or to provide a baseline.

(c) Applications based on Psychiatric Disabilities:

(i) Your medical documentation must be no more than *one year old* measured from the date of the evaluation to the date of your current application for test accommodations.

If you have any questions about whether your medical documentation is recent, contact the test accommodations office.

(2) COMPREHENSIVE. Your medical documentation must provide enough information so that the Board can make a determination as to the need for test accommodations under the ADA. To be comprehensive, your medical documentation must comply with the Board's documentation guidelines, which are contained in the Test Accommodations Handbook on pages A15 – A24, and in the Application and Re-Application forms and accompanying instructions.

If you need to obtain updated medical documentation, or if you do not have medical documentation and need to obtain it for the first time, it is important that you provide a copy of the relevant guidelines to your qualified professional for use in preparing the written report in support of your application.

If you already have recent medical documentation, you should still provide your examiner with a copy of the relevant guidelines to ensure that the existing report provides the information the Board needs to make a determination concerning your request for accommodations. If any deficiencies are found, your evaluator need not perform a complete, new assessment. Instead, an addendum can be provided containing the missing information.

The report should be typewritten and must be signed and dated. A doctor's note or script will not suffice.

NOTE: If you or your evaluator report a ***cognitive problem*** caused by a physical or psychiatric disability or a medication taken for a physical or psychiatric disability, then the claim may need to be supported by a brief but well-conceived psychological test battery. The report should state the specific functional limitation caused by the disability or medication and provide objective test data demonstrating the limitation. The test data should show deficiencies in areas related to your ability to take the bar examination, usually your ability to read and/or write. Test results must be reported using age norms where available. Also, where available, test scores should be compared to the appropriate normative group (e.g., depressed normative group, non-depressed normative group).

B. ***Historical Documentation.*** If the application for test accommodations is based upon a condition commonly appearing although not always formally diagnosed in childhood, such as a learning disability, Attention Deficit/Hyperactivity Disorder (ADHD), or other cognitive disorder, you should provide copies of any available historical documentation that can establish a childhood onset of symptoms and impairment. These early symptoms and impairments should 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. Documentation concerning your first formal diagnosis is also helpful and should be provided where available. ***Including information***

which documents an early onset of impairment and current impairment will improve the likelihood of being awarded accommodations. If you do not provide historical documentation, you must explain why the documentation has not been 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 your daily life activities including your educational and testing functioning and other life domains, and how your disability affects your ability to take the bar examination under standard testing conditions. Please explain how each accommodation requested alleviates the impact of your disability. *If English is a second or foreign language, please include the age at which you first began learning and speaking English.* You may add any additional information that you wish the Board to consider when making its decision. NOTE: Your personal statement must be no longer than 750 words.
21. Proof of Past Accommodations. Attach proof of past accommodations received, if any, on other bar exams, in law school, college and prior standardized examinations. The best proof is a letter from the educational institution or testing authority on its letterhead. Photocopies are acceptable. The letter must detail with specificity all accommodations awarded. For example, if you received time-and-a-half, the letter must say as much and not just “extra time.” If you received a private room, the letter must say as much and not just “reduced distraction” or “separate” room. It must also identify the time frames when accommodations were awarded. If you received accommodations your last year of law school but not during your first two years, the letter from your law school must state as much. If a letter cannot be obtained, contact the Board’s test accommodations office. If you were denied accommodations, you must provide your denial letter.
22. Test Scores and Transcripts. If your disability is one commonly appearing although not always formally diagnosed in childhood, such as a learning disability, ADHD or other cognitive disorder, you must attach copies of undergraduate and law school transcripts and score reports. The LSAT, SAT/ACT and TOEFL score reports are required; other score reports are optional. 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/ACT scores, you may submit a copy of your high school transcript if it reports your test scores. If English is a second language, you must provide the Board with documentation concerning your TOEFL exams including whether any accommodations were requested or received and a score report.
23. Prior or Concurrent Bar Examinations. List each jurisdiction in which you have ever applied for a bar examination, including any concurrent bar examination you expect to take with New York. Indicate whether you requested accommodations, and if you did, whether the request was granted or denied. NOTE: 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, your testing days may begin as early as Tuesday and end as late as Friday.
24. Disciplinary Proceedings. Indicate whether you ever been found guilty of, or are you currently charged with or the subject of an investigation regarding, fraud, dishonesty or other misconduct in connection with the administration of a bar examination of any other jurisdiction. Answering “Yes” must be accompanied by a separate statement setting forth the jurisdiction, date(s) of incident, explanation of the circumstances, the stage of proceedings, the disposition, and any penalties imposed, for each matter.

Affidavit; Authorization and Release

You must sign and date the “Affidavit” and the “Authorization and Release” (both documents are on the same page) before a notary public or other like official. A failure to complete the Affidavit will result in the rejection of your application for test accommodations as incomplete.

Checklist

You must complete the check list to demonstrate that you are submitting a complete application. The checklist must be included with your application. 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

You must file the original signed and notarized application in accordance with the instructions provided on the application. **Faxing the application is not sufficient.** Please note that the filing deadlines are “received by” deadlines, and NOT “postmarked by” deadlines. For applicants who **failed** the immediately preceding examination, applications must be received by the later of the 14th day following the date of the Board’s notification of failure or the general application deadline.

Documentation Guidelines for Attention Deficit/Hyperactivity Disorder

The Americans with Disabilities Act (ADA) as amended 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 in the general population. To support an application for test accommodations based on a disability, you must provide recent medical documentation of your disability that is comprehensive. The following guidelines are provided to assist you and your clinician in documenting the need for accommodations. Documentation that fails to fully comply with the Board's guidelines will result in the rejection of the application for test accommodations as incomplete. Candidates must provide a comprehensive assessment which contains the following information:

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, and specialization in the area of the diagnosis. 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 (Recent Documentation).** 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 following guidelines apply:

(a) Your medical documentation must be no more than *five years old* measured from the date of the evaluation to the date of your current application for test accommodations.

(b) If you were evaluated as an adult (age 21 or older), the Board will consider that documentation, even if it is more than five years old, but if the documentation is not comprehensive (discussed below), the Board may ask you to supplement the documentation.

If an evaluation is outdated or inadequate in scope or content, it should be updated by a qualified professional to address the current level of functioning and the continued need for test accommodations.

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 must be on professional letterhead, typed, dated, signed, and otherwise legible and should contain the following information:

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. 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;

- (7) Review of any 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 (i.e. summary of jobs held, reason for leaving, explanation of dismissal, performance evaluations, etc.).
- 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 should not be used as the sole basis for the diagnostic decision. 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, age-based standard scores must be provided for all normed measures. In addition, effort should be tested to address the issue of malingering.
- C. A Specific Diagnosis.** The report must include a specific diagnosis of ADHD based on professional guidelines and criteria (e.g. DSM). 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.
- D. Identification that the disorder meets professional guidelines (e.g. DSM) for a diagnosis of ADHD.** A diagnosis is not enough to establish a disability under the ADA. The report must include a review and discussion of the 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.).
- E. Records of academic history.** 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 and should be reviewed by the examiner and attached to the report where available. 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 non-cognitive 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 are mediated by the accommodations.

4. Recommendations for Accommodations and Rationale. The report must include specific data-based recommendations for accommodations as well as a detailed explanation as to why each accommodation is necessary. The evaluator should describe the impact the diagnosed ADHD has on a specific major life activity as well as the degree of significance of this impact on the individual as compared to most people in the general population. The evaluator should support recommendations with specific test results and 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. 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.

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Applicants are typically seated two to a 6-foot table. They are permitted to leave their desk to go to the restroom and are also permitted to have a beverage and a “quiet” snack with them at their desk. All applicants are permitted to wear ordinary foam 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.

Documentation Guidelines for Learning and Other Cognitive Disabilities

The Americans with Disabilities Act (ADA) as amended 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 in the general population. To support an application for test accommodations based on a disability, you must provide recent medical documentation of your disability that is comprehensive. The following guidelines are provided to assist you and your clinician in documenting the need for accommodations. Documentation that fails to fully comply with the Board's guidelines will result in the rejection of the application for test accommodations as incomplete. Candidates must provide a comprehensive psycho-educational or neuropsychological assessment which contains the following information:

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 (Recent Documentation). 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 following guidelines apply:

(a) Your medical documentation must be no more than *five years old* measured from the date of the evaluation to the date of your current application or re-application for test accommodations.

(b) If you were evaluated as an adult (age 21 or older), the Board will consider that documentation, even if it is more than five years old, but if the documentation is not comprehensive (discussed below), the Board may ask you to supplement the documentation.

If an evaluation is outdated or inadequate in scope or content, it should 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. Reports must be on professional letterhead, typed, dated, signed, and otherwise legible and contain the following information:

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) including, where relevant, DSM symptoms;
- ◆ Developmental, academic, medical, psychosocial and employment histories;
- ◆ Relevant family history, including primary language of the home. If English is a second language, describe the applicant's current level of fluency in English and when and how intensively the applicant began learning English;
- ◆ Relevant academic history including results of prior standardized testing, psychological evaluations, IEPs, reports of classroom performance and behaviors including report cards, 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).

B. Assessment.

The neuropsychological or psycho-educational evaluation must provide clear and specific evidence that a learning or cognitive disability exists. Clinicians must use best practices in making any evaluation, including using the most up-to-date and psychometrically adequate (reliable and valid) test batteries/instruments to assess aptitude, achievement, and effort. These measures should be standardized on the general population and provide standard scores based on age comparisons (not grade). 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. Specific achievement tests such as, the *Test of Written Language (TOWL)*, the *Wide Range Achievement Test (WRAT)*, and the *Nelson-Denny Reading 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 such measures are used, you must identify the norms that are being used. In addition, relevant clinical observations of the applicant made during the test administration may be useful and should be included in the report.

C. A specific DSM diagnosis should be included in the report.

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 non-cognitive 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." Individual "learning styles," "learning differences," "academic problems," English as a Second Language, and "test difficulty or anxiety," do not by themselves constitute a learning disability for which accommodations will be granted. Where required in the DSM, the diagnosis must include identification and a full discussion of the significant discrepancy and/or the significant impairment.

D. Records of academic history.

Since learning disabilities are commonly manifested during childhood, though not always formally diagnosed, 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 (i.e. transcripts, report cards, teacher comments, IEPs, previous psychological and educational evaluations, standardized test scores) and previous neuropsychological records that are reviewed by the evaluator and cited in his/her report should be annexed to the report. Interviews with informants that provide information that contributes to a diagnostic formulation (e.g. parent, teacher, tutor) should be clearly reported with information as to who was interviewed, when the interview took place, the focus of questions, and the use of any specific structured interviews or scales. Such records will serve to substantiate self-reported academic difficulties.

E. 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) keeping in mind that the DSM provides that: (a) impairment in academic performance is based on comparison to all other

people of the same age group, not the same IQ or educational level; and (b) a substantial limitation on a standardized achievement test is considered to be >1.5 standard deviations below the test mean;

- (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., tutoring, speed reading programs, assistive devices) that alleviate the substantial limitation and the extent thereof.

- 4. Recommendations for Accommodations and Rationale:** The report must include specific data-based 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 and 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. 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.

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Documentation Guidelines for Physical and Chronic Health Disabilities

The Americans with Disabilities Act (ADA) as amended 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 in the general population. To support an application for test accommodations based on a disability, you must provide recent medical documentation of your disability that is comprehensive. The following guidelines are provided to assist you and your clinician in documenting the need for accommodations. Documentation that fails to fully comply with the Board's guidelines will result in the rejection of the application for test accommodations as incomplete.

If you are requesting test accommodations based on a physical or chronic health disability, you must provide a recent comprehensive written report prepared by a qualified professional who has conducted an individualized assessment which demonstrates compliance with the following requirements:

1. **Format.** The report should be on professional letterhead, typed, dated, signed, and otherwise legible. A doctor's note or script is insufficient.
2. **Qualifications of the evaluator.** The report must 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.
3. **Current Nature of the Disability (Recent Documentation).** The granting of reasonable test accommodations is based on an assessment of the applicant's *current* ability to take the bar examination under standard conditions. The report must indicate the date the patient was last seen by the evaluator. Since the manifestations of a disability may vary over time and in different settings, the following guidelines apply:
 - (a) **PERMANENT DISABILITIES** - If you have a disability that has been present since birth, or is expected to be permanent, or is not expected to improve over time, provide a copy of your most recent medical evaluation so stating. You may also include prior evaluations to demonstrate changes in disorder severity or to provide a baseline. If further information is needed to comply with the Board's guidelines, attach prior evaluations as necessary.
 - (b) **RECENT OR TEMPORARY DISABILITIES** – If you have a disability that has not been present since birth, or is expected to be temporary, or is expected to improve with time, your medical documentation must be no more than *one year old* measured from the date of the evaluation to the date of your current application or re-application for test accommodations. You may also include prior evaluations to demonstrate changes in disorder severity or to provide a baseline.
4. **Diagnosis.** The evaluator must state a professionally recognized diagnosis.
5. **Diagnostic Procedure(s).** The report must describe the specific diagnostic criteria and/or diagnostic tests used, including the date(s) of the evaluation(s), the tests performed, and a detailed interpretation of the test results. The report should include relevant educational, developmental, and medical history. 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.

If the evaluator reports a *cognitive problem* caused by the disability or a medication taken for the disability, then the claim may need to be supported by a brief but well-conceived psychological test battery. The report should state the specific functional limitation caused by the disability or medication and provide objective test data demonstrating the limitation. The test data must show a deficiency that affects the candidate's ability to take the bar examination, usually the candidate's ability to read and/or write. Test results must be reported using age norms where available. Also, where available, test scores should be compared to the appropriate normative group (e.g., depressed normative group, non-depressed normative group).

6. **Functional Limitations.** The report should list all 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. The report should describe the individual's functional limitations due to the diagnosed disability and how the limitations will substantially limit the individual's ability to take the bar examination under regular

testing conditions. The report must relate the functional limitation to one or more aspects of the standard bar examination. A description of the New York bar examination is set forth below.

7. **Amelioration of the Functional Limitations.** The report should contain a description of current treatments, assistive devices, medications, etc. that ameliorate the impact of the disability.
8. **Recommendation.** The report must include a specific data-based recommendation for test accommodations using objective methods to determine the need for the recommended accommodation. The recommendation should include a detailed explanation of why the accommodation is needed and how it will reduce the impact of the identified functional limitations. If extra examination time is recommended, the report must explain how extra examination time will reduce the impact of the functional limitation.
9. **History of Accommodations.** If accommodations have not been provided in the past, the report should include a detailed explanation of why no accommodations were needed in the past and why accommodations are needed now.

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Documentation Guidelines for Psychiatric Disabilities

The Americans with Disabilities Act (ADA) as amended 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 in the general population. To support an application for test accommodations based on a disability, you must provide recent medical documentation of your disability that is comprehensive. The following guidelines are provided to assist you and your clinician in documenting the need for accommodations. Documentation that fails to fully comply with the Board's guidelines will result in the rejection of the application for test accommodations as incomplete.

PSYCHIATRIC DISABILITIES

If you are requesting test accommodations based on a psychiatric disability, you must provide a complete and recent assessment by a qualified mental health professional in the form of a comprehensive written report which demonstrates compliance with the following requirements:

1. **Format.** The report should be on professional letterhead, typed, dated, signed, and otherwise legible. A doctor's note or script is insufficient.
2. **Qualifications of the evaluator.** The report must 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.
3. **Current Nature of the Disability (Recent Documentation).** The granting of reasonable test accommodations is based on an assessment of the applicant's *current* ability to take the bar examination under standard conditions. The report must indicate the date the patient was last seen by the evaluator. Since the manifestations of psychiatric disabilities may vary over time and in different settings, your medical documentation must be no more than one year old measured from the date of the evaluation to the date of your current application or re-application for test accommodations.
4. **Diagnosis.** The evaluator must follow the most up-to-date best practices in making any evaluation, and should state a DSM diagnosis. If a DSM diagnosis is not used, the evaluator must state a professionally recognized diagnosis. Please note that test anxiety, which is the tendency to become very nervous and perform poorly in testing situations, does not generally qualify as a disability under the ADA and is not generally accommodated on the bar examination.
5. **Diagnostic Procedure(s).** The clinician who conducts the assessment should administer:
 - (1) a clinical interview addressing all DSM criteria;
 - (2) as many self-report scales as are necessary to corroborate the severity of any diagnosed psychiatric disorders;
 - (3) a brief account of the applicant's psychiatric, medical, and educational history; and
 - (4) effort testing (malingering).

If a DSM diagnosis is not used, the evaluator must describe what criteria were used. Informal or non-standardized evaluations should be described in enough detail that other professionals could understand their role and significance in the diagnostic process.

Reliance on self-report data alone is insufficient to document a psychiatric disability. Clinicians are encouraged to use other sources of evidence in their diagnostic analysis. If a standardized interview is not used, then the clinician must provide a detailed synopsis of exactly which symptoms were endorsed, which conditions were ruled out, and all other information on how the diagnosis was arrived upon.

The medical documentation submitted with the application for test accommodations must include a complete and current assessment. It is not enough for a clinician to state that an applicant has a long-standing condition or that the applicant is currently in treatment. Accommodations are awarded based on the current nature of the applicant's disability. There must be a recent evaluation and diagnostic report regardless of the candidate's prior history or current treatment, especially if there was no diagnostic interview administered in the medical record.

If the clinician reports a cognitive problem caused by the disability or a medication taken for the disability, then the claim may need to be supported by a brief but well-conceived psychological test battery. The report should

state the specific functional limitation caused by the disability or medication and provide objective test data demonstrating the limitation. The test data must show a deficiency that affects the candidate's ability to take the bar examination, usually the candidate's ability to read and/or write. Test results must be reported using age norms where available. Also where available, test scores should be compared to the appropriate normative group (e.g., depressed normative group, non-depressed normative group).

6. **Functional Limitations.** The report should 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. The report should describe the individual's functional limitations due to the diagnosed disability and how the limitations will substantially limit the individual's ability to take the bar examination under regular testing conditions. The report must relate the functional limitation to one or more aspect of the standard bar examination. A description of the New York bar examination and what is expected of applicants is set forth below.
7. **Amelioration of the Functional Limitations.** The report should contain a description of current treatments, assistive devices, medications, etc. that ameliorate the impact of the disability.
8. **Recommendation.** The report must include a specific data-based recommendation for test accommodations using objective methods to determine the need for the recommended accommodation. The recommendation should include a detailed explanation of why the accommodation is needed and how it will reduce the impact of the identified functional limitations. If extra examination time is recommendation, the report must explain how extra examination time will reduce the impact of the functional limitation.
9. **History of Accommodations.** If accommodations have not been provided in the past, the report should include a detailed explanation of why no accommodations were needed in the past and why accommodations are needed now.

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Documentation Guidelines for Visual Disabilities

The Americans with Disabilities Act (ADA) as amended 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 in the general population. To support an application for test accommodations based on a disability, you must provide recent medical documentation of your disability that is comprehensive. The following guidelines are provided to assist you and your clinician in documenting the need for accommodations. Documentation that fails to fully comply with the Board's guidelines will result in the rejection of the application for test accommodations as incomplete.

VISUAL DISABILITIES

If you are requesting test accommodations based on a visual disability, you must provide a recent comprehensive written report prepared by a qualified professional who has conducted an individualized assessment which demonstrates compliance with the following requirements:

1. **Format.** The report should be on professional letterhead, typed, dated, signed, and otherwise legible. A doctor's note or script is insufficient.
2. **Qualifications of the evaluator.** The report must 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. Typically, an optometrist or ophthalmologist is qualified to provide supporting documentation for visual disabilities. Depending on the accommodations requested and the rationale given for those accommodations, however, a psychologist or a learning or reading specialist with relevant training and experience may also be needed to provide documentation addressing the functional impact of the disability on the skills required to take the bar exam.
3. **Current Nature of the Disability (Recent Documentation).** The granting of reasonable test accommodations is based on an assessment of the applicant's *current* ability to take the bar examination under standard conditions. The report must indicate the date the patient was last seen by the evaluator. Since the manifestations of a disability may vary over time and in different settings, the following guidelines apply:
 - (a) **PERMANENT DISABILITIES** - If you have a visual disability that has been present since birth, or is expected to be permanent, or is not expected to improve over time, provide a copy of your most recent medical evaluation so stating. You may also include prior evaluations to demonstrate changes in disorder severity or to provide a baseline. If further information is needed to comply with the Board's guidelines, attach prior evaluations as necessary.
 - (b) **RECENT OR TEMPORARY DISABILITIES** – If you have a visual disability that has not been present since birth, or is expected to be temporary, or is expected to improve with time, your medical documentation must be no more than *one year old* measured from the date of the evaluation to the date of your current application or re-application for test accommodations. You may also include prior evaluations to demonstrate changes in disorder severity or to provide a baseline.
4. **Diagnosis.** The evaluator must state a professionally recognized diagnosis.
5. **Diagnostic Procedure(s).** The report should include a description of general eye health; a binocular evaluation; best corrected visual acuity for distance and near point; focusing skills at distance and near point (with corrective lenses); oculomotor skills; and visual fields. The report must describe the specific diagnostic criteria and/or diagnostic tests used, including the date(s) of the evaluation(s), the tests performed, and a detailed interpretation of the test results. The report should include relevant educational, developmental, and medical history. 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. **Functional Limitations.** The report should list all 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. The report should describe the individual's functional limitations due to the diagnosed disability and how the limitations will substantially limit the individual's ability to take the bar examination under regular

testing conditions. The report must relate the functional limitation to one or more aspects of the standard bar examination. A description of the New York bar examination is set forth below.

7. **Amelioration of the Functional Limitations.** The report should contain a description of current treatments, assistive devices, medications, etc. that ameliorate the impact of the disability.
8. **Recommendation.** The report must include a specific data-based recommendation for test accommodations using objective methods to determine the need for the recommended accommodation. The recommendation should include a detailed explanation of why the accommodation is needed and how it will reduce the impact of the identified functional limitations. If extra examination time is recommended, the report must explain how extra examination time will reduce the impact of the functional limitation.
9. **History of Accommodations.** If accommodations have not been provided in the past, the report should include a detailed explanation of why no accommodations were needed in the past and why accommodations are needed now.

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New York State Board of Law Examiners

Mailing Address
Corporate Plaza – Building 3
254 Washington Avenue Extension
Albany, NY 12203-5195

Phone, Fax, and Website
Telephone: (518) 453-5990
Fax: (518) 452-5729
Website: www.nybarexam.org

RE-APPLICATION FOR TEST ACCOMMODATIONS

If you have been previously awarded testing accommodations for the New York State bar examination and/or New York Law Exam (NYLE), and sat for either or both of those examinations with the awarded accommodations within the last three years, you should use this application. Late or 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 relieve you of your responsibility to ensure that your original signed and notarized re-application is received in the Board's office by the filing deadline. Please note that this is NOT a "postmarked by" deadline. Additionally, you must timely re-register to sit for the bar exam and pay the appropriate application fee. Please refer to our web site for instructions on how to re-register to sit for the bar exam using your existing BOLE ID.

Introductory Information

1. BOLE ID: _____ 2. Name: _____
Last *First* *Middle*

3. (A) Residence Address (the address where you are physically residing **during the general application period**.)

(No. and Street, not P.O. Box) Apt. # (if applicable)

(County)

(City)

(State/Province)

(Country)

(Zip/Postal Code)

Daytime telephone No.: _____

E-mail address: _____

(B) Correspondence Address (If different from your residence address, attach a brief explanation.)

(No. and Street/P.O. Box)

(City, State/Province, Country)

(Zip/Postal Code)

4. Bar examination for which re-application is made: (check one) FEB JULY (year) _____

NYLE for which re-application is made: _____
(month/year)

(Note: If you have previously received testing accommodations for the New York State bar examination, you are still considered a "re-applicant" for the NYLE even if you have never applied for the NYLE.)

5. State the nature of your disability: _____

Accommodations Requested

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

Note: The accommodation of one extra hour of testing time per session is no longer being offered. Instead, all additional testing time will be awarded as a percentage (e.g. 25%, 50%, 100%) of the standard testing time.

A. I last received test accommodations for the FEB JUL _____ (year) New York State bar examination or the _____ (month/year) NYLE, and I am requesting *exactly the same accommodations* that were awarded for that examination, namely:

B. I last received test accommodations for the FEB JULY _____(year) New York State bar examination or the _____ (month/year) NYLE, and I am requesting *different accommodations* than those previously awarded. In the space provided below, describe what accommodations you were awarded, briefly explain why you are requesting a change in your accommodations, and specify the exact accommodations you now request (see 7[B] below):

Past Accommodations: _____

Reason for Change in Accommodations: _____

Accommodations now Requested: _____

7. Medical Documentation:

A. If your re-application is based on (1) *a recent or temporary physical disability* or (2) *a psychiatric 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 this 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. *If your application is based on any other disability, no new medical documentation is required.*

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 a new medical evaluation, you *must* submit new comprehensive 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 which are included in these application materials. 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 (does not apply to NYLE): Are you electing to participate in the Board's laptop program for the MPT and MEE? The software does not come with spell check or grammar check, but spelling and grammar are not graded. **Checking "Yes" on this application will not register you for participation in the laptop program. You must also check "Yes" on the general online bar examination application where it asks if you want to participate in the laptop program and follow all instructions and emails.** Yes No

9. Test Center: The Board has two primary test centers for applicants with disabilities: one in New York City, and the other in the Albany area. Seating is no longer based on an applicant's residency. First-time applicants who graduated with a Juris Doctor degree from a First or Second Department law school will be given first preference to available seats at the test center in the New York City area. First-time applicants who graduated with a Juris Doctor degree from a Third or Fourth Department law school will be given first preference to available seats outside of the New York City area. All other applicants, including all repeat applicants and all applicants attending law school outside of New York State, will be assigned to a test center where seats are available. Seating availability will not be known to the Board staff until approximately four weeks after the application period closes. Seating in either New York City or Albany for a previous administration of the exam does NOT guarantee the same seating location for a future exam. If an applicant has a preference for seating, that preference can be stated but is NOT guaranteed.

I prefer a seat in (check one, or leave blank if no preference): _____ New York City _____ Albany area

Note: Make sure to complete Affidavit and Authorization and Release on the following page.

Affidavit

STATE OF _____)
COUNTY OF _____)

_____, being duly sworn deposes and says:

I am aware that it is my responsibility to file a timely and complete application for test accommodations. I understand that my complete application with all required supporting documents must be received in the office of the New York Board of Law Examiners (Board) by 5:00 PM ET on the general application deadline date, that this is NOT a “postmarked by” deadline, and that faxing my application does NOT satisfy the filing requirement. I understand that if my application is late or incomplete, it will be rejected and not considered.

All of the information and statements made by me in my application and supporting documentation are true and correct to the best of my knowledge and belief. I understand that I am under a continuing obligation to provide truthful and correct information to the Board. I understand that if any of my answers or statements to the Board are false, I may be subjected to such penalties as are provided by law and be subject to discipline pursuant to Board Rule 6000.13 (Fraud, Dishonesty and Other Misconduct).

Signature of Applicant

Subscribed to and sworn before me this _____ day of _____ (month), _____ (year),

Signature of Notary Public

[Stamp or Seal of Notary Public]

Authorization and Release

I, _____, in connection with this application for test accommodations and any future application for test accommodations I may submit to the Board, authorize the New York Board of Law Examiners (Board) to provide, at its discretion, a copy of any and all documentation that I submit in connection with the 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 qualified professional 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 purpose 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.

Signature of Applicant

STATE OF: _____)
COUNTY OF _____)

On this _____ day of _____, 20____, before me personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person described in and who executed the foregoing instrument and acknowledged to me that he/she executed the same.

Signature of Notary Public

[Stamp or Seal of Notary Public]

INSTRUCTIONS: RE-APPLICATION FOR TEST ACCOMMODATIONS

Accommodations do not automatically “carry-over” from one exam to another. You must file a re-application for test accommodations in order to have accommodations in place for the exam. Faxing your re-application does not satisfy the requirement that your original signed and notarized re-application be received in the Board’s office by the application deadline. Please note this is NOT a “postmarked by” deadline. If you have not already done so, you must timely re-register to sit for the bar exam using your existing BOLE ID on our online application.

1. Provide the BOLE ID number as it appears in your general bar examination application.
2. Provide your name as it appears on your general bar examination application.
3. (A) Provide the physical address, phone number, and email address of where you are residing during the application period.

(B) Provide the correspondence address, phone number and email address where you may be contacted concerning your application for test accommodations. This is the address to where your determination letter will be sent. Letters are mailed out as determinations are made, but generally no later than the first week of February (February exam) or first week of July (July exam). The Board will also 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.
4. Indicate the bar examination and/or NYLE for which you are requesting accommodations.
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 for test accommodation. Instead, you must file an Application for Test Accommodations.

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 check box B.

NOTE: If you are requesting accommodations based on a *new* disability, you may not use this re-application for test accommodations. Instead, you must file an Application for Test Accommodations.

- 7[A]. If your re-applicant request for accommodations is based on (1) *a recent or temporary physical disability* or (2) *a psychiatric disability*, the Board must have on file medical documentation which is no more than one year old (measured from the date you were last seen by your examiner to the date of this 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 which are included in these application materials. It is your obligation to ensure that the medical documentation on file with the Board is current. 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. Failure to supply new documentation when required will result in the rejection of your application as incomplete. *If your application is based on any other disability, no new medical documentation is required.*
- 7[B]. If you are requesting different accommodations based on a change in the nature or extent of your disability, you must submit new comprehensive 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 which are included with these application materials. 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 and the MPT 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 who 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) answer the ADA questions 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.

9. The Board has two primary test centers for applicants with disabilities: one in New York City, and the other in the Albany area. Seating is no longer based on an applicant’s residency. First-time applicants who graduated with a Juris Doctor degree from a First or Second Department law school will be given first preference to available seats at the test center in the New York City area. First-time applicants who graduated with a Juris Doctor degree from a Third or Fourth Department law school will be given first preference to available seats outside of the New York City area. All other applicants, including all repeat applicants and all applicants attending law school outside of New York State, will be assigned to a test center where seats are available. Seating availability will not be known to the Board staff until approximately four weeks after the application period closes. Seating in either New York City or Albany for a previous administration of the exam does NOT guarantee the same seating location for a future exam. If an applicant has a preference for seating, that preference can be stated but is NOT guaranteed.

AFFIDAVIT

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

AUTHORIZATION AND RELEASE

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 as incomplete.

FILING INFORMATION

You must file the original signed and notarized application in accordance with the instructions provided on the application. **Faxing the application is not sufficient.** Note that this is NOT a “postmarked by” deadline. For re-applicants who **failed** the immediately preceding New York State bar examination, re-applications must be received by the later of the 14th day following the date of the Board’s notification of failure or the general application deadline.

For re-applications for test accommodations the following deadlines apply:

UBE Administration	Re-Application Must Be Received By:
February	November 30
July	April 30

NYLE Administration	Application Must Be Received By:
December 20, 2018	September 21, 2018
March 21, 2019	December 21, 2018
June 13, 2019	March 15, 2019
September 26, 2019	June 28, 2019
December 19, 2019	September 20, 2019