IDAHO STATE BAR

General Instructions for Requesting Test Accommodations

The Idaho State Bar (ISB) encourages persons with disabilities to apply for test accommodations. Reasonable test accommodations will be made on the Idaho State Bar Examination for qualified applicants with disabilities. The Idaho State Bar Examination is a day and a half timed examination designed to test the knowledge and skills necessary for one who seeks admission to the Idaho State Bar.

It is the policy of the ISB to administer the bar examination and all other services of this office in accordance with the Americans with Disabilities Act, as amended (ADA). A qualified applicant with a disability who is otherwise eligible to take the bar examination, but who cannot demonstrate under standard testing conditions that he/she possesses the knowledge and skills to be admitted to the Bar, may request reasonable test accommodations.

The ISB will make reasonable modifications to any policies, practices, and procedures that might otherwise prevent individuals with disabilities from taking the bar examination in an accessible place or manner, provided such modifications do not result in a fundamental alteration to the examination or other admission requirements, impose an undue burden, or jeopardize examination security. In order to accommodate disabled persons, the ISB will furnish additional testing time, auxiliary aids, and other accommodations when necessary to ameliorate the impact of the applicant's disability on the applicant's ability to take the bar examination. No additional charges will be assessed to individuals with disabilities to cover the costs of reasonable accommodations.

Requests for test accommodations will be evaluated on a case-by-case basis. The applicant must submit documentation from one or more qualified professionals that provides information on the diagnosed impairment(s), the applicant's current level of impairment, and the rationale for the accommodations requested on the bar examination. In addition, the applicant must submit verifying documentation of his or her history of accommodations, if any. All documentation will be retained by the ISB and may be submitted to one or more qualified professionals for an impartial review. Accommodations granted elsewhere do not necessarily entitle an applicant to accommodations on the bar examination, although the ISB gives considerable weight to documentation relating to past accommodations received in similar testing situations or in response to an Individualized Education Program (IEP) or Section 504 plan.

DEFINITIONS:

1. *Disability* is *a* physical or mental impairment that substantially limits one or more of the major life activities of the Applicant

2. *Learning disability* is a neurological difference in how the brain receives, processes, stores, and responds to information

3. *Physical impairment* is a physiological disorder or condition, or anatomical loss affecting one or more of the body's systems.

4. *Mental impairment* is a mental or psychological disorder generally recognized by the medical community.

5. *Attention Deficit-Hyperactivity Disorder* – is a neurodevelopmental condition that affects how the brain develops, focuses, and manages impulses.

6. *Major life activities* include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.

7. *Reasonable accommodation* is an adjustment or modification of the standard testing conditions that ameliorates the impact of the applicant's disability without doing any of the following:

    a. fundamentally altering the nature of the bar examination, or the Bar's ability to determine through the bar examination whether the Applicant possesses the essential eligibility requirements to practice law in Idaho;
    b. imposing an undue burden on the ISB; or
    c. Compromising the security of the bar examination; or
    d. Compromising the validity of the bar examination.

8. *Qualified professional* is a licensed physician, psychiatrist, psychologist, or other health care provider who has appropriate training in the field related to the applicant's disability and who is authorized by a regulatory body to conduct testing, assessment, or diagnosis of the disability..

REQUESTS FOR ACCOMMODATIONS & FILLING DEADLINES: Qualified applicants claiming a disability, which requires additional testing accommodations or additional time to complete the examination, must submit a Reasonable Accommodations Application along with all the supporting documentation. The burden of proof is on the applicant to show the need for any additional testing considerations. The ISB reserves the right to make the final determination concerning testing accommodations and may have documentation reviewed by a medical specialist, psychologist or neuropsychologist at the expense of the ISB. Applicants are advised that costs incurred in establishing a disability are the responsibility of the applicant.

In order for a request for reasonable accommodations to be considered by the Bar, all the forms pertaining to the request must be completed by the appropriate parties and returned to the Idaho State Bar. It is preferable that all of the forms be returned at the same time. However, if there are circumstances that prevent an applicant from submitting the supporting affidavits or documents in a timely manner, the applicant should indicate on a cover letter the anticipated date and from whom these documents are being sent; ISB will determine if the anticipated date is acceptable.

Applicants with disabilities are subject to the same application deadline as individuals without disabilities. Because some of the accommodation request forms require input from third parties, the appropriate individuals should be asked to complete the forms well in advance of the deadline.

A timely request for test accommodations for the February administration of the Idaho State Bar Examination must be received no later than November 15th.

A timely request for test accommodations for the July administration of the Idaho State Bar Examination must be received no later than April 15th.

Emergency Request. If an Applicant becomes disabled after the timely submission of an Application and such Applicant seeks reasonable accommodations for testing because of that disability, the Applicant may file an emergency Request on forms prescribed by the Board.

Applicants will be notified by email when the ISB has made a decision on the request or if additional information or documentation is needed. If the request for accommodations is denied in whole or in part, the applicant may submit further documentation in support of the request only 1) if the application deadline has not yet passed, or 2) if further documentation is specifically requested by the Board in the notice of decision.

STEPS FOR SUBMITTING A COMPLETE REQUEST:
This application packet contains seven separate forms, but you need only submit those forms and documents that pertain to your particular disability. Please carefully review the information to ensure that you submit a complete request. A checklist is provided in Section V of Form 1: Applicant Request for Test Accommodations, which you should complete and submit with your request. All required forms and documentation must be submitted together by the deadline.

IMPORTANT NOTE: Some of the forms that must be submitted with your request must be completed by third parties and returned to you for submission to the ISB. Make certain that you request completion of these forms by the third parties in a timely manner so that you are able to submit your request by the deadline.

STEP 1: Have a qualified professional complete the applicable disability verification form and return it to you for submission to the ISB. There are separate forms for learning disabilities, psychological disabilities, AD/HD, visual disabilities, and physical disabilities. You will need to complete the top portion of the applicable disability verification form and request that your qualified professional complete the rest of the form and return it to you. Your qualified professional should attach to the completed disability verification form a comprehensive evaluation report and/or relevant records, as specified in the form.

STEP 2: Gather verifying documentation of your history of accommodations requests, including any reasonable accommodations requested or received for formal testing, such as the LSAT, MPRE, or other standardized, professional, or licensing examinations, if any. Submit a Form 7: Certification of Accommodations History completed by each educational institution or testing agency (hereinafter "entity") from which you requested accommodations, whether your request was granted or denied. Complete the top portion of the form and request that the entity complete the rest of the form and return it to you for submission to the ISB. Alternatively, you may provide other proof of your accommodations history, such as a copy of the letter(s) you received from the entity notifying you of the specific accommodations granted or denied. The proof should identify the time frame (e.g., third year of law school) and the nature of the disability (e.g., AD/HD) for which any accommodations were granted or denied. If you received accommodations as a result of an Individualized Education Plan (IEP) or a 504 Plan, please provide copies of all IEPs or 504 Plans.

STEP 3: Complete and sign Form 1: Applicant Request for Test Accommodations. Attach all relevant forms and documents, as indicated above, so that all required documentation is provided in one submission.

APPEALS:
Any applicant whose application has been denied by the ISB Board of Commissioners may petition the Idaho Supreme Court for review of the board's decision. See Idaho Bar Commission Rules (IBCR) Rule 216.

RETAKE APPLICANTS:
Applicants who retake the examination must submit:

Form 1: Applicant Request for Test Accommodations each time they apply for the bar examination, even if they previously requested and were granted accommodations by the ISB. As well as a letter from their treatment provider confirming the reasonable accommodation is still needed due to the Applicants disability. *It is not necessary to resubmit supporting documentation that was submitted with a previous request, provided the applicant sat for the Idaho State Bar Examination within the preceding three years and (1) is requesting the same accommodations that were granted previously on the Idaho State Bar Examination and (2) has had no material changes in his/her condition.*

New supporting documentation is required if: there is any change in the accommodations requested. An update to prior medical documentation is required assessing the applicants *current* functional limitations and ongoing need for accommodations if the nature of the applicant's disability or disabilities have changed. The ISB reserves the right to request an update to prior documentation in all cases if it determines that the prior documentation is insufficient to establish the applicant's current level of impairment and need for accommodations.

Administrative denial: Failure to timely submit the appropriate form(s) or supporting information shall constitute grounds for denial of the reasonable accommodations request.