



Idaho State Bar
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REASONABLE ACCOMMODATIONS APPLICATION INFORMATION SHEET

POLICY:

The Idaho State Bar welcomes persons with disabilities to use the services of the Bar, including taking the Idaho Bar Examination. Reasonable testing accommodations will be made for qualified applicants with disabilities. The offices of the Bar are fully accessible, as are the locations of the bar exam. The Idaho Bar Examination is a two and one-half day timed examination consisting of two three-hour morning sessions and three three-hour afternoon sessions designed to test the knowledge and skills necessary for one who seeks admission to the practice of law. The Idaho State Bar is a "public entity" covered by the Americans with Disabilities Act ("ADA").

It is the policy of the Idaho State Bar ("Bar") to administer the bar examination and all other services of this office in a manner that does not discriminate against qualified applicants with disabilities. 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 Idaho State Bar, may request reasonable testing accommodations.

The Bar will make reasonable modifications in any policies, practices and procedures, which might otherwise deny equal access to individuals with disabilities. Such modifications will be made unless a fundamental alteration in the examination or other admission requirements would result. In order to accomplish this, the Bar will furnish additional testing time, auxiliary aids and services when necessary to ensure effective communication. No additional charges will be assessed to individuals with disabilities to cover the costs of reasonable accommodations.

DEFINITIONS (IDAHO BAR COMMISSION RULE 208A):

1. *Disability* means any of the following:
 - a. A physical or mental impairment that substantially limits one or more of the major life activities of the applicant.
 - b. A record of having such impairment.
 - c. A record of having been regarded as having such an impairment.
2. *Physical Impairment* means disorder or condition of anatomical loss affecting one or more of the body's systems.
3. *Mental Impairment* means a mental or psychological disorder generally recognized by the medical community.

4. *Qualified Applicant with a Disability* means an applicant with a disability who is capable of demonstrating the essential eligibility requirements set forth in IBCR 200A, with:
 - a. Reasonable modifications to rules, policies or practices;
 - b. Removal of architectural, communication or transportation barriers; and/or
 - c. Provision of auxiliary aids and services.
5. *Reasonable Accommodation* means 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 examination or the Idaho State Bar's ability to determine through the bar examination whether the applicant possesses the "essential eligibility requirements" for the practice of law in Idaho, as set forth in IBCR 200A;
 - b. Imposing an undue burden on the Idaho State Bar;
 - c. Compromising the security of the bar examination; or
 - d. Compromising the validity of the examination.

REQUESTS FOR ACCOMMODATIONS:

Qualified applicants claiming a disability, which requires additional testing accommodations or additional time to complete the examination, must file 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 Idaho State Bar reserves the right to make final determination concerning testing accommodations and may have documentation reviewed by a medical specialist, psychologist or neuropsychologist at the expense of the Idaho State Bar. 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.

All forms must be submitted no later than December 1 for the February exam and May 1 for the July exam. Re-exam applicants must submit all forms by the re-exam deadline.

APPEALS:

Any applicant whose application has been denied by the Idaho State Bar Board of Commissioners may petition the Idaho Supreme Court for review of the board's decision. *IBCR Rule 213(b)*

DESCRIPTION OF THE EXAM:

The Idaho State Bar examination is administered over two days in a quiet environment and applicants are allowed to use small foam earplugs, which are provided by the Idaho State Bar. Applicants may also leave the testing area to stretch and use the restrooms. The first exam day

consists of seven essay questions to be answered in a three and one-half hour morning session. The afternoon session consists of two performance test questions to be answered in a three hour session. The second day consists of 200 multiple choice questions answered on a computer grid sheet; 100 answered in each three hour session.

APPLICATION PACKET CONTENTS:

Applicants must submit all forms to the appropriate person(s) and follow-up to make sure that the Idaho State Bar receives each form by the designed deadline.

- Form A - Eligibility Questionnaire**

This form must be completed by the applicant. A detailed personal statement must accompany this form.

- Form B - Medical Disability Verification**

This form must be completed by a licensed professional with specific expertise in the field related to the applicant's impairment. The professional must submit current documentation within the last five years specifying the effect of such impairment on an applicant's ability to be examined. The professional must be specific about any recommendations for reasonable accommodations and include his or her credentials. This information may be reviewed by a physician or licensed professional retained by the Idaho State Bar to assist in determining reasonable testing accommodations. The Idaho State Bar Board of Commissioners will make a decision to approve, modify or deny a request for reasonable testing accommodations.

- Form C - Learning Disability Including Problems With Reading or Any Other Specific Skills Verification or Cognitive Problems Related to History of Illness or Injury**

This form must be completed by a licensed psychologist or neuropsychologist with specialized expertise in the assessment of learning disabilities. The professional must provide evidence of the current impairment, describe the type and extent of the disability and specify the effect of such disability on an applicant's ability to be examined. The diagnostic report must include copies of the evaluation and a thorough battery of age-appropriate psychological tests and test scores administered within the last three years from the date the application for reasonable testing accommodations is filed. The test scores obtained and the interpretations of these scores must provide evidence of the current impairment and establish a rationale that supports the need for specific accommodations. The professional must be specific about any recommendations for extra testing time and must provide his or her credentials. This information may be reviewed by a physician or licensed professional retained by the Idaho State Bar to assist in determining reasonable testing accommodations. The Idaho State Bar Board of Commissioners will make a decision to approve, modify or deny a request for reasonable testing accommodations.

- **Form D - Attention Deficit-Hyperactivity Disorder Verification**

This form must be completed by a licensed professional with specialized expertise in the assessment of learning disabilities such as an educational psychologist or a neuropsychologist. The professional must provide evidence of the current impairment, describe the type and extent of the disability and specify the effect of such disability on an applicant's ability to be examined. The diagnostic report must include copies of the evaluation and a thorough battery of age-appropriate psychological tests and test scores administered within the **last three years** from the date the application for reasonable testing accommodations is filed. The test scores obtained and the interpretations of these scores must provide evidence of the current impairment and establish a rationale that supports the need for specific accommodations. Additionally, because distinguishing normal behaviors (e.g., procrastination, disorganization, distractibility, restlessness, boredom, academic underachievement or failure, low self-esteem, chronic tardiness or inattendance) from clinically significant impairment is challenging, a multifaceted evaluation should also address the intensity and frequency of the symptoms and whether these behaviors substantially limit one or more major life activities. Although many individuals benefit from prescribed medications and therapies, a positive response to medication by itself does not confirm a diagnosis, nor does the use of medication in and of itself either support or negate the need for accommodations. The professional must be specific about any recommendations for extra testing time and must provide his or her credentials. This information may be reviewed by a physician or licensed professional retained by the Idaho State Bar to assist in determining reasonable testing accommodations. The Idaho State Bar Board of Commissioners will make a decision to approve, modify or deny a request for reasonable testing accommodations.

- **Form E – Consent for and Statement of Law School Official**

This form must be completed by law school official.

- **Form F – Consent Form and Statement of Another Bar Jurisdiction**

This form must be completed by jurisdiction official.

- **Form G – Consent Form and Statement for the Multistate Professional Responsibility Examination (MPRE)**

This form must be completed by MPRE official.