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Nonstandard Testing Accommodations Application and Instructions For the July 2010 Bar Examination

Introduction:

The Board of Law Examiners (Board) will provide reasonable nonstandard testing accommodations (NTA) at no additional cost to applicants with disabilities as defined under the Americans with Disabilities Act (ADA). The extent of accommodations will be consistent with the nature and purpose of the examination and necessitated by the applicant's disabilities. If you have any questions after you read these instructions, please contact Shelli Kent, Deputy Director of Testing or Brenda Kovanic, Director of Testing, at (717) 231-3350.

The burden of proof is on the applicant to establish the existence of a disability as defined by the ADA and to establish the need for NTA. A disability is defined under the ADA as a physical or mental impairment that substantially limits one or more major life activities of an individual. The ADA requires the Board to provide NTA to those individuals who have a physical or mental impairment that substantially limits them from performing one or more major life activities as compared to most people in the general population. Although you may provide the required documentation establishing that you have a physical or mental impairment, you are not automatically entitled to NTA. Unless you establish that your impairment substantially limits one or more major life activities as compared to the average person, you will not be entitled to NTA on the bar examination. All requests for NTA are evaluated on a case-by-case basis.

In compliance with the ADA, the Board is authorized to require specific documentation, and to establish procedures to evaluate that documentation in order to ensure that the applicant is an individual for whom accommodations are required. In accordance with that authority, the Board has developed a *Nonstandard Testing Accommodations Application* packet.

Nonstandard Testing Accommodations:

NTA means an adjustment or modification of the standard testing conditions that ameliorate the impact of the applicant's disability on the examination process without fundamentally altering the nature of the examination, which would not impose an undue administrative or financial burden on the Board, compromise the security, validity or reliability of the examination, or provide an unfair advantage to the applicant with the disability.

NTA Application Instructions:

1. Please read the following instructions carefully. They outline and provide details about the steps that must be followed in order for your request for NTA to be evaluated.
2. **Provide a copy of these instructions to your medical/professional authorities.**
3. This NTA application refers to the current bar examination only, and may not be used for another bar examination. If you require special assistance, or if you have specific circumstances requiring a deviation from the standard testing procedures, the NTA application must be completed and submitted. The *Certification Statement* (page no. 6) must be signed and dated, and the *Authorization and Release* (page no. 7) must be completed, signed, dated, notarized and submitted. Additionally, you must type your name and social security number on the *Certificate of Law School Official*, and submit it to your law school for completion (fax copies are acceptable). This *Certificate* must be submitted to the board office simultaneous with your NTA application and documentation.
4. Attach documentation of your disability and your need for accommodation. If you do not provide any medical documentation with your initial NTA application, it may be immediately denied because you failed to meet your burden of proof and have not provided sufficient medical information required for a board consultant to make a recommendation. Compare your documentation with the information listed in these guidelines to ensure a complete submission.
5. Make copies of all documentation that you submit to the board office. Please note that you may not be able to obtain copies of your NTA application information at a later date.
6. Return your NTA application simultaneous with the required documentation, and your *Application To Sit for the Pennsylvania Bar Examination and for Character and Fitness Determination under Pa.B.A.R. 203/205*.

The NTA application must be an original (copies will not be accepted). Applicants must complete each section of the NTA application; otherwise, your application will be deemed incomplete and will be returned. Please be sure to list exactly what accommodations you are requesting (be very specific). The **only** accommodations that will be reviewed and approved are the ones that you indicated on Page 4 of the NTA application, under *NONSTANDARD TESTING ACCOMMODATIONS REQUESTED* sections 11 and 12, (i.e., various accommodations mentioned in your personal statement (page 5), recommended by your medical expert in their reports, received in past testing environments, etc. will not be considered unless you specifically request them on page 4). We have no way of knowing what accommodations you need unless you request them.

If the required medical/professional documentation and evaluations are not dated within the past three years (5 years for permanent physical disabilities), you will need to submit current documentation. This can be provided in the form of an addendum to original evaluations that were previously performed. You should also submit ALL previous medical evaluations/documentation to confirm the history of your disability. The recent (three years) evaluations are used to evaluate your current level of disability. Otherwise, the board consultant may not be able to appropriately evaluate your request for NTA under the ADA, and you may be denied NTA. If your NTA application is returned for any reason, and/or denied, additional late fees may be assessed, if applicable, in order for you to be able to resubmit your application. All late filing fees and deadlines will remain in effect for resubmission of returned applications, and/or to submit additional documentation to support your request for NTA. Please refer to the *Fee Schedule* for late filing deadlines and fees.

You may be required to submit to diagnostic testing by an independent doctor or specialist chosen by the Board, and you will be notified if this is required. Accordingly, the *Authorization and Release* for applicants requesting NTA must be completed, signed, dated and notarized in order to verify information and to facilitate this process. A board consultant may review requests for NTA pertaining to learning disabilities and/or Attention Deficit Hyperactivity Disorder (ADHD).

Additionally, depending upon the disability and the documentation submitted, requests for NTA pertaining to *physical* impairments may also be reviewed by a board consultant. Please be sure to provide all of the requested documentation regarding your disability. Otherwise, the consultant will not be able to examine the basis for your diagnosis or the rationale for your requests and your request for NTA may be denied for insufficient documentation.

REAPPLICANTS: If you have submitted an NTA application within the past three years, and were granted accommodations, you are not required to resubmit supporting documentation from prior examinations, provided that your NTA information, including your limitations, has not changed and that you are requesting the same accommodations that were granted in the past. You are only required to submit the NTA application, along with a statement stating that you are requesting the same accommodations that were granted in the past. However, if you are requesting additional accommodations, your NTA application will be reviewed in its entirety, and you must submit all documentation in support of that request.

NOTE: Supporting documentation does not have to be resubmitted if it is dated within the past three years (5 years for permanent disabilities.) However, if the supporting documentation previously submitted is more than four years old (6 years for permanent disabilities), you must submit current documentation. This can be provided in the form of an addendum to original evaluations that were previously performed.

Correspondence:

Inquiries regarding your submitted application must be in writing. Please do not call the board office for an update on the status of your pending NTA application. All decisions regarding NTA will be finalized approximately five weeks prior to the examination. It is recommended that you prepare for the examination as though the accommodations have not been granted, until and unless you are otherwise notified in writing by the Executive Director. You will receive written notice via United States Postal Service (USPS) certified or regular mail of the disposition of your application as soon as a decision is made. If you do not receive a letter from the board office regarding any requested accommodations five weeks prior to the bar examination, you must contact the board office immediately.

NTA Application Processing (Approved/Denied):

If the requested testing accommodations are **approved**, you will be notified by letter, normally no later than five weeks before the bar examination. The **only** accommodations that will be reviewed and approved are the ones that you indicated on Page 4 of the NTA application, under *NONSTANDARD TESTING ACCOMMODATIONS REQUESTED* sections 11 and 12, (i.e., various accommodations mentioned in your personal statement (page 5), recommended by your medical expert in their reports, received in past testing environments, etc. **will not** be considered unless you specifically request them on page 4).

If the requested testing accommodations are **denied**, you will be notified by letter, normally within 30 days after you submit your NTA application. You may elect to submit additional documentation to support your request for NTA. However, any additional documentation submitted to the board office must be filed in accordance with the specific bar examination late filing deadlines and fees (minus the fees you previously submitted – see *Fee Schedule*). No additional documentation will be accepted after the final filing deadline and/or without the appropriate late filing fees for any reason. Any additional documentation submitted by the final filing deadline will be added to your original NTA application. It will then be reviewed and you will be notified in writing of a subsequent determination. In the alternative, you have the right to appeal and request a hearing before the Board, at which time the NTA application and documentation you submitted in support of your request for NTA for the bar examination will be reviewed. You may elect to have your medical professional(s) available during the hearing for clarification of the evaluation(s) that were performed. No new evidence may be submitted at the hearing in support of your appeal; however, clarification of existing documentation or further explanation may be provided. If you did not include medical documentation from your medical professional with your NTA application when it was reviewed and subsequently denied, your medical professional would not be permitted to testify at the NTA hearing. Please be advised that there will be no exceptions made to this policy for any reason. You must notify the board office by telephone and in writing within 10 days of the denial notification letter, of your intent to submit additional information, or appeal the denial of your request for NTA. If such notice is not provided, and if no

additional information is submitted in accordance with the above referenced procedures, your request for NTA for the bar examination will remain denied. You are permitted to review and obtain copies of documentation included in your NTA application file. If your NTA request was reviewed by one of the Board's medical consultants and your NTA request was denied by the Executive Director, you will be provided a copy of the consultant's evaluation for your records.

If your request for NTA is denied by the Board of Law Examiners subsequent to a hearing, you may seek judicial review by the Supreme Court of Pennsylvania. Please refer to Pa.B.A.R. 213(b) and 222 for additional information relating to hearings and appeal information.

Filing Deadlines and Instructions:

Please refer to the current *Fee Schedule* for filing fees and deadlines.

Applications to sit for the bar examination, and NTA applications are available in late December for the July examination and, in early September for the February examination. This allows time for diagnostic testing and medical examinations to be performed to facilitate NTA requests prior to the timely filing deadline. You are encouraged to file your completed application and required documentation as early as possible in order to facilitate expedient decisions regarding accommodations that may be granted. No exceptions will be granted to the filing deadlines and/or filing fees.

If you are requesting NTA, you must submit the NTA application and supporting documentation **simultaneous** with the filing of your application to sit for the bar examination. An NTA application that is incomplete or otherwise not filed in compliance with these instructions will be returned via USPS regular mail. An application will be deemed incomplete for the following reasons, which are not exhaustive: 1) if any portion of it is not properly executed; 2) if the application, *Certification Statement*, and/or the *Authorization and Release* is not completed, signed, dated and/or notarized; 3) if any portion of it is missing; 4) if any questions are unanswered, incompletely answered or missing any required details; and/or 5) if any other required documentation is not submitted simultaneous with the filing of your application to sit for the bar examination.

If your NTA application is returned to you for any reason, you must resubmit the application and supporting documentation in accordance with the current application filing deadlines and fees (see *Fee Schedule*). If you do not meet the timely filing deadline, you must submit any applicable late application filing fees with your application. Applications will not be accepted after the final filing deadline and/or without the appropriate filing fees. There will be no exceptions made to the filing deadlines and/or filing fees for any reason. Therefore, if your application is incomplete and returned to you for any reason, you are still required to meet the final filing deadline; otherwise, you will not be permitted to sit for the bar examination with NTA. These are the only instructions that you will receive. **It is your sole responsibility to complete and submit the required documentation according to these instructions.**

Please be advised that the Board is not responsible for the delivery and/or receipt of your application and required documentation. It is recommended that you use an overnight courier (e.g., FedEx, UPS, USPS, DHL, etc.) to track the delivery of your documents to the board office. Due to the volume of documentation received in the board office, receipt of application documentation cannot be verified over the telephone.

Instructions to Medical Professionals and Applicants

Note to Medical Professionals:

In addition to the following instructions, if additional time to complete the examination is recommended, you must: 1) explain the rationale for the request; 2) specify the number of additional minutes per session (Essay A.M. and P.M., and MBE A.M. and P.M.) that you are recommending (see *Information and Passing Standards*); 3) specify if the additional time is for testing or breaks; and 4) submit supporting documentation that the request for additional time ameliorates the impact of the applicant's disability on the examination process without fundamentally altering the nature of the examination. Note: The standard Pennsylvania bar examination is a two-day, six-hour-per-day (three-hour A.M. and three-hour P.M.) timed test. The first day consists of a performance test and two essay questions in the AM session and four essay questions in the PM session. The second day consists of 100 multiple choice questions for both the AM and PM sessions. All applicants may take breaks and use the restroom at their convenience and receive an hour for lunch.

General Guidelines for all Disabilities:

The following guidelines are provided to assist the applicant in documenting a need for accommodation based on an impairment that substantially limits one or more major life activities. The NTA application and documentation submitted in support of a request may be referred to a Board consultant who practices in the appropriate area of disability for a fair and impartial professional review.

1. You must complete and submit the original NTA application and Certificate of Law School Official. (Reapplicants are not required to submit a Certificate of Law School Official if previously submitted.)
2. You must also submit a comprehensive report describing your disability and its severity, which justifies the need for the requested accommodation. The following information is required for all documentation submitted in support of a request for an accommodation:
 - a. **State a specific diagnosis of the disability.** A professionally recognized diagnosis for the particular category of disability is expected, (e.g., the DSM-IV diagnostic categories for learning disabilities).
 - b. **Be current.** Because the provision of reasonable accommodations is based on assessment of the current impact of the applicant's disability on the testing activity, it is in the individual's best interest to provide recent documentation. As the manifestations of a disability may vary over time and in different settings, in most cases an evaluation should have been conducted within the past three years (e.g., low vision or neuromuscular conditions are often subject to change and should be updated for current functioning). Since applicants must establish "current impairment" in order to be eligible for accommodations, diagnostic evaluations that are more than 3 years old may be denied for that reason alone.
 - c. **Describe the specific diagnostic criteria and name the diagnostic tests and other measures used, including date(s) of evaluation, specific test results and a detailed interpretation of the test results.** This description should include the results of diagnostic procedures and tests utilized and should include relevant educational, developmental, and medical history. Specific test results should be reported to support the diagnosis (e.g., documentation for an applicant with multiple sclerosis should include specific findings on the neurological examination, including functional limitations and MRI or other studies, if relevant). Diagnostic methods used should be appropriate to the disability and should be consistent with current established professional practices within the field.

- d. **Describe in detail the individual’s limitations due to the diagnosed disability (i.e., a demonstrated impact on functioning related to taking the bar examination) and explain the relationship of the test/evaluation results to the identified limitations resulting from the disability.** The current functional impact on physical, perceptual and cognitive abilities should be fully described (e.g., an applicant with macular degeneration has reduced central vision which limits the ability to read).
 - e. **Recommend specific accommodations and/or assistive devices.** Include a detailed explanation of why these accommodations or devices are needed and how they will reduce the impact of the identified functional limitations
 - f. **Establish the professional credentials of the evaluator that qualify them to make the particular diagnosis, including license or certification information and specialization in the area of the diagnosis.** The evaluator should present evidence of comprehensive training and direct experience in the diagnosis and treatment of adults in the specific area of disability.
3. Additionally, if prior accommodations were not requested, required, or provided, the qualified medical/professional authorities must include a detailed explanation as to why accommodations were not sought or required in the past and why accommodations are now necessary.

Learning Disabilities:

Documentation for applicants submitting a request for an accommodation based on a learning disability or other cognitive impairment should contain all of the items listed in the “General Guidelines for all Disabilities” (General Guidelines) section. The following information explains the additional issues and documentation that must be addressed relative to learning disabilities.

Because learning disabilities are commonly manifested during childhood (though not always diagnosed), historical information regarding the individual’s academic history and learning problems in elementary, secondary, and post secondary education should be documented and provided. Establishing an early onset of symptoms and impairment during childhood can be accomplished by providing copies of historical documents such as report cards from kindergarten, elementary school, middle school, and high school, prior psycho-educational testing reports, copies of Individualized Education Plans or 504 Plans, achievement test scores, teacher comments, and the like. Self-report alone, without any accompanying historical documents that validate developmentally deviant learning problems, are generally not sufficient to establish a learning disability.

Documentation must be comprehensive. Objective evidence of a substantial limitation in learning must be provided. At a minimum, the current comprehensive evaluation should include the following:

1. **A qualified professional must conduct the evaluation.** The diagnostician must have comprehensive training in the field of learning disabilities and direct experience in working with an adult population.
2. **Testing/assessment must be current.** The determination of whether an individual is significantly limited in functioning according to ADA criteria is based on assessment of the current impact of the impairment (see General Guidelines). A developmental disorder such as learning disability originates in childhood; therefore, information demonstrating a history of impaired functioning beginning in childhood, should also be provided.
3. **A diagnostic interview and history taking.** The assessment report should include a summary of a comprehensive diagnostic interview that includes relevant background information to support the diagnosis. In addition to the applicant’s self-report, the report of assessment should include:
 - a. A description of the presenting problem(s);
 - b. A developmental history that establishes a childhood onset of impairment;

- c. Relevant academic history including results of prior standardized testing, grades, any suspensions or disciplinary actions, teacher comments describing classroom performance and behavior, study habits, and notable trends in academic performance;
- d. Family history, including primary language of the home and current level of fluency in English;
- e. Relevant psychosocial history;
- f. Relevant medical history including ruling out a medical basis for the present symptoms;
- g. Relevant employment history including a description of how their learning problems impacted them on past or current jobs;
- h. A discussion of dual diagnosis, alternative or co-existing mood, behavioral, neurological and/or personality disorders along with any history of relevant medication and current use that may impact the individuals learning; and,
- i. Exploration and ruling out of possible alternative explanations that may better explain their learning/testing difficulties (such as situational stressors, anxiety, depression, divorce, substance abuse, etc.)

4. **A formal psychoeducational or neuropsychological report must be provided.** The psychoeducational or neuropsychological report must be submitted on the letterhead of a qualified medical/professional authority and it must provide clear and specific evidence that a learning or cognitive disability does or does not exist. Diagnosticians need to build a solid case for their diagnostic conclusions incorporating not only testing scores and self-reported history, but including evidence of real world functional impairment relating to the learning problems. For example, in the case of a reading disability, diagnosticians should provide evidence of persistent reading deficiencies in the classroom (low reading groups, history of tutoring/extra help, teacher observations of deficient oral reading or comprehension, resource room assistance etc.) rather than a single test score on a standardized test such as the Nelson Denny Reading Test. The diagnosis must be based on the aggregate of test results, history and level of current functioning. It is not appropriate or acceptable to base any learning disability diagnosis on only one or two subtests. You must also present objective evidence of a substantial limitation to learning that goes beyond mere test scores. Any tests used must be appropriately normed for the age of the patient and must be administered in the designated standardized manner. Minimally, the domains to be addressed should include the following:

- a. **Cognitive Functioning.** A complete cognitive assessment is essential with all subtests and standard scores reported. This is necessary to rule out intellectual limitation as an alternative explanation for academic difficulty and to identify cognitive strengths and weaknesses. Acceptable measures include but are not limited to: Wechsler Adult Intelligence Scale-III (WAIS-III); Woodcock Johnson Psychoeducational Battery-III; Tests of Cognitive Ability; and Kaufman Adolescent and Adult Intelligence Test.
- b. **Achievement.** A comprehensive achievement battery with all subtests and standard scores is essential. The battery must include current levels of academic functioning in relevant areas such as reading (decoding and comprehension), spelling, and written expression. Acceptable instruments include, but are not limited to the Woodcock Johnson Psychoeducational Battery-III; Tests of Achievement; and The Scholastic Abilities for Adults (SATA). Other specific achievement tests may be a useful supplement to the achievement battery when interpreted within the context of other diagnostic information. However, please be advised that The Wide Range Achievement Test-3 (WRAT-3) and the Nelson Denny Reading Test are only screening tests and are not comprehensive diagnostic measures of achievement. Therefore, neither is acceptable if used as the sole measure of achievement and neither is sufficient to establish a learning disability.

- c. **Information Processing.** Evidence of processing deficiencies might involve short and long-term memory, sequential memory, auditory and visual perception/processing, auditory and phonological awareness, processing speed, executive functioning, and/or motor ability. It is recommended that these functions be assessed to delineate the learning disability. Acceptable measures include but are not limited to the Detroit Tests of Learning Aptitude – Adult (DTLA- A), Wechsler Memory Scale – III (WMS-III), and the Woodcock Johnson Psychoeducational Battery – III: Tests of Cognitive Ability.

Note: It is helpful to show how any testing weaknesses in these areas impact the person’s learning and real world functioning in other major life activities.

- d. **Other Assessment** Procedures (such as inspection of historical medical, psychiatric, academic, or vocational records, use of Rating Scales, input from collateral informants who know the person well such as parents, teachers, tutors, coaches) or clinical observations of behavior and mental status may be integrated with the above instruments to help support a differential diagnosis or to disentangle the learning disability from co-existing neurological and/or psychiatric issues. In addition to standardized test batteries, nonstandardized measures and informal assessment procedures may be helpful, especially if they serve to illuminate legitimate real world functional impairment in one or more life domains.
- e. **Actual test scores must be provided (standard scores where available).** Evaluators should use the most recent form of tests and should identify the specific test form as well as the norms used to compute the scores. It is helpful to list all test data in a score summary sheet appended to the evaluation.
- f. **Records of academic history must be provided.** Because learning disabilities most commonly have an onset during childhood, early school records, report cards, or other evidence of developmentally deviant learning problems should be provided whenever possible. Examples include kindergarten records, elementary, junior high, and high school report cards, written teacher comments, documentation from past tutors or learning specialists, past psychoeducational testing reports, 504 Plans, Individualized Education Plans (IEPs), college and law school transcripts, and the like. These sorts of records are essential to help validate self-reported impairment and to help determine if the history of functional impairment is of sufficient magnitude to rise to the level of clinical diagnosis and a disability. It is important to demonstrate the history of functional impairment via objective historical records; not just tell us about it. (Reapplicants are not required to resubmit undergraduate and law school transcripts.)
- g. **Clinicians must build a sufficient case for their diagnostic conclusions and document an attempt to rule out other possible causes for the learning problems.** The evaluation should provide a sound rationale to support the learning disability diagnosis, show how the deficits currently impair the individual’s ability to learn, and show how they impair the person in standardized testing situations. Again, no single test or subtest is a sufficient basis for a learning disability diagnosis. The differential diagnosis must demonstrate that:
- i. Significant difficulties started early and have persisted in the acquisition and use of listening, speaking, reading, writing or reasoning skills;
 - ii. The problems being experienced are not primarily due to lack of other factors such as insufficient cognitive ability, lack of exposure to the behaviors/skills needed for academic learning or success in law school, or to an inappropriate match between the individual’s ability and the instructional demands of the law school environment or the bar exam.

- h. **A clinical summary must be provided.** A well-written diagnostic summary based on a comprehensive evaluative process is a necessary component of the clinician's report. Assessment instruments and the data they provide do not diagnose; rather, they provide important data that must be integrated with background information, historical information and current functioning. It is essential then that the evaluator builds a case for the diagnosis by integrating all of the assessment information gathered in a well-developed clinical summary. The following elements should be included in the clinical summary:
- i. Demonstration of the evaluators having ruled out alternative explanations for the identified academic problems as a result of poor education, poor motivation and/or study skills, emotional problems, attentional problems, substance abuse, or cultural or language differences;
 - ii. Indication of how patterns in cognitive ability, achievement and information processing (both in test scores and in real world functioning) are used to determine the presence of a learning disability;
 - iii. A description of what historical records were inspected and how they demonstrate a history of impairment that would support a learning disability diagnosis;
 - iv. A specific description of the substantial limitation to learning presented by the learning disability and the degree to which it impacts the individual in the context of taking the Pennsylvania bar examination; and
 - v. Indication as to why specific accommodations are needed and how the accommodations will ease the impact of the disability in the testing (bar exam) situation.
- i. **Each accommodation recommended by the evaluator must include a rationale.** The evaluator must describe the impact the diagnosed learning disability has on a specific major life activity as well as the degree of significance of this impact on the individual. The diagnostic report must include specific recommendations for accommodations and a detailed explanation as to why each accommodation is recommended. Accommodation requests are not granted on the basis of a diagnostic label; they should be tied to the history of functional impairment. The documentation should include any record of prior accommodations or auxiliary aids, including any information about specific conditions under which the accommodations were used and whether or not they were effective. However, a prior history of receiving accommodations in other academic/testing environments is not a guarantee one will receive accommodations on the Pennsylvania bar exam. Applicants must provide sufficient documentation to substantiate they have a current need for accommodations and that they meet the ADA's definition of "disabled". If no prior accommodation(s) has been provided, the qualified medical/professional authority must include a detailed explanation as to why no accommodation(s) was used or necessary in the past and why accommodation(s) is needed at this time.

NOTE:

1. Please be advised that the Pennsylvania bar examination does not test Math skills, and factors such as grammar, penmanship, and spelling are not considered in the grading of the Performance Test (PT) and essay answers. Additionally, problems such as test anxiety, English as a second language (in and of itself), slow reading without an identified underlying cognitive deficit, or failure to achieve a desired academic outcome are not learning disabilities, and therefore, are not covered under the ADA.
2. If your request for NTA is approved, you will be tested in an area with other applicants receiving similar accommodations.

Guidelines for ADHD/ADD:

The diagnostic criteria as specified in the Diagnostic and Statistical Manual of Mental Disorders, Fourth Edition (DSM-IV) are used as the basic guidelines for determination of an Attention Deficit Hyperactivity Disorder diagnosis. An applicant warranting an ADHD diagnosis must meet basic DSM-IV criteria including the following:

1. Demonstrating that they exhibit a sufficient number of symptoms (listed in DSM-IV) of Inattention and/or Hyperactivity/Impulsivity that have been persistent and maladaptive. The exact symptoms should be specified and described in detail and it should be shown how the patient meets criteria for long-standing history, impairment, and pervasiveness.
2. Since ADHD is by definition a childhood onset disorder, the documentation must also provide evidence to support a childhood onset of symptoms and associated impairment. Self-report is generally insufficient to substantiate a childhood onset of symptoms/impairment. It is always helpful to provide historical records that validate self-reported impairment such as kindergarten, elementary, middle school, and high school report cards, Individualized Education Plans, 504 Plans, early psycho-educational testing reports, teacher comments, documentation from tutors or learning specialists, disciplinary records, and the like.
3. Providing objective evidence demonstrating that current impairment from the symptoms is present in two or more settings. Since ADHD tends to affect people over time and across situations in multiple life domains, it is necessary to show that the impairment is not confined to only the academic setting or to only one circumscribed area of functioning.
4. A determination that the symptoms of ADHD are not a function of some other mental disorder (such as mood, anxiety, or personality disorders, substance abuse, low cognitive ability etc.) or situational stressor (such as divorce, grief reaction, family or financial crisis, etc.).
5. Indicating the specific ADHD diagnostic subtype; Predominantly Inattentive Type, Hyperactive Impulsive Type, Combined Type, or Not Otherwise Specified.

In addition, the following information explains some other important considerations regarding ADHD documentation:

1. **Records of academic history must be provided.** Because developmental disabilities such as ADHD are usually evident (though not always diagnosed), historical information regarding the individual's academic and behavioral functioning in elementary and secondary education should be provided (see B above). In addition, you must provide transcripts from both undergraduate and law school. (Reapplicants are not required to resubmit undergraduate and law school transcripts.) Self-report alone, without any accompanying historical documents that validate developmentally deviant ADHD symptoms and impairment, is not sufficient to substantiate an ADHD diagnosis.
2. **A qualified diagnostician must conduct the evaluation.** Professionals conducting assessments and rendering diagnoses of ADHD must be qualified to do so. Comprehensive doctoral level training in the differential diagnosis of ADHD and other psychiatric disorders and direct experience in diagnosis and treatment of adults with ADHD is necessary. Diagnosticians should include a brief biographical sketch explaining that they possess the necessary training, experience, and credentials for diagnosing ADHD in adults. The evaluator's name, title and professional credentials should be clearly stated in the documentation.

3. **Testing/assessment must be current.** The determination of whether an individual is “significantly limited” in functioning is based on assessment of the current impact of the impairment on the Pennsylvania bar examination (see General Guidelines). Because the provision of reasonable accommodations is based on assessment of the current impact of the examinee’s disability on the testing activity, it is necessary to provide “recent” documentation. Since applicants must establish “current impairment” in order to be eligible for accommodations, diagnostic evaluations that are more than three years old may be denied for that reason alone. Therefore, professional declarations should be based on evaluations that are no more than three years old.
4. **The documentation should build a case for and provide sufficient evidence for the ADHD diagnosis.** An ADHD evaluation is primarily based on an in-depth history reflecting a chronic and pervasive history of ADHD symptoms and associated impairment beginning during childhood and persisting to the present day. The evaluation should provide a broad, comprehensive understanding of the applicant’s relevant background including family, academic, behavioral, social, vocational, medical, developmental, and psychiatric history. There should be an emphasis on how the ADHD symptoms have manifested across various settings over time, how the applicant has coped with the problems, and what success the applicant has had in their coping efforts. Any past or current treatments for ADHD and the impact of those treatments should be discussed (including medications, accommodations, tutoring, classroom modifications, counseling etc. Providing narrative documentation from collateral informants who know the applicant well (such as parents, spouses, siblings, teachers, professors, supervisors, tutors, coaches, etc.) can also help to illuminate and establish a credible history of significant functional impairment relating to ADHD.
5. **Test scores alone are not sufficient to establish an ADHD diagnosis.** Test scores or subtest scores alone should not be used as the sole basis for the diagnostic decision. Scores from subtests on the Wechsler Adult Intelligence Scale-III (WAIS-III), memory function tests, attention or mental 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 additional evidence of attentional problems that support the history of the applicant’s functional impairment. A neuropsychological or psycho-educational assessment can be helpful in identifying the individual’s pattern of strengths and weaknesses and whether there are patterns supportive of attention problems. However, a comprehensive testing battery alone, without illuminating a pattern of real world functional impairment, will not be sufficient to establish an ADHD diagnosis or a disability. Checklists and/or ADHD symptom rating scales can be a helpful supplement in the diagnostic process, but by themselves are not adequate to establish a diagnosis of ADHD. When testing is used, standard scores must be provided for all normed measures.
6. **Each accommodation recommended by the evaluator must include a rationale.** Thus, in addition to a comprehensive diagnostic evaluation, the report should also address the history of prior accommodations the person has received and the objective of those accommodations. Accommodations are not granted on the basis of a diagnostic label. Instead, accommodation requests need to be tied to a history of functional impairment that supports their use. The evaluator must describe the type and degree of impact the ADHD has (if one exists) on a specific major life activity and on the individual. The diagnostic report must include specific recommendations for accommodations that flow logically from the history of functional impairment. A detailed explanation must be provided as to why each accommodation is recommended and should be correlated to specific identified functional limitations.
7. It is important to note that a prior history of receiving accommodations in previous academic/testing environments is not a guarantee one will be granted accommodations on the Pennsylvania bar exam. Prior documentation may have been adequate in determining appropriate services or accommodations in the past. However, documentation should validate the need for accommodation based on the individual’s current level of functioning and needs to show that the person currently meets the ADA’s definition of “disabled”. The documentation should include any record of prior accommodation or auxiliary aid, including information about specific conditions under which the accommodation was used (e.g., standardized testing, final exams, etc.). However, a prior history of accommodation without

demonstration of a current need does not in itself warrant the provision of a similar accommodation. If no prior accommodation has been provided, the qualified medical/professional authority and/or individual being evaluated should include a detailed explanation as to why no accommodation was used in the past and why accommodation is necessary at this time.

8. **Documentation must include a specific diagnosis.** The report must include a specific subtype diagnosis of ADHD based on the DSM-IV diagnostic criteria. Evaluators should be particularly careful regarding individuals diagnosed with ADHD, predominantly inattentive type, since this is often confused with symptoms of poor organization, test anxiety, or memory/concentration difficulties that are evident only on a situational basis. Given that many individuals benefit from prescribed medications and therapies, a positive response to medication in and of itself neither supports nor negates the ADHD diagnosis or the need for accommodation.

IMPORTANT NOTE: In the case of ADHD, You must submit –

1. documentation/records from childhood to help establish a childhood onset of symptoms (report cards, IEPs, teacher comments, etc.)
2. documentation of your functional impairment in activities beyond academics and test taking
3. documentation of your current and past functional impairment beyond self-report

Visual Disabilities:

A qualified evaluator who is familiar with the disability of the individual must submit a vision evaluation report that includes the following information:

1. Detailed Visual and Medical History
2. Current Diagnosis
3. Best Corrected Visual Acuties for Distance and Near Vision
4. Eye Health (both external and internal evaluations)
5. Diagnosis-specific Findings (address all relevant areas)
 - a. Visual Field: threshold field, not confrontation (provide measurements, and copies of reports).
 - b. Binocular Evaluation: eye deviation (provided measurements), diplopia, suppression, depth, etc. Specify the distance or near point.
 - c. Accommodative Skills: at near point, with and without lenses (provide measurements).
 - d. Oculomotor Skills: saccades, pursuits, tracking
6. Describe how the individual's diagnosis and symptomology relate to his/her reading ability and why each recommended accommodation is needed. Your recommendation cannot be supported solely by a history or prior accommodation.

Note to ALL Evaluators: You must address all sections in the evaluation report that pertain to the impairment of the individual. Please reference specific tests, clinical observations, or other objective data and provide documentation of tests, if relevant. To avoid delays in the processing of accommodation requests, it is very important that all information provided is comprehensive and legible.

Disabilities and Accommodations:

The following is a list of the types of disabilities for which nonstandard testing accommodations may be provided (for illustrative and reference purposes only - not exhaustive):

1. **Physical impairments** (conditions that restrict or impair sensory-motor functioning or mobility):
 - a. cerebral palsy
 - b. polio
 - c. multiple sclerosis
 - d. arthritis
 - e. orthopedic injuries
 - i. (including paraplegia or quadriplegia)
 - f. epilepsy
 - g. muscular dystrophy
 - h. tourette's disorder
 - i. blindness
 - j. hypoglycemia
 - k. diabetes
 - l. other (cancer, AIDS, ARC, allergies)

2. **Other disabilities:**
 - a. learning disabilities
 - b. brain injuries
 - c. ADHD
 - d. other psychiatric conditions

The following is a list of types of nonstandard testing accommodations available (for illustrative purposes only):

1. large type (18 pt font) examination
2. audio taped versions of the examination
3. dictation equipment
4. reader and/or writer
5. Braille examination
6. additional time for either rest breaks or testing
7. specific height tables to accommodate medical problems (such as wheelchairs)
8. permission to type written portions of the examination on computer (see *NOTE below)

***NOTE:** All applicants may utilize their personal laptop computers (CBT) to complete the PT and Essay portions of the bar examination. Please be advised that penmanship, spelling, and grammar deficiencies are not deducted in the grading of the essays.

NOTE TO APPLICANTS:

The information and documentation provided by you are subject to the same obligation of candor as all other information provided in your application. Providing false documentation or information may result in the initial denial of your application to sit for the bar examination, pursuant to Pa.B.A.R. 203(a)(3) regarding moral character and fitness to practice law. All information provided is subject to the confidentiality provisions of Pa.B.A.R. 402 and other applicable authority. This NTA application is intended for the current bar examination only and may not be used for another bar examination. If you need to reapply for NTA for a future bar examination, you will need to submit a new NTA application.

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Nonstandard Testing Accommodations Application
(This application must be typed)

All applicants requesting nonstandard testing accommodations (NTA) must complete and submit this NTA application simultaneous with the filing of your application to sit for the bar examination. Additionally, the *Certification Statement* (page no. 6) and the *Authorization and Release* (page no. 7) must be signed, dated and/or notarized. Otherwise, your NTA application will be returned to you in its entirety, and additional late fees may be assessed, if applicable, in order for you to be able to resubmit your application (see *Fee Schedule*).

Note: All applicants are permitted to have food, beverage, medication, and lumbar support during the examination, regardless of whether you are receiving NTA. DO NOT complete this application for the aforementioned items.

General Information

Name: _____

Note: All correspondence regarding your NTA application will be mailed via US Postal Service (USPS) certified or regular mail to the address listed on your *Application for Permission to Sit for the Pennsylvania Bar Examination and for Character and Fitness Determination under Pa B.A.R. 203/205*.

Telephone Numbers: Daytime: _____ **Evening:** _____

Date of birth: _____ **Social Security No:** _____

Applicant Type (Check one):

- First-time applicant (have not previously requested NTA for the Pennsylvania bar examination).
- Reapplicant (previously requested NTA for the Pennsylvania bar examination).

1) In addition to the Pennsylvania bar examination, please list any other jurisdiction in which you will be simultaneously taking a bar examination: _____

(If you have applied to take the bar examination in another jurisdiction, it is your responsibility to coordinate testing accommodations with that jurisdiction.)

2) Have you ever requested NTA for any bar examination? (Attach additional pages as needed)

Yes No

a. If yes, list the jurisdiction where they were granted or denied and date of the bar examination(s).

Also, list the requested accommodations and indicate if they were approved or denied: _____

3) Have you ever applied to take a bar examination, but did not apply for NTA: Yes No

a. If yes, in what jurisdiction(s) and did you pass or fail?: _____

DISABILITY STATUS (see NTA instructions for required documentation.)

4) Nature of Disability (check all that apply):

- Hearing Disability
 Learning Disability
 Physical Disability
 Psychiatric Disability
 ADHD
 Visual Disability
 Other:

5) I was first professionally diagnosed with _____ (state specific diagnosis) in _____ (month), _____ (year). (Attach additional pages for multiple diagnoses.)

6) The original diagnosis was made by:

Name of qualified professional: _____

Type of health care provider: _____

Current address and phone number (if available): _____

7) What treatment(s)/medication(s) have been prescribed: (Provide the timeframe(s), the effect on your condition, and any reason for discontinuing the treatment or medication. Attach additional pages as needed) _____

By whom (name, occupation/specialty) _____

8) **PERSONAL STATEMENT:** In addition to professional documentation as required, you must provide a personal statement describing your disability and its impact on your daily life and educational functioning by completing page 5 (attach and number additional pages as needed) of this application. You must also list which major life activities your disability impacts and provide a detailed description of the effects. Do not confine your comments to standardized test performance, but instead discuss your overall functioning.

PREVIOUS ACCOMMODATION(S) (see NTA instructions for required documentation.)

- 9) Did you attend a special school/program or use disabled student services at any time during your educational career (check all that apply)? You must provide a detailed description of programs/services attended by attaching an explanation sheet to this NTA application. Additionally, you should provide all documentation from the institution granting or denying accommodations.

- no*
 elementary school
 high school
 college
 law school
 other (specify):
-

- 10) Did you receive nonstandard testing accommodations for classroom examinations and/or admissions tests throughout your educational career (check all that apply)?

- | | |
|--------------------------------------------|----------------------------------------------------------------|
| <input type="checkbox"/> <i>no</i> | <input type="checkbox"/> SAT (copies of test scores attached) |
| <input type="checkbox"/> elementary school | <input type="checkbox"/> ACT (copies of test scores attached) |
| <input type="checkbox"/> high school | <input type="checkbox"/> LSAT (copies of test scores attached) |
| <input type="checkbox"/> college | <input type="checkbox"/> MPRE (copies of test scores attached) |
| <input type="checkbox"/> law school | <input type="checkbox"/> GMAT (copies of test scores attached) |
| <input type="checkbox"/> other (specify): | |
-

If you received accommodations on any of the above-listed items, you **must** describe the specific accommodations in detail in your personal statement on page 5. (see question no. 8, above).

NOTE: You must provide copies of test scores, and supporting documentation for any accommodations that you have received. If you did not receive accommodations, you must still provide copies of SAT and LSAT test scores for review. (Attach additional pages as needed.)

You must provide transcripts from undergraduate and law school if the nature of your disability is a learning disability, psychiatric disability, or ADHD. To assist in establishing a childhood onset of symptoms, it is also recommended you provide report cards or transcripts from elementary school, middle school, and high school as well.

Note: ONLY ACCOMMODATIONS REQUESTED ON THIS PAGE WILL BE REVIEWED AND APPROVED. (Various accommodations mentioned in your personal statement, recommended by your medical experts in their reports, received in past testing environments, etc. will not be considered unless you specifically request them on this page.)

NONSTANDARD TESTING ACCOMMODATIONS REQUESTED (see NTA instructions for required documentation.)

11) Do you request the use of auxiliary aids and services? Yes No

a. If yes, check all that apply:

- specific table height (specify height): _____
- reader as accommodation for visual impairment
- tape record PT and essays as accommodation for visual or motor impairment
- assistance completing MBE answer sheet
- alternate version of the test (check all that apply):
- audio tape
- Braille
- large print 18 pt
- other (be specific): _____

Note: You may be required to provide your own auxiliary aids if the accommodation request is approved. (Example: special chairs, tables, foot stools, additional lighting equipment, magnifying items, lumbar support, writing devices, voice-activated computer, etc.)

12) Do you request extra time to take the bar examination? Yes No

a. If yes, your medical/professional authority must provide a detailed justification for the additional time, and whether the time requested is for testing or breaks. Requests for unlimited time are not a reasonable accommodation under the ADA.

Select the additional time request or be specific if not listed:

- 50%* PT/Essay
- 50%* MBE
- or other (be specific) _____

I will use the additional time for (choose one):

- TESTING (The extension of time will be used for testing. Restroom or rest breaks may be taken at any time during testing; however, no additional time will be added.)
- or**
- BREAKS ONLY (The extension of time is for **stop-the-clock breaks only**. The additional time is for breaks only, and may not be used for testing). You will be required to exit the test room when using break time.

*On both days of the examination, the 3 hour AM and PM test sessions are extended to 4 ½ hours for applicants receiving 50% additional time. The examination normally begins each day at 8:30 am and ends at 7 pm. You will also receive an hour lunch period. You may leave early if you finish the examination before the test session ends.

NOTE: NTA applicants will be tested in an area with other applicants receiving similar accommodations.

PERSONAL STATEMENT

In addition to professional documentation as required, you must provide a personal statement describing your disability and its impact on your daily life and education functioning. You must also list which major life activities your disability impacts and provide a detailed description of the effects. Do not confine your comments to standardized test performance, but instead discuss your overall functioning.

Attach and number additional pages as needed.

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**Nonstandard Testing Accommodations
Authorization and Release**

I, _____, in connection with my request for nonstandard testing accommodations (NTA) for taking the bar examination, authorize the Board of Law Examiners (Board) to provide, at its discretion, a copy of any and all documentation that I submit in connection with this NTA application to such persons and/or consultants as the Board may deem necessary to adequately evaluate my NTA application. If requested by the Board, I further agree to submit to diagnostic testing by an independent physician, therapist, or other professional authority chosen by the Board.

I also authorize and request every person, firm, company, corporation, governmental agency, law enforcement agency, court, association, educational and/or other institution having control of any documents, records, and other information pertaining to me, to furnish to the Pennsylvania Board of Law Examiners any such information, including documents, records, bar association files regarding charges or complaints filed against me, formal or informal, pending or closed, or any other pertinent data. I also permit the Pennsylvania Board of Law Examiners or any of its agents or representatives to inspect and make copies of such documents, records or other information, and on its own volition or in response to an inquiry from any agency of the Supreme Court of Pennsylvania or of any other jurisdiction at any time in the future, to furnish to such agency information, documents, or records contained in my file.

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

State of _____

ss.)

County of _____

Signature of Applicant

Subscribed and sworn to or affirmed before me

this _____ day of _____, 20____.

Notary Public

My commission expires: _____
Seal or stamp must be affixed.

**THIS FORM MUST BE SIGNED AND NOTARIZED, ONLY IF YOU ARE
APPLYING FOR NONSTANDARD TESTING ACCOMMODATIONS.**

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Certificate of Law School Official

Instructions: **1.** Type your name and social security number or student identification number where indicated. **2.** Submit this form to your law school(s) for completion (make copies as needed). **3.** The law school(s) must return this form back to you (fax copies are acceptable). **4.** After this form is completed by your law school(s) and returned to you, submit it to the board office, simultaneous with the filing of your application to sit for the bar examination. Otherwise, your nonstandard testing accommodations (NTA) application will be returned to you in its entirety, and additional late fees may be assessed, if applicable, in order for you to be able to resubmit your application. (see *Fee Schedule*)

Note: This form must be completed even if you did not request and/or receive NTA during law school. Reapplicants who have previously submitted this form do not need to resubmit it.

Applicant's name: _____

Social Security No. or Student ID No.: _____

THIS SECTION MUST BE COMPLETED BY THE LAW SCHOOL AND RETURNED TO THE APPLICANT.

The above-named applicant is requesting NTA for the Pennsylvania bar examination. While attending law school this applicant:

- did not request NTA;
- requested NTA for a disability of _____, but was not granted accommodations for the reasons listed on the attached sheet;
- requested NTA for a disability of _____, and was granted accommodations as described on the attached sheet. You **must** include a detailed description of the accommodations granted, including a list of classes and the method(s) of examination.
- when were the accommodations requested (Month, Year) _____
- when were accommodations approved (Month, Year) _____

I certify that the information contained herein is true and correct to the best of my knowledge and belief. I understand that false statements made herein are subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsifications to authorities.

Executed on: _____, at _____, by _____
(Date) (City and State) (Signature)

Law School: _____

Name and title: _____ Telephone Number: () _____ Ext: _____