

# **INDIANA STATE BOARD OF LAW EXAMINERS**

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## **TESTING ACCOMMODATIONS HANDBOOK**

**Instructions, Guidelines and Application**

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# GENERAL INFORMATION

- I. The Americans with Disabilities Act of 1990 as Amended (ADA). The ADA and applicable regulations define a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities. The Indiana State Board of Law Examiners (the Board) provides reasonable and necessary testing accommodations to applicants who are qualified to take the bar examination and who are disabled under the ADA and relevant regulations and case law.
- II. The Purpose of Testing Accommodations. The purpose of testing accommodations is to provide equal access to the bar examination. Testing 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. Testing 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, testing accommodations are not a guarantee of improved performance, test completion or a passing score.
- III. Applicant's Burden of Proof under the ADA. The burden of proof is on the applicant to establish a disability as defined by the ADA and to establish the need for testing accommodations. Requests for testing 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 testing accommodations varies with the nature of the disability and is described in the guidelines provided on the Board's website: *Guidelines for the Documentation of Physical and Psychiatric Disabilities; Guidelines for Documentation of Learning Disabilities and other Cognitive disorders; and Guidelines for Documentation of Attention Deficit/Hyperactivity Disorder*. Documentation which sufficed in other testing situations may not be sufficient to support a request for accommodations on the bar examination.
- IV. Who Should Complete an Application for Testing Accommodations? Applications for testing accommodations should be completed by those individuals with disabilities under the ADA who require testing accommodations on the bar examination. All applicants who are requesting accommodations must complete this form. Even if accommodations were granted in a previous year, the Board is using a new procedure and a new application must be fully and correctly completed.

## Who Should **NOT** Complete an Application for Testing Accommodations?

You should not complete an Application for Testing Accommodations for a request to use a 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 should not complete an ADA application. Such applicants must register for the laptop program completing the "Request to

Participate” form located on the Board’s website. Applicants who are requesting the use of a laptop computer and any other accommodation (i.e. additional testing time) must file an application for testing accommodations.

V. Filing An Accommodation Request:

- A. Filing. The original signed and notarized application for testing accommodations for testing accommodations together with all required supporting documentation must be filed with the bar application by the close of the application filing period that applies for the general bar. Applications are deemed filed as of the day they are **received** in the Board’s office. *The original signed and notarized application must be postmarked or delivered to the Board by the deadline date; faxing your request does not satisfy this requirement*
- B. Deadline. The Indiana bar examination is held each year during the last Tuesday and Wednesday of February and the last Tuesday and Wednesday of July. Applications for testing accommodations should be filed with your bar application. The following deadlines apply for the filing of bar applications and applications for testing accommodations:

**Deadlines for First Time Applicants (Postmark Dates)**

<b>Exam Date</b>	<b>Regular Filing Deadline</b>	<b>Late Deadline</b>
February	November 15	November 30
July	April 1	April 15

**Deadlines for Re-Exam Applicants (Postmark Dates)**

<b>Exam Date</b>	<b>Regular Filing Deadline</b>	<b>Late Deadline</b>
February	December 15	December 30
July	May 30	June 15

- C. Untimely 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. The Board will consider only those applications for testing accommodations that are filed timely. *Applications that are untimely shall be rejected and returned to the applicant.*
- D. Incomplete Applications. The Board will consider only those applications for testing accommodations. 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 by third parties. Care must be taken to plan ahead so that all documentation is available as of the filing deadline. *Applications received before the filing deadline will be reviewed, and applicants will be notified of any deficiencies and given a short period of time to correct them.*

- E. Faxing Policy. Faxing does not satisfy the filing requirement or relieve applicants from their responsibility to submit the original signed and notarized application (with all required supporting documentation) to the Board's office within the filing period.

VI. Review Process for Applications for Testing Accommodations.

- A. Independent Review. The Board reserves the right to have any application for testing accommodations together with all supporting documentation evaluated by an expert(s) in the appropriate area of disability for a fair and impartial professional review. The Board may, in its discretion, require the applicant to provide additional information and documentation in support of the request, and may also require the applicant to submit to examination by an expert professional designated by the Board.
- B. Determinations. All complete and timely applications for testing accommodations applications for testing 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 by regular US mail to the addresses provided on the testing 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. If the application is denied, the determination letter will describe the reason(s) for the denial.
- C. Other Eligibility Requirements. Applicants for testing accommodations must meet all eligibility requirements for the bar examination.

VII. Email. The Board may email 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. Applicants are encouraged to check their email at least once a day for important information from the Board.

# INSTRUCTIONS FOR COMPLETING APPLICATION FOR TESTING ACCOMMODATIONS

## TESTING ACCOMMODATIONS REQUESTED ON THE INDIANA BAR EXAM:

1. List all accommodations you are requesting for the bar examination. Accommodations must be reasonable, appropriate to the disability, and supported by your medical documentation. The Board will only consider accommodations you list in response to this question. Please consider the following description of the standard bar examination when making your request:

The Indiana bar examination is given on the last Tuesday and Wednesday of February and July.

The first day of testing (the essay portion of the examination) consists of one 3 hour session in the morning and one 4 hour session in the afternoon, with approximately a one hour lunch break in between. During the 3 hour morning session, applicants are required to hand write (or type if the applicant elects to participate in the laptop program) answers to two Multistate Performance Test (MPT) questions. Although applicants are free to use their time as they choose, the National Conference of Bar Examiners developed the MPT with the intention that each applicant allocate 90 minutes to each of the two MPT questions. The 4 hour afternoon session consists of six essay questions covering Indiana law. The regular testing schedule for the first day morning session is 9:30 a.m. to 12:30 p.m. and the afternoon session is 2:00 p.m. to 6:00 p.m.

The second day of testing (the Multistate Bar Exam) consists of one 3 hour morning session and one 3 hour afternoon session, with approximately a one hour lunch break in between. Each session consists of 100 multiple-choice questions, which must be answered by filling in circles on a computer graded grid sheet. The regular testing schedule for the second day morning session is 9:30 a.m. to 12:30 p.m. and the afternoon session is 2:00 p.m. to 5:00 p.m.

Applicants are typically seated two to an 8 foot table. They are permitted to leave their table to go to the restroom and take any necessary over-the counter and legally prescribed medications. All applicants are also permitted to wear ordinary foam ear plugs supplied free of charge by the Board during the examination.

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

- Additional testing time.
- Amanuensis (scribe to write essays).
- Assistive devices provided by the candidate (i.e., tens unit, pillow, brace, heating pad, etc.)
- Braille examination materials.
- Large Print materials (18 point font)
- 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. NOTE: *When additional testing time is awarded, off-the-clock breaks are not also awarded. The additional time awarded should be used for testing and/or breaks, as deemed necessary by the candidate.*
- 2. If you are requesting additional testing time, you must state how much time you are requesting for each session. The Board generally awards an extra hour of additional testing time per session. Where supported, the Board also allows double time. You may not request unlimited time.

If the only accommodation you seek is the use of a laptop, do not fill out this application. *See the instructions for Laptop testing located on the Board's website.*

## **GUIDELINES FOR DOCUMENTATION OF PHYSICAL AND 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. To support an application for testing 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 may result in the rejection of the application for the testing accommodations as incomplete.

### **PHYSICAL DISABILITIES**

If you are requesting testing accommodations based on a physical 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 generally 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. The granting of reasonable testing 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. If further information is needed to comply with these 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 should 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 testing accommodations.

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.

For vision disabilities, the report should include a description of general eye health; a binocular evaluation; visual acuity with and without corrective lenses for distance and near point acuities; focusing skills at distance and near point (with and without lenses); coulometer skills; and visual fields.

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 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 effects 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. An 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.



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. If a particular treatment or device that could ameliorate the functional limitations has been tried and rejected, explain what it is and why it has been rejected.
8. Recommendation. The report must include a specific data-based recommendation for testing 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.

### **PSYCHAIITRIC DISABILITIES**

If you are requesting testing 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 generally 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. The granting of reasonable testing accommodations is based on an assessment of the applicants *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 should 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 testing accommodations.
4. Diagnosis. The evaluator must state a DSM diagnosis. Please note that mild test anxiety, which is the tendency to become very nervous and perform poorly in testing situations, does not generally qualify as disability under the ADA and is not generally accommodated on the bar examination. If you suffer from test anxiety, you are advised to obtain treatment well in advance of the exam.

5. Diagnostic Procedure(s). The clinician who conducts the assessment must administer:
  - A. A clinical interview addressing all DSM criteria;
  - B. As many self-report scales as are necessary to corroborate the severity of any diagnosed psychiatric disorders;
  - C. A brief account of the applicant's psychiatric, medical, and educational history;
  - D. A multi-axial diagnostic summary including a Global Assessment of Functioning rating; and
  - E. Effort testing (malingering).

Reliance on self-report data alone is insufficient to document a psychiatric disability. Clinicians are also 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 testing 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. 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 from 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 effects the candidates 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 Indiana 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. If a particular treatment or device that could ameliorate the functional limitations has been tried and rejected explain what it is and why it has been rejected.
8. Recommendation. The report must include a specific data-based recommendation for testing 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 the recommendation, the report must explain how the 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.

#### **GUIDELINES FOR DOCUMENTATION OF LEARNING DISABILITIES AND OTHER COGNITIVE DISORDERS:**

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. To support an application for testing 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 may result in the rejection of the application for testing accommodations as incomplete. Candidates must provide a comprehensive psycho-educational or neuropsychological assessment which contains the following information:

1. 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.
2. The documentation must be current. The granting of reasonable testing accommodations is based on assessment of the current impact of the applicant's disability on the testing activity. Since the manifestations of the disability may vary over time and in different settings, the following guidelines apply:
  - A. Generally, your medical documentation should be no more than four years old measured from the date of the evaluation to the date of your current application or re-application for testing accommodations.

- B. 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 testing accommodations.
3. Documentation must be comprehensive. Objective evidence of 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 documented. In addition to the applicant's self-report, the report of assessment should include:

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

B. Assessment:

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

1. Aptitude – A complete intellectual assessment with all subtests and age-based standard scores reported (percentiles alone are unacceptable). Acceptable measures include, but

are not limited, to the following: *Wechsler Adult Intelligence Scale-Fourth Edition (WAIS – IV)*; *Woodcock-Johnson – III: Tests of Cognitive Ability*; *Kaufman Adolescent and Adult Intelligence Test*; and *Stanford-Binet Intelligence Scale (5<sup>th</sup> Ed)*. Earlier versions of the WAIS are not acceptable. Also, the tests must have norms appropriate for the age of the applicant. The *Slosson Intelligence Test – Revised* and the *Kaufman Brief Intelligence* are primarily screening devices, which are not comprehensive enough to provide the kinds of information necessary to make accommodation decisions.

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

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 these measures are used, you must identify the norms that are being used.

3. Information Processing – Specific areas of information processing (e.g., short and long term memory; sequential memory; auditory and visual perception/processing; processing speed; executive functioning; motor ability) must be assessed. Acceptable instruments include, but are not limited to, the following; the *Detroit Tests of Learning Aptitude – Adult (DTLA-A)*, *Woodcock-Johnson III: Tests of Cognitive Ability*, *Wechsler Memory Scale – III (WMS-III)*, as well as other relevant instruments that may be used to address these areas.
4. Effort Testing – The candidate’s effort during the testing must be measured to address the issue of malingering.
5. Other Assessment Measures – Other assessment measures such as non-standard measures and informal assessment procedures or observations may be helpful in determining performance across a variety of domains. Other formal assessment measures may be integrated with the above instruments to help determine a learning disability and differentiate it from co-existing neurological and/or psychiatric disorders (i.e., establish a differential diagnosis).

- C. Test Scores: Age-based Standard scores, as well as the form of test used, must provide for all normed measures. (Percentiles alone are not acceptable.) It is helpful to list all test data in a score summary sheet appended to the report. Grade equivalents are not useful unless age-based standard scores and percentiles are also included. The data should logically reflect a substantial limitation to learning for which the patient is requesting accommodation. The particular profile of the patient's strengths and weaknesses must be shown to relate to functional limitations that necessitate accommodations. The tests used must be current, reliable, valid, and standardized for use with an adult population. The test findings should document both the nature and severity of the disability. Informal inventories, surveys, and direct observation by a qualified professional may be used in tandem with formal tests in order to further develop a diagnosis and recommend accommodations.
- D. DSM Diagnosis: A specific DSM diagnosis must be included in the report and alternative explanations must be ruled out. 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 indicated in the DSM, the diagnosis must include identification of the significant discrepancy (Criterion A) and the significant impairment (Criterion B) and a full discussion of each. The diagnosis must be supported by the test data, history, anecdotal and clinical observations that may include comments about the applicant's level of motivation, study skills, and other 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, attention or motivational problems that may be interfering with learning but do not constitute a disability. The clinician is encouraged to use direct language in the diagnosis and documentation of a disability, avoiding the use of terms such as "suggests" or "is indicative of."
- E. Records of academic history: Since learning disabilities commonly have a childhood onset, relevant records detailing difficulties in elementary, secondary and postsecondary education should be reviewed by the examiner and discussed in the report. Copies of any academic records (transcripts, report cards, teacher comments, standardized test scores) and previous neuropsychological records that are reviewed by the evaluator and cited in his/her report should be annexed to the report. Such records will serve to substantiate self-reported academic difficulties.
- F. Clinical Summary: A well-written diagnostic summary based on a comprehensive evaluative process is a necessary component of the report. Assessment instruments and the data they provide do not diagnose; rather, they provide important data that must be integrated by the evaluator with background information, historical information, and clinical observations of the applicant during the testing situation, and current functioning. It is essential then that the qualified professionals integrate all information gathered in a well-developed clinical summary. The clinical summary must include:

- a. 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, attention problems and cultural or language differences;
  - b. Indication of how patterns in cognitive ability, achievement and information processing are used to determine the presence of a disability;
  - c. 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;
  - d. Indication as to why specific accommodations are needed and how the effects of the specific disability are mediated by the recommended accommodations; and
  - e. Indication of any corrective measures (i.e., medications, assistive devices) that alleviate the substantial limitation and the extent thereof.
4. Recommendations for Accommodations and Rationale: The report must include specific 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 or clinical observations.

The summary should also include any record of prior accommodation or auxiliary aids, including any information about specific conditions under which the accommodations were used (e.g., standardized testing, final exams, and 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 needed now.

## **GUIDELINES AND DOCUMENTATION OF ATTENTION DEFICIT/HYPERACTIVITY DISORDER (ADHD)**

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. To support an application for testing 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 may result in the rejection of the application for testing accommodations as incomplete. Candidates must provide a comprehensive psycho-educational or neuropsychological assessment which contains the following information:

1. 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.
2. The documentation must be current (Recent Documentation). The granting of reasonable testing accommodations is based on assessment of the current impact of the applicant's disability on the testing activity. Since the manifestations of the disability may vary over time and in different settings, the following guidelines apply:
  - A. Generally, your medical documentation should be no more than four years old measured from the date of the evaluation to the date of your current application or re-application for testing accommodations.
  - B. 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 testing 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 are 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 attention symptoms, including evidence on 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 prior psycho-educational test reports to determine whether a pattern of strengths or weaknesses is supportive of attention or learning problems; and
  8. Relevant employment history.
- B. Assessment: A neuropsychological or psycho-educational assessment *may* be necessary in order to determine the individual's pattern of strengths or weaknesses and to determine whether there are patterns supportive of attention problems. Test scores or subtest scores alone should not be used as a sole basis for the diagnostic decision. Age-based standard scores must be provided for all normed measures. Selective 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. Identification of DSM-IV Criteria.: The report must include a review and discussion of the DSM diagnostic criteria and ADHD both currently and retrospectively and specify which symptoms are present and the extent to which the patient currently meets those criteria. The report must also include:
1. Symptoms of hyperactivity-impulsivity or inattention that cause impairment that were present in childhood;
  2. Current symptoms that have been present for at least the past six months; and
  3. Impairment from the symptoms across several life settings (home, school, work, social, etc.)

- D. A specific Diagnosis: The report must include a specific diagnosis of ADHD based on the DSM diagnostic criteria. Individuals who report problems with organization, test anxiety, memory and concentration only on a situational basis do not fit the prescribed diagnostic criteria for ADHD. Given that many individuals benefit from prescribed medications and therapies, a positive response to medication by itself is not supportive of a diagnosis, nor does the use of medication in and of itself either support or negate the need for accommodations.
- 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 professionals 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;

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 obviated the need for testing accommodation; and
  8. An indication as to why specific accommodations are needed and how the effects of ADHD symptoms, as designated by the DSM 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. The evaluator should support recommendations with specific test results or clinical observations. The summary should also include any record of prior accommodation or auxiliary aids, including any information about specific conditions under which the accommodations were used (e.g., standardized testing, final exams, and 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.

**STATE BOARD OF LAW EXAMINERS**

30 South Meridian Street, Suite 875

Indianapolis, IN 46204

(317) 232-2552

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**APPLICATION FOR TESTING ACCOMMODATIONS**

This application should be used by all applicants requesting testing accommodations on the Indiana bar examination. *Please refer to the instructions for the Guidelines for Documentation of Physical and Psychiatric Disabilities, Guidelines for Documentation for Learning Disabilities and other Cognitive Disorders and/or Guidelines for Documentation of Attention Deficit/Hyperactivity Disorder when completing this application.*

**GENERAL INFORMATION:**

1. Mr. Ms.

\_\_\_\_\_  
First

\_\_\_\_\_  
Middle (if no middle name put NMN)

\_\_\_\_\_  
Last

2. Address:

\_\_\_\_\_  
Number and Street

\_\_\_\_\_  
City, State

\_\_\_\_\_  
Zip Code

\_\_\_\_\_  
Home Telephone No.:

\_\_\_\_\_  
Work Telephone No.:

\_\_\_\_\_  
Country

\_\_\_\_\_  
E-Mail address

3. Examination (Check one): FEB JULY \_\_\_\_\_ (Year)

4. Law School(s):

Degree(s):

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dates Attended:

\_\_\_\_\_

5. Have you previously applied to take the Indiana Bar Examination? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, please state the month and year of the last exam for which you filed an application. \_\_\_\_\_

Have you previously requested accommodations on the Indiana Bar Examination? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, state the month and year of the last exam for which you *requested* accommodations \_\_\_\_\_

Were you *awarded* accommodations for that examination? \_\_\_\_\_ Yes \_\_\_\_\_ No

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**DISABILITY DESCRIPTION AND HISTORY:**

6. 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

Psychiatric Disability

Hearing Disability

Other (specify):

7. I was first professionally diagnosed with \_\_\_\_\_ (state specific diagnosis) at the age of \_\_\_\_\_ in \_\_\_\_\_ (year) by \_\_\_\_\_ (Name and Profession of Qualified Professional).

8. The diagnosis was most recently confirmed or reassessed at the age of \_\_\_\_\_ in \_\_\_\_\_ (Year) by \_\_\_\_\_ (Name and Profession of Qualified professional).

**TESTING ACCOMMODATIONS REQUESTED:**

9. List all accommodations you are requesting for the Indiana bar examination. *Only those accommodations requested in the space provided here will be considered by the Board.* (If you are requesting additional testing time you must also answer question 10.)

10. Additional testing time: Do you request extra time to take the bar exam? \_\_\_\_\_ Yes \_\_\_\_\_ No

If yes:

**Essay sessions:** Specify the amount of time requested for each session (i.e. one extra hour, double time):

AM (MPT 1 & 2 3 hours): \_\_\_\_\_

PM (Indiana Essays 1-6 4 hours): \_\_\_\_\_

**MBE sessions:** Specify the amount of time requested each session (i.e. one extra hour, double time):

AM (100 multiple choice questions – 3 hours): \_\_\_\_\_

PM (100 multiple choice questions – 3 hours): \_\_\_\_\_

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**PAST ACCOMMODATION HISTORY:**

*For questions 11 through 17, please use the following instructions:* If you were granted accommodations, check “Yes”. Describe *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 Indiana bar examination. If you applied for accommodations and were denied, check “denied.” Explain why your request was denied and provide documentation where available. If you did not attend the type of school or take the exam indicated, check “N/A”.

11. Did you receive testing accommodations in Law School?

Yes

No

Denied

N/A

12. Did you receive testing accommodations during your Undergraduate Studies?

Yes

No

Denied

N/A

13. Did you receive testing accommodations for Secondary Education (High School)?

Yes

No

Denied

N/A

14. Did you receive testing accommodations or other services during Elementary Education?

Yes

No

Denied

N/A

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15. Did you receive testing accommodations for the following Standardized Exams?

<b>LSAT</b>	Yes	No	Denied	N/A	<b>GMAT</b>	Yes	No	Denied	N/A
<b>SAT</b>	Yes	No	Denied	N/A	<b>MICAT</b>	Yes	No	Denied	N/A
<b>ACT</b>	Yes	No	Denied	N/A	<b>MPRE</b>	Yes	No	Denied	N/A
<b>GRE</b>	Yes	No	Denied	N/A	<b>TOEFL</b>	Yes	No	Denied	N/A

NOTE: If you took an exam multiple times but did not receive accommodations for all administrations of the exam, please so indicate.

**SUPPORTING DOCUMENTATION:**

16. Medical Documentation:

A. *Recent Medical Documentation.* **All candidates must include with their 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 testing accommodations. The report must be recent and comply in all other respects with the documentation guidelines which are in the: *Guidelines for Documentation of Physical and Psychiatric Disabilities; Guidelines for Documentation of Learning Disabilities and other Cognitive Disorders;* and/or *Guidelines for Documentation of Attention Deficit/Hyperactivity Disorder.*

B. *Historical Documentation.* If the application for testing accommodations is based upon a learning disability, Attention Deficit/Hyperactivity Disorder, or other cognitive disorder, medical documentation concerning your first formal diagnosis, and all later diagnoses, is extremely helpful. For ADHD, it is essential that you attach copies of any available historical documentation that can establish a childhood onset (i.e. elementary school) of symptoms and impairment. *Including historical documentation that evidences the existence of symptoms at an early age improves the likelihood of being awarded accommodations.*

17. 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 how your disability affects your ability to take the bar examination under standard testing conditions. Please explain how each accommodation requested

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alleviates the impact of your disability. *If English is a second or foreign language, please include the age at which you first began speaking and learning English.*

18. Proof of Past Accommodations: Provide proof of past accommodations received, if any, for law school, college, and prior standardized examinations (i.e., LSAT, SAT, MPRE, TOEFL, etc.).
19. Test Scores and Transcripts. For applications based on Learning Disabilities, ADHD, or other cognitive disorders, you must provide copies of your score reports on the SAT and LSAT, and transcripts from all colleges and law schools attended. If English is a foreign or second language, you must provide any TOEFL scores you have received.
20. Prior or Concurrent Bar Examinations: If you have ever applied for a bar examination in any jurisdiction other than Indiana, or if you are applying for a concurrent bar examination, list each such jurisdiction and complete the information below.

_____	_____	_____	_____	_____	___Y___N
Jurisdiction	Mo/Yr Exam	Accommodation Requested	Granted/Denied	If Granted, describe:	Did you pass?

_____	_____	_____	_____	_____	___Y___N
Jurisdiction	Mo/Yr Exam	Accommodation Requested	Granted/Denied	If Granted, describe:	Did you pass?

**CERTIFICATION:**

21. I am aware that it is my responsibility to file a timely and complete application for testing accommodations. I understand that my original signed and notarized application must be received in the Board's office by the general application deadline. I also understand that all required supporting documentation must be submitted with my application. I understand that if my application is late or incomplete, it may be rejected and not considered by the Board.

I certify under penalties for perjury that all of the information and statements made by me herein are true and correct to the best of my knowledge and belief and that I am under a continuing obligation to provide truthful and correct information to the Board

STATE OF: \_\_\_\_\_

COUNTY OF: \_\_\_\_\_

Subscribed and sworn to before this \_\_\_\_\_

day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Print name of Applicant

\_\_\_\_\_  
Notary Public

(Seal or Stamp must be affixed)

\_\_\_\_\_  
Signature of Applicant



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**AUTHORIZATION AND RELEASE:**

22. I \_\_\_\_\_ in connection with my application for testing accommodations on the bar examination, authorize the Indiana State Board of Law Examiners (Board) to provide, at its discretion, a copy of any and all documentation that I submit in connection with this application, including any confidential medical records or information, to such personas and/or consultants as the Board may deem necessary to adequately evaluate my application for testing 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 testing accommodations or with whom I have a current application for testing accommodations pending for the purposes of ascertaining what accommodations have been or will be granted or denied. I further authorize such entities to communicate with the Board in this regard to provide such clarification and/or further information and documentation as the Board requires.

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

STATE OF: \_\_\_\_\_

COUNTY OF: \_\_\_\_\_

Subscribed and sworn to before this \_\_\_\_\_

day of \_\_\_\_\_ 20 \_\_\_\_\_

\_\_\_\_\_  
Print name of Applicant

\_\_\_\_\_  
Notary

(Seal or Stamp must be affixed)

Public

\_\_\_\_\_  
Signature of Applicant