

Appendix C

Instructions for Completing Application for Testing Accommodations

Please read Rule 12 of the Rules Governing Admission to the Bar of Texas and these instructions carefully. They provide details about steps that must be followed for the Board to consider your request for testing accommodations.

Accommodation Application Forms may be downloaded from the Board's website at www.ble.texas.gov. To meet the filing deadlines specified in Rules 9(a) and 12(b), it is best to begin preparing your application forms well in advance of the timely filing deadline. Your properly completed testing accommodation application forms must be filed at the same time as your application or re-application to take the Texas Bar Examination. See Rule 9 for deadlines related to filing applications for testing accommodations.

As an applicant claiming a disability that requires testing accommodations, you must properly complete and submit the forms applicable to your disability. The burden of proof is on you to establish the existence of a disability protected by the Americans with Disabilities Act (the ADA), as well as to establish the need for testing accommodations and the reasonableness of the accommodations requested. Each application for testing accommodations is evaluated on a case-by-case basis. The Board's objective is to provide effective and necessary accommodations to qualified applicants as defined under the Americans with Disabilities Act of 1990 as amended in 2008, without substantially altering the nature of the examination.

The ADA requires the Board to provide testing accommodations to those individuals who have a qualifying disability that substantially limits a major life activity. Although you may provide the required documentation establishing that you have been diagnosed with a disability, that does not automatically entitle you to testing accommodations on the Texas Bar Examination. Unless you establish that your disability has substantially impaired a major life activity when compared to the average person, you will not be entitled to testing accommodations on the exam.

“Testing Accommodation” means an adjustment or modification of the standard testing conditions that ameliorates the impact of the applicant's disability on the examination process without fundamentally altering the nature of the exam, imposing an undue administrative or financial burden on the Board, compromising the security, validity or reliability of the exam, or providing an unfair advantage to

the applicant with the disability.

The ADA authorizes the Board 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 under the ADA. Detailed documentation is required to establish the existence of a disability protected by the ADA and to provide the Board with all necessary information for determining the specific accommodations, if any, which are merited. The pertinent disability verification forms described below must be completed and signed by a professional who is familiar with your disability. The health care provider or other qualified professional must identify your disability, substantiate the diagnosis, describe the functional limitations it imposes on you, and detail the manner in which it limits an identified major life activity. He or she must also make recommendations about the specific accommodations you need on each segment of the examination and provide an explicit rationale for these recommendations. The **Application for Testing Accommodations** consists of Forms A - G, described as follows:

Form A - Applicant Information: Every applicant for testing accommodations must complete and file this form, simultaneous with the filing of the application or re-application for the specific exam being taken. Answer the questions in the spaces provided. DO NOT refer to an attachment as a substitute for answering a question in the space provided.

Form B – Physical Disability Verification: This form must be filed, simultaneous with the filing of the application or re-application for the specific exam being taken, only if the claimed disability is based on a physical disability.

- i. Complete the first block of information before submitting the form to your licensed health care provider.
- ii. This form must be completed by a health care provider with sufficient expertise and credentials in the area of disability you are claiming.
- iii. This form must document your disability at the **current** time.
- iv. Testing and assessment establishing your disability must be conducted by a qualified diagnostician/health care provider and must have been conducted within **one (1) year** of the filing of the application for testing accommodations for the specific bar examination for which you are applying.
- v. Note: you or your physician must submit copies of the **actual medical records** upon which your physician has relied in responding to Form B.

Form C – Learning Disorder Verification: This form must be filed, simultaneous with the filing of the application or re-application for the specific exam being taken, only if the claimed disability is based on a learning disorder.

- i. Complete the first block of information before submitting it to your licensed health care provider or other qualified professional, who must have comprehensive training and direct experience in working with the adult population.
- ii. This form must be completed by a health care provider with sufficient expertise and credentials in the area of disability you are claiming.
- iii. **Please note that you must submit, in addition to the information requested on Form C, a comprehensive psychoeducational or neuropsychological assessment,** which demonstrates the impact of your impairment on your ability to perform on each testing component of the Texas Bar Examination under standard time conditions.
- iv. Testing and assessment must be conducted by a qualified diagnostician and must have been conducted within **five (5) years** of the filing of the application for testing accommodations for the specific Texas Bar Examination for which you are applying.
- v. The documentation must include both diagnostic information and an explanation of the current manifestations or functional limitations of the condition. It should be thorough enough to demonstrate whether or not a major life activity is substantially limited, i.e., the extent, duration, and impact of the condition.
- vi. If you have been retested, you must submit not only the evaluation and sub-tests from the retesting, but also copies of any previous evaluations and the accompanying sub-tests.

Form D – ADD/ADHD Verification: This form must be filed, simultaneous with the filing of the application or re-application for the specific exam being taken, only if your disability is ADD/ADHD.

- i. Complete the first block of information before submitting this form to your licensed health care provider or other qualified professional, who must have comprehensive training and direct experience in working with the adult population.
- ii. This form must be completed by a health care provider with sufficient expertise and credentials in the area of disability you are claiming.
- iii. **Please note that you must submit, in addition to the information requested on Form D, a comprehensive psychoeducational or neuropsychological assessment.** This assessment must demonstrate the

- impact of your impairment on your ability to perform on each testing component of the Texas exam under standard time conditions.
- iv. Testing and assessment must be conducted by a qualified diagnostician and must have been conducted within **three (3) years** of the filing of the application for testing accommodations for the specific Texas Bar Examination for which you are applying.
 - v. The documentation must include both diagnostic information and an explanation of the current manifestations or functional limitations of the condition. It should be thorough enough to demonstrate whether or not a major life activity is substantially limited, i.e., the extent, duration, and impact of the condition.
 - vi. If you have been retested, you must submit not only the evaluation and sub-tests from the retesting, but also copies of any previous evaluations and the accompanying sub-tests.

Form E – Visual Disability Verification: This form must be filed, simultaneous with the filing of the application or re-application for the specific exam being taken only if the claimed disability is a visual disability.

- i. Complete the first block of information before submitting the form to be completed by your licensed health care provider.
- ii. This form must be completed by a health care provider with sufficient expertise and credentials in the area of disability you are claiming.
- iii. This form must document your disability at the **current** time.
- iv. Testing and assessment establishing your disability must be conducted by a qualified diagnostician/health care provider and must have been conducted within **one (1) year** of the filing of the application for testing accommodations for the specific bar examination for which you are applying.
- v. Note: you or your physician must submit copies of the **actual medical records** upon which your physician has relied in responding to Form E.

Form F – Psychological Disability Verification: This form must be filed, simultaneous with the filing of the application or re-application for the specific exam being taken, only if you have a psychological disability, other than a learning Disability or ADHD.

- i. Complete the first block of information before submitting it to your licensed health care provider or other qualified professional, who must have comprehensive training and direct experience in working with the adult population.
- ii. This form must be completed by a health care provider with sufficient expertise

and credentials in the area of disability you are claiming.

- iii. Please note that you must submit, in addition to the information requested on Form F, a **comprehensive evaluation**, which demonstrates the impact of your impairment on your ability to perform on each testing component of the Texas Bar Examination under standard time conditions.
- iv. Testing and assessment must be conducted by a qualified diagnostician and must have been conducted within **one (1) year** of the filing of the application for testing accommodations for the specific bar examination for which you are applying.

Form G – Certification of Accommodations History: This form must be filed, simultaneous with the filing of the application or re-application for the specific exam being taken, for each educational institution or testing agency from which you requested accommodations, regardless of whether accommodations were granted or denied.

- i. Complete the first block of information before you submit the form to be completed by the appropriate official.
- ii. You must submit a Form G, or a document with equivalent content, from each educational institution or testing agency from which you requested accommodations, regardless of whether you received accommodations.

Your application for testing accommodations and accompanying documentation will be reviewed for completeness shortly after it is filed. Before making a decision regarding your accommodations, the Board's staff may submit your application for testing accommodations and the accompanying documentation to an expert of the Board's choice for evaluation and recommendations. After all of your materials have been appropriately evaluated, you will receive a letter from the Board telling you whether you have been granted testing accommodations. Testing accommodations applications are processed in the order received. Therefore, the earlier you file your application for testing accommodations, the earlier you will receive notification of the decision. If any portion of your application for accommodations is granted, you will receive a letter from the Board detailing the accommodations granted and including a written agreement for you to sign and return if you accept the terms.

If your application for testing accommodations is denied in whole or in part, you may appeal the decision of the staff to the Accommodations Review Committee (ARC) of the Board. In order to appeal, you must upload to your ATLAS account a letter addressed to the Executive Director of the Board, stating the specific basis of

your appeal. **Your appeal letter must be uploaded no later than the date and time specified in the partial grant or denial letter.** The appeal will be considered by the ARC of the Board of Law Examiners in a meeting held in compliance with applicable state law. An appeal of testing accommodations is not a hearing at which new evidence is produced or oral arguments made. It is a review, by the members of the ARC, of the record in the Board's file relating to your application for testing accommodations, including your application and other materials required to be provided with your application, the medical and other records submitted in support of the application, and the follow-up information generated as a result of your application for testing accommodations.

Any questions about the testing accommodations application process should be directed to the applicant's Licensure Analyst or the Testing Accommodations Staff Attorney.