

TITLE 4. ADMISSIONS AND EDUCATIONAL STANDARDS

DIVISION 1. ADMISSION TO PRACTICE LAW IN CALIFORNIA

Chapter 7. Testing Accommodations

Rule 4.80 Eligibility for testing accommodations

Applicants with disabilities are granted reasonable testing accommodations provided that they ~~are capable of demonstrate ing~~ that they are otherwise eligible to take an examination and, in accordance with these rules, they

- (A) have submitted an approved Application for Registration;
- (B) submit a ~~petition request~~ for testing accommodations on the State Bar's forms with the required documentation;
- (C) establish to the satisfaction of the State Bar the existence of a disability that prevents them from taking an examination under standard testing conditions; that testing accommodations are necessary to address the functional limitations related to their disabilities; and the testing accommodations sought are reasonable and appropriate for their disabilities; and,
- (D) separately apply for the examination for which testing accommodations are requested.

Rule 4.80 adopted effective September 1, 2008; previously amended effective November 14, 2009; amended effective September 1, 2019.

Rule 4.81 Testing accommodations in general

- (A) ~~Petitions~~ Requests for testing accommodations are processed on a case-by-case basis.
- (B) The State Bar makes its best effort to process requests petitions for testing accommodations expeditiously but does not process requests ~~petitions~~ that are incomplete.
- (C) Time limits in testing accommodations rules are solely to expedite the processing of requests ~~petitions~~ and are not jurisdictional. The State Bar may extend them for good cause.
- (D) An examination application fee is not refunded if a request for testing accommodations is denied.

Rule 4.81 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.82 Definitions

These definitions apply to the rules on and ~~requests~~ ~~petitions~~ for testing accommodations.

- (A) A “disability” is a physical or mental impairment that causes functional ~~limitations in~~ one or more ~~of an applicant’s~~ major life activities, and limits an applicant’s ability to demonstrate under standard testing conditions that the applicant possesses the knowledge, skills, and abilities tested on an examination.
- (B) A “physical impairment” is a physiological disorder or condition or an anatomical loss affecting one or more of the body’s systems.
- (C) A “mental impairment” is a mental or psychological disorder such as organic brain syndrome, emotional or mental illness, attention deficit/hyperactivity disorder, or a specific learning disability.
- (D) A “reasonable testing accommodation” is an adjustment to or modification of standard testing conditions that addresses the functional limitations related to an applicant’s disability by modifications to rules, policies, or practices; removal of architectural, communication, or transportation barriers; or provision of auxiliary aids and services, provided that they do not
 - (1) compromise the security or validity of an examination or the integrity or of the examination process;
 - (2) impose an undue burden on the State Bar; or
 - (3) fundamentally alter the nature of an examination or the Committee’s ability to assess through the examination whether the applicant
 - (a) possesses the knowledge, skills, and abilities tested on an examination; and
 - (b) meets the essential eligibility requirements for admission.
- (E) A “qualified professional” is a person who is licensed or otherwise properly credentialed and possess expertise in the disability for which modifications or accommodations are sought.
- (F) A “disability accommodations expert” is a qualified professional designated by the State Bar to make recommendations regarding an applicant’s testing accommodations request.

Rule 4.82 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.83 Guidelines for testing accommodations

- ~~(A) The State Bar publishes guidelines for documenting the need for testing accommodations based on learning disabilities and attention deficit/hyperactivity~~

~~disorder, including testing required to establish the existence of the disability and the reasonableness of the accommodations requested.~~

~~(B) — The State Bar may publish guidelines for other disabilities accommodated on past examinations.~~

The State Bar shall adopt and make public guidelines outlining the process for establishing the need for testing accommodations. The guidelines shall provide an explanation on how accommodations on past exams are taken into consideration along with a description of the documentation requirements. The State Bar may post guidelines for granting accommodations for other health-related conditions.

Rule 4.83 adopted effective September 1, 2008; amended effective September 1, 201
Rule 4.84 When to file a petition for testing accommodations

Rule 4.84 When to submit a request ~~file a petition~~ for testing accommodations

- (A) A request ~~Petition~~ for testing accommodations is not an application for a bar examination. ~~Filing one does not constitute filing the other or initiate its processing.~~ An applicant must separately apply for an examination.
- (B) An applicant is encouraged to submit a request ~~for file a Petition~~ for testing accommodations as far in advance as practicable. Testing accommodations requests are processed in the order received. To allow sufficient processing time, general applicants are encouraged to submit their requests ~~petitions~~ at least by the beginning of their last year of law study and attorney applicants no later than six months prior to the examination they wish to take. If an applicant waits until the final ~~examination~~ application deadline for a particular examination to request ~~petition for~~ testing accommodations, it is possible that processing will not be completed or there will be insufficient time to respond to a request for additional information, or to request or process a request for review ~~applicant will not be able to complete all required or available procedures~~ prior to administration of the examination.
- (C) A ~~Petition~~ Request for testing accommodations must be complete and received ~~receipt must be~~ no later than
 - (1) January 1 for the February California Bar Examination;
 - (2) June 1 for the July California Bar Examination;
 - (3) May 15 for the June First-Year Law Students' Examination; or
 - (4) September 15 for the October First-Year Law Students' Examination.

If a deadline falls on a non-business day, the deadline will be the next business day. Deadlines are not extended or waived for any reason except as permitted in Rule 4.87.

- (D) Depending on the nature of a disability and the date on which a request petition is submitted filed, the State Bar may determine that the changing nature of a disability requires that the applicant submit file a new request petition nearer the examination date or that a decision regarding the request petition be deferred.

Rule 4.84 adopted effective September 1, 2008; amended effective November 14, 2009; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.85 Initial Request Petition for testing accommodations

- (A) An applicant with a qualified disability seeking testing accommodations must submit file a request Petition for Testing Accommodations on the State Bar's Request for Testing Accommodations form.
- (B) A request for testing accommodations is considered complete upon receipt of all required forms and any supporting documentation. A request may be deemed incomplete if the required forms are incomplete or filled out incorrectly, or if the State bar does not receive documentation sufficient to substantiate an applicant's need for testing accommodations. A request that is incomplete by the deadline shall not be processed for that examination.
- (C) An applicant has thirty days to respond to a request for additional information unless an examination schedule requires a shorter time. If the applicant fails to make a timely response, the request is processed on the basis of information submitted. shall be withdrawn by the State Bar as incomplete.
- (D) In addition to the request Petition for testing accommodations, an qualified applicant seeking testing accommodations must also provide may also be required to submit documentation from one or more qualified professionals, including the required form with the petition the specific specialist verification forms the State Bar determines are appropriate to verify the applicant's disability(ies) and need for testing accommodations.
- ~~(E) If a law school has provided testing accommodations, a qualified applicant must submit the petition with the designated State Bar form, completed by a law school official or legal education supervisor.~~
- ~~(F) If another state has provided accommodations for its bar examination, a qualified applicant must submit the petition with the designated State Bar form, completed by an official responsible for testing accommodations.~~
- (E) If an applicant is requesting the same or equivalent accommodations previously approved by another testing agency entity or another state bar has provided accommodations for its examination, a qualified the applicant may be is required to submit the petition with a copy of the accommodations notice.

~~(F) — A Petition for Testing Accommodations is considered complete only upon receipt of all required forms that have been completed according to instructions. A petition that is incomplete by a final examination application deadline is not processed for that examination.~~

(F) An applicant who requests the same or equivalent accommodations based on prior accommodations approved within the past five years must certify that they are still experiencing the same functional limitations caused by the disabilities for which the accommodations were previously approved.

Rule 4.85 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.86 Subsequent ~~requests~~ ~~petitions~~ for testing accommodations

- (A) Testing accommodations are not automatically extended upon failure of an examination but must be requested for a subsequent examination any time before the examination application deadline.
- (B) An applicant who is permanently disabled may ~~request petition for~~ the same accommodations ~~rather than submit an entirely new petition~~. A request for the same accommodations subsequent petition must be made in accordance with the State Bar's requirements.
- (C) An applicant who has a temporary disability or who seeks different accommodations than those previously granted must ~~submit file~~ a new ~~Petition request~~ for Testing Accommodations by the application final filing deadline if filed in connection with a particular administration of an examination.

Rule 4.86 adopted effective September 1, 2008; previously amended effective November 14, 2009; amended effective September 1, 2019.

Rule 4.87 Emergency ~~requests~~ ~~petitions~~ for testing accommodations

- (A) An applicant who becomes disabled after a final examination application filing deadline may submit a request file a Petition for testing accommodations, which must include the forms required by Rule 4.85, with a request that it be considered as an emergency ~~request. Petition~~. This rule does not apply to requests for testing accommodations for disabilities that existed before the final deadline for an examination application, whether or not they were diagnosed or a visit to a treating professional could be arranged. Documentation explaining the nature, date, and circumstances of the emergency must be submitted filed with the ~~request. petition~~.
- (B) The State Bar must receive the request and supporting documentation Receipt of the petition and supporting documentation must be at least ten days before the first day of the examination through the Applicant Portal or by physical delivery to the State Bar

~~during regular business hours. Emergency requests received later than this deadline will not be processed. This rule does not apply to disabilities that existed before the final deadline for an examination application, whether or not they were diagnosed or a visit to a treating professional could be arranged.~~

Rule 4.87 adopted effective September 1, 2008.

Rule 4.88 State Bar response to request ~~Petition~~ for testing accommodations

- (A) An applicant who has ~~submitted filed a~~ Petition request for testing accommodations in accordance with these rules ~~shall be~~ is notified in writing within thirty days of receipt when additional information is required. ~~The request for testing accommodations is deemed incomplete if the applicant fails to provide the additional information requested by the deadlines set forth in Rule 4.84(C), and within sixty days when the petition is granted, granted with modifications, denied, or action is pending.~~
- (B) ~~Within sixty days of a request for testing accommodations having been deemed complete, the State Bar will notify the applicant in writing if the request is granted, granted with modifications, denied, or action is pending. If a complete petition is filed at least six months before the examination for which testing accommodations are sought, the applicant may expect a final determination at least a month before the examination.~~
- (C) ~~With the consent of the petitioner, the State Bar or a consultant may confer with a specialist who has treated the petitioner.~~
- (C) A notice of denial of a request ~~Petition~~ for testing accommodations or a notice of approval with modifications ~~ed grant shall~~ state the reasons for the denial or modifications, ~~and advises the petitioner of any right to appeal.~~ The notice ~~will~~ may include a report from a disability accommodations expert designated by the State Bar explaining why the requested accommodations were modified or denied, and advising the applicant of the right to request a review. ~~an excerpt of a consultant's evaluation.~~

Rule 4.88 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.89 Applicant response to modified grant or denial ~~proposed modification or request for information~~

~~An applicant has thirty days to respond to a request for additional information unless an examination schedule requires a shorter time. If the applicant fails to make a timely response, the request is processed on the basis of information submitted.~~

- (A) An applicant notified that a request for testing accommodations has been denied or approved with modifications may request a review. The request must be submitted no more than ten days of the date of the notice of denial or modified grant. The applicant may submit supporting documentation with the request for review.

- (B) Requests for review filed in connection with a particular administration of an examination must be filed no later than the first business day of the month in which the examination is to be administered. Requests received after that date will be considered in connection with a future administration of the examination.
- (C) After exhausting the review process described in this rule, an applicant may appeal a denial or approval with modifications of testing accommodations to the California Supreme Court in accordance with the California Rules of Court.

Rule 4.89 adopted effective September 1, 2008.

Rule 4.90 ~~Committee~~ Review of denied or modified request petition

- ~~(A) — An applicant notified that a Petition For Testing Accommodations has been denied or granted with modifications may request a review by the Committee. The request must be submitted within ten days of the date of the denial or modified grant or some other reasonable period established by the Committee.~~
- (A) Upon receipt of the request for review submitted pursuant to rule 4.89, the Director of Admissions may reverse the decision and approve the request or refer the decision to a disability accommodations expert designated by the State Bar for analysis of the record and recommendation as to the disposition of the request. The disability accommodations expert shall not have participated in the evaluation of the applicant's initial request for testing accommodations. The analysis shall be de novo based solely on the written record; the applicant shall not be permitted to present oral testimony. Requests for review filed in connection with a particular administration of an examination must be filed no later than the first business day of the month in which the examination is to be administered. Requests received after that date will be considered in connection with future administration of the examination.
- (B) After ~~evaluating~~ reviewing the request for review, written record, and supporting documentation, and the disability accommodations expert's analysis and recommendation, the Director of Admissions may withdraw the prior decision and grant the accommodations requested, modify the prior decision, or affirm the prior decision.
- (C) ~~If~~ The Director of Admissions' decision on a request for review is final and shall not be subject to further review by the State Bar. ~~does not grant the request, the Committee must consider it as soon as practicable. The review must be based on the original petition and supporting documentation provided by the applicant and the Director of Admissions. Oral argument is not permitted. The review must be conducted in closed session either at a regular meeting or one specially convened. The Committee delegates decision making authority to the Examinations Subcommittee for all time-sensitive testing accommodation reviews.~~

Rule 4.90 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.91 Confidentiality of Petitions for Testing Accommodations

~~Petitions~~ Requests for testing accommodations, supporting documentation, ~~submitted in support~~ and evaluations of requests are confidential.

Rule 4.91 adopted effective September 1, 2008.

Rule 4.92 False or misleading information in requests ~~Petition~~ for testing accommodations

False or misleading information in a request ~~Petition~~ for testing accommodations is considered in determining an applicant's moral character and may result in a negative determination of moral character.

Rule 4.92 adopted effective September 1, 2008.

Rule 4.93 Committee of Bar Examiners oversight

The Committee of Bar Examiners shall provide oversight to ensure consistent application of standards, processes and to monitor trends in accommodations requests, processing, and decisions. The Committee shall periodically receive written reports highlighting a random sample of cases in which accommodations were granted, denied, or approved with modifications, including those subject to the new review process.

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- (B) A "physical impairment" is a physiological disorder or condition or an anatomical loss affecting one or more of the body's systems.
- (C) A "mental impairment" is a mental or psychological disorder such as organic brain syndrome, emotional or mental illness, attention deficit/hyperactivity disorder, or a specific learning disability.
- (D) A "reasonable testing accommodation" is an adjustment to or modification of standard testing conditions that addresses the functional limitations related to an applicant's disability by modifications to rules, policies, or practices; removal of architectural, communication, or transportation barriers; or provision of auxiliary aids and services, provided that they do not
 - (1) compromise the security or validity of an examination or the integrity or of the examination process;
 - (2) impose an undue burden on the State Bar; or
 - (3) fundamentally alter the nature of an examination or the Committee's ability to assess through the examination whether the applicant
 - (a) possesses the knowledge, skills, and abilities tested on an examination; and
 - (b) meets the essential eligibility requirements for admission.
- (E) A "qualified professional" is a person who is licensed or otherwise properly credentialed and possess expertise in the disability for which modifications or accommodations are sought.
- (F) A "disability accommodations expert" is a qualified professional designated by the State Bar to make recommendations regarding an applicant's testing accommodations request.

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Rule 4.84 When to submit a request for testing accommodations

- (A) A request for testing accommodations is not an application for a bar examination. An applicant must separately apply for an examination.
- (B) An applicant is encouraged to submit a request for testing accommodations as far in advance as practicable. Testing accommodations requests are processed in the order received. To allow sufficient processing time, general applicants are encouraged to submit their requests at least by the beginning of their last year of law study and attorney applicants no later than six months prior to the examination they wish to take. If an applicant waits until the final application deadline for a particular exam to request testing accommodations, it is possible that processing will not be completed or there will be insufficient time to respond to a request for additional information, or to request or process a request for review prior to administration of the examination.
- (C) A request for testing accommodations must be complete and received no later than
 - (1) January 1 for the February California Bar Examination;
 - (2) June 1 for the July California Bar Examination;
 - (3) May 15 for the June First-Year Law Students' Examination; or
 - (4) September 15 for the October First-Year Law Students' Examination.
- (D) Depending on the nature of a disability and the date on which a request is submitted, the State Bar may determine that the changing nature of a disability requires that the applicant submit a new request nearer the examination date or that a decision regarding the request be deferred.

Rule 4.84 adopted effective September 1, 2008; amended effective November 14, 2009; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.85 Initial request for testing accommodations

- (A) An applicant with a qualifying disability seeking testing accommodations must submit a request for testing accommodations on the State Bar's Request for Testing Accommodations form.
- (B) A request for testing accommodations is considered complete upon receipt of all required forms and any supporting documentation. A request may be deemed incomplete if the required forms are incomplete or filled out incorrectly, or if the State bar does not receive documentation sufficient to substantiate an applicant's need for testing accommodations. A request that is incomplete by the deadline shall not be processed for that examination.

- (C) An applicant has thirty days to respond to a request for additional information unless an examination schedule requires a shorter time. If the applicant fails to make a timely response, the request shall be withdrawn by the State Bar as incomplete.
- (D) In addition to the request for testing accommodations, an applicant seeking testing accommodations may also be required to submit documentation from one or more qualified professionals, including the required form to verify the applicant's disability(ies) and need for testing accommodations.
- (E) If an applicant requests the same or equivalent accommodations previously approved by another testing entity or another state bar, the applicant is required to submit a copy of the accommodations notice.
- (F) An applicant who requests the same or equivalent accommodations based on prior accommodations approved within the past five years must certify that they are still experiencing the same functional limitations caused by the disabilities for which the accommodations were previously approved.

Rule 4.85 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.86 Subsequent requests for testing accommodations

- (A) Testing accommodations are not automatically extended upon failure of an examination but must be requested for a subsequent examination any time before the examination application deadline.
- (B) An applicant who is permanently disabled may request the same accommodations. A request for the same accommodations must be made in accordance with the State Bar's requirements.
- (C) An applicant who has a temporary disability or who seeks different accommodations than those previously granted must submit a new request for testing accommodations by the application final filing deadline if filed in connection with a particular administration of an examination.

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Rule 4.87 Emergency requests for testing accommodations

- (A) An applicant who becomes disabled after a final examination application filing deadline may submit a request for testing accommodations, which must include the forms required by Rule 4.85, with a request that it be considered as an emergency request. This rule does not apply to requests for testing accommodations for disabilities that existed before the final deadline for an examination application, whether or not they were diagnosed or a visit to a treating profession could be arranged. Documentation explaining

the nature, date, and circumstances of the emergency must be submitted with the request.

- (B) The State Bar must receive the request and supporting documentation at least ten days before the first day of the examination through the Applicant Portal or by physical delivery to the State Bar during regular business hours. Emergency requests received later than this deadline will not be processed.

Rule 4.87 adopted effective September 1, 2008.

Rule 4.88 State Bar response to request for testing accommodations

- (A) An applicant who has submitted a request for testing accommodations in accordance with these rules shall be notified in writing within thirty days of receipt when additional information is required. The request for testing accommodations is deemed incomplete if the applicant fails to provide the additional information requested by the deadlines set forth in Rule 4.84(C).
- (B) Within sixty days of a request for testing accommodations having been deemed complete, the State Bar will notify the applicant in writing if the request is granted, granted with modifications, denied, or action is pending.
- (C) A notice of denial of a request for testing accommodations or a notice of approval with modifications shall state the reasons for the denial or modifications. The notice will include a report from a disability accommodations expert designated by the State Bar explaining why the requested accommodations were modified or denied, and advising the applicant of the right to request a review

Rule 4.88 adopted effective September 1, 2008; previously amended effective July 22, 2011; amended effective September 1, 2019.

Rule 4.89 Applicant response to modified grant or denial

- (A) An applicant notified that a request for testing accommodations has been denied or approved with modifications may request a review. The request must be submitted no more than ten days of the date of the notice of denial or modified grant. The applicant may submit supporting documentation with the request for review.
- (B) Requests for review filed in connection with a particular administration of an examination must be filed no later than the first business day of the month in which the examination is to be administered. Requests received after that date will be considered in connection with a future administration of the examination.
- (C) After exhausting the review process described in this rule, an applicant may appeal a denial or approval with modifications of testing accommodations to the California Supreme Court in accordance with the California Rules of Court.

Rule 4.89 adopted effective September 1, 2008.

Rule 4.90 Review of denied or modified request

- (A) Upon receipt of the request for review submitted pursuant to rule 4.89, the Director of Admissions may reverse the decision and approve the request, or refer the decision to a disability accommodations expert designated by the State Bar for analysis of the record and recommendation as to the disposition of the request. The disability accommodations expert shall not have participated in the evaluation of the applicant's initial request for testing accommodations. The analysis shall be de novo based solely on the written record; the applicant shall not be permitted to present oral testimony.
- (B) After evaluating the request for review, written record, and the disability accommodations expert's analysis and recommendation, the Director of Admissions may withdraw the prior decision and grant the accommodations requested, modify the prior decision, or affirm the prior decision.
- (C) The Director of Admissions' decision on a request for review is final and shall not be subject to further review by the State Bar.

Rule 4.90 adopted effective September 1, 2008; amended effective September 1, 2019.

Rule 4.91 Confidentiality of requests for testing accommodations

Requests for testing accommodations, supporting documentation, and evaluations of requests are confidential.

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False or misleading information in a request for testing accommodations is considered in determining an applicant's moral character and may result in a negative determination of moral character.

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The Committee of Bar Examiners shall provide oversight to ensure consistent application of standards, processes and to monitor trends in accommodations requests, processing, and decisions. To carry out this requirement, the Committee shall receive written reports from the State Bar at least two times per year highlighting a random sample of cases in which accommodations were granted, denied, or approved with modifications, including those subject to the new review process.

Testing Accommodations – High Level Framework

State Bar of California

I. Requests for Approval of Prior Testing Accommodation(s)

A. Prior Testing Accommodation(s) Approved for: First Year Law Students' Exam (FYLSX), California Bar Exam (CBX), Legal Specialization Exam (LSX) or Multistate Professional Responsibility Exam (MPRE)

1. Except as specified in I.A.2, the requested accommodation(s), or the equivalent accommodation(s) offered by the State Bar¹, **shall be granted if**:
 - a. The accommodation(s) were **approved within the past five years**; and
 - b. The request is for the **same (or lesser) accommodation(s)**:
 - i. Most recently approved for the MPRE; or
 - ii. Most recently approved among the following exams: FYLSX, CBX, or LSX; or
 - iii. If the most recent approval of accommodation(s) for the MPRE was based on a past temporary disability: for the most recently approved accommodation(s) for the MPRE (within the past 5 years) for which accommodation(s) were based on a permanent disability; or
 - iv. If the most recent approval of accommodation(s) for the FYLSX, CBX, or LSX was based on a past temporary disability: for the most recently approved accommodation(s) among the FYLSX, CBX, or LSX (within the past 5 years) for which accommodation(s) were based on a permanent disability.
 - c. The applicant provides **proof of the prior approval** of accommodation(s) (for the MPRE only); and
 - d. The prior approval was **not for a limited period of time** (based on a temporary disability) which will have passed by the time of the exam for which the applicant is requesting accommodation(s); and
 - e. The applicant certifies they are **still experiencing the same functional limitation(s)** caused by the disability(-ies) for which the accommodation(s) were approved.
2. Notwithstanding I.A.1, applicants will be required to provide documentation to demonstrate exceptional need (as described in II.A.9 below) if:

¹ The State Bar does not offer certain types of accommodations approved by other testing entities, such as stop-the-clock breaks. If the applicant was approved for stop-the-clock breaks on the MPRE, but no extra time, the State Bar shall provide extra time in a manner that roughly equates with the extra time provided by stop the clock breaks.

- a. The prior approval of accommodation(s) was for more than 50 percent additional testing time (i.e., time and one-half) and/or a private room; and
- b. The applicant's disability is something other than a severe visual impairment.

B. Prior Testing Accommodation(s) Approved for: A bar exam in another U.S. jurisdiction, LSAT, GRE, GMAT, MCAT, DAT, SAT I, SAT II, ACT, or GED

1. Except as specified in I.B.2, the requested accommodation(s), or the equivalent accommodation(s) offered by the State Bar², **shall be granted if**:
 - a. The accommodation(s) were approved **within the past five years**; and
 - b. The applicant has **not subsequently taken the FYLSX, CBX, LSX, or MPRE**, or has **not subsequently been approved for, or denied, accommodation(s) for the FYLSX, CBX, and/or MPRE³**; and
 - c. The request is for the **same (or lesser) accommodation(s)**:
 - i. Most recently approved among the following exams: a bar exam in another U.S. jurisdiction, LSAT, GRE, GMAT, MCAT, DAT, SAT I, SAT II, ACT, or GED; or
 - ii. If the most recent approval of accommodation(s) for a bar exam in another U.S. jurisdiction, LSAT, GRE, GMAT, MCAT, DAT, SAT I, SAT II, ACT, or GED was based on a past temporary disability: for the most recently approved accommodation(s) among a bar exam in another U.S. jurisdiction, LSAT, GRE, GMAT, MCAT, DAT, SAT I, SAT II, ACT, or GED (within the past 5 years) for which accommodation(s) were based on a permanent disability.
 - d. The applicant provides **proof of the prior approval** of accommodations; and
 - e. The prior approval was **not for a limited period of time** (based on a temporary disability) which will have passed by the time of the exam for which the applicant is requesting accommodation(s); and
 - f. The applicant certifies that they are **still experiencing the same functional limitation(s)** caused by the disability(-ies) for which the accommodation(s) were approved.
2. Notwithstanding I.B.1, applicants will be required to provide documentation to demonstrate exceptional need (as described in II.A.9 below) if:
 - a. The prior approval of accommodation(s) was for more than 50 percent additional testing time (i.e., time and one-half) and/or a private room; and
 - b. The applicant's disability is something other than a severe visual impairment.

C. Greater, Different, Additional, or Exceptional Testing Accommodation(s)

² See, fn 1, *supra*.

³ An exception will be made if accommodation(s) were denied for the FYLSX or CBX in the 5 years immediately preceding the adoption of this framework.

- a. If an applicant requests **greater accommodation(s)** than previously approved for an exam specified in I.A or I.B (e.g., more testing time or breaks):
 - i. The applicant must submit documentation **tailored** to support the greater accommodation(s).
 - ii. The State Bar shall approve the remainder of the request, if any, for the same (or lesser) accommodation(s) previously approved.
 - iii. The State Bar **shall not reevaluate whether the applicant has a covered disability** within the meaning of the ADA.
- b. If an applicant requests **additional or different accommodation(s)** than previously approved for an exam specified in I.A or I.B (e.g., requesting a semi-private room when the prior approval of accommodation(s) was for additional testing time only):
 - i. The applicant must submit documentation **tailored** to support the additional or different accommodation(s).
 - ii. The State Bar shall approve the remainder of the request, if any, for the same (or lesser) accommodation(s) previously approved
 - iii. The State Bar **shall not reevaluate whether the applicant has a covered disability** within the meaning of the ADA.
- c. If an applicant is requesting the same or equivalent accommodation(s) on any exam specified above except for the FYLSX, CBX, or LSX, and the request is for exceptional accommodation(s) of **more than 50% additional testing time and/or a private room**, and the applicant does not have a severe visual impairment:
 - i. The applicant must submit documentation **tailored** to support the request as to their exceptional need for accommodation(s) above and beyond 50% additional testing time and/or a semiprivate room.
 - ii. The State Bar shall approve the remainder of the request, if any, for the same (or lesser) accommodation(s) previously approved.
 - iii. The State Bar **shall not reevaluate whether the applicant has a covered disability** within the meaning of the ADA.
- d. If an applicant is requesting accommodation(s) previously approved for an exam specified in Sections I.A or I.B, but the **same or equivalent accommodation(s) are not offered by the State Bar**, the applicant must submit the documentation required under II.A, below.

D. Application of Same Testing Accommodation(s) Process

Applicants are not permitted to use the process described in I.A. or I.B for the approval of testing accommodation(s) in such a way that results in using approved accommodation(s) from more than five years prior to approve the current request. For example, an applicant was approved for testing accommodations on the MPRE in July 2019; based on that approval, the applicant is approved for testing accommodations on the CBX in July 2023. The applicant then requests approval of the same testing accommodations approved for the July 2023 CBX for the LSX in October 2026. This

would be impermissible, as it is effectively using the accommodations granted in 2019 (more than five years prior) to seek accommodations in 2026. In such instances, the applicant must submit the documentation required under II.A, below.

II. Documentation Requirements

- A. For requests for testing accommodation(s) that do not meet the conditions specified in I.A or I.B:
 1. Applicants shall be required to provide documentation that is reasonable, limited, and narrowly tailored to the information needed to determine an applicant's disability-related functional limitation(s), their specific access needs, and how those needs relate to the testing accommodation(s) requested.
 2. The documentation must establish the applicant is a person with a disability (that is, the applicant has a physical or mental impairment that causes functional limitation(s) in a major life activity as compared to most people in the general population), and as a result of that disability, the applicant does not have equal access to the FYLSX, CBX, and/or LSX under standard test conditions.
 3. Applicants and their qualified professional(s) shall have flexibility in the type and source of supporting documentation that may be provided to demonstrate their disability-related functional limitation(s), their specific access needs, and how those needs relate to the testing accommodation(s) requested.
 4. A statement of need shall be provided by the applicant and the applicant's qualified professional(s).
 5. The State Bar shall give great weight to documentation provided by a qualified professional who has made an individualized assessment of the candidate.
 6. The State Bar shall give consideration to documentation of past testing accommodation(s) received in testing situations not covered by Sections I.A and I.B.
 7. The State Bar shall not reject or deny an applicant's request for testing accommodation(s) based solely on the applicant's average or above average IQ score and/or history of academic success.
 8. The State Bar shall not reject or deny an applicant's request for a particular testing accommodation solely because the applicant has no formal history of receiving that testing accommodation.
 9. If the applicant is requesting more than 50% additional testing time and/or a private room, and the applicant does not have a severe visual impairment:
 - a. The applicant and the applicant's qualified professional(s) must provide a reasonable explanation of the applicant's exceptional need.
 - b. The explanation from the applicant and qualified professional(s) must include an explanation of why 50% additional testing time and/or a semi-private room are insufficient to provide the applicant with equal access to the FYLSX, CBX, and/or LSX.

- c. All relevant data and information will be considered in determining whether the applicant has established an exceptional need.

III. Approvals with Modifications and Denials

- A. No approval with modifications or denial shall be issued without elevation to the State Bar's disability accommodations expert.
- B. Recommended approvals with modifications and denials by the State Bar's disability accommodations expert shall be reviewed by the head of the Testing Accommodations Program or their designee before being issued.
- C. Any approvals with modifications or denials shall be accompanied by a report from the disability accommodations expert explaining the reason for the modifications or denial.

IV. Request for Review

- A. An applicant may request review of an approval with modifications or denial one time in advance of the exam for which they plan to sit if time permits.
- B. Upon receipt of a request for review, the Director of Admissions shall either reverse the decision and approve the request or refer the request for review to a different disability accommodations expert than the disability accommodations expert who recommended the initial denial or modification.
 - 1. The matter shall be reviewed de novo.
 - 2. The applicant shall be permitted, but not required, to submit additional documentation in support of the request for review.
- C. Recommendations of the reviewing disability accommodations expert shall be reviewed by the Director of Admissions before becoming final.
- D. There is no further right of appeal to the State Bar following this request for review.
- E. Applicants may appeal to the Supreme Court after exhausting the review process described in IV.A – C, above.

V. Committee of Bar Examiners Oversight

- A. The Committee of Bar Examiners shall provide oversight to ensure consistent application of standards and processes and to monitor trends in accommodations requests, processing, and decisions. To carry out this requirement, the Committee shall receive written reports from the State Bar at least two times per year highlighting a random sample of cases in which accommodations were granted, denied, or approved with modifications, including those subject to the new review process.

Note: Arrangements for Other Health-Related Conditions

The State Bar will identify a standard set of accommodations for those with certain temporary health-related conditions for which the individual is unlikely to have a prior recent history of

accommodations, and for which accommodation requests tend to be fairly standard. At this time, the State Bar intends to limit this list of other health-related conditions to the following:

- Pregnancy
- Lactation / having to express milk.

Any individual with these health-related conditions, upon submission of a note from a qualified professional confirming that condition will exist at the time of the exam will be able to receive the standard set of accommodations. If the individual requires different or greater accommodations, only then will the individual be required to follow the process for requesting testing accommodations outlined herein.

Testing Accommodations Request Form

Please read the **Testing Accommodations Instructions** carefully prior to completing this form.

- ☐ Please check here if this Request is submitted after the submission deadline *as an emergency petition under State Bar Rule 4.87* because this disability did not arise until after the deadline had already passed.

Section 1: Background Information

1. Name: _____
2. File Number: _____
3. Please indicate the exam for which you currently requesting testing accommodations (Select 1):
 - ☐ First Year Law Students' Exam (FYLSX): _____(month)_____(year)
 - ☐ California Bar Exam (CBX): _____(month)_____(year)
 - ☐ Legal Specialization Exam (LSX): _____(subject)_____(year)
4. What is the nature of your disability [Select all that apply]?
 - ☐ Visual impairment
 - ☐ Hearing impairment
 - ☐ Physical impairment
 - ☐ Psychological impairment
 - ☐ Cognitive impairment
 - ☐ Learning Impairment
 - ☐ Other: _____

Section 2: Request for Same Accommodations Received on FYLSX, CBX, and/or MPRE

(If you did not receive testing accommodations on the FYLSX, CBX, or MPRE, skip this Section and proceed to Section 3.)

1. I received testing accommodations within the past 5 years for the following exams[Select all that apply]:

☐ FYLSX

Accommodations approved: _____(month) _____(year)

☐ CBX

Accommodations approved: _____(month) _____(year)

☐ LSX

Accommodations approved: _____(month) _____(year)

☐ Multistate Professional Responsibility Exam (MPRE)

Accommodations approved: _____(month) _____(year)

2. Were any of those testing accommodations approved for a limited time due to a temporary disability?

☐ Yes

☐ FLSX (Approved until: _____)

☐ CBX (Approved until: _____)

☐ LSX (Approved until: _____)

☐ MPRE (Approved until: _____)

☐ No

3. I am requesting the same testing accommodations that were approved within the past 5 years for which of the above exams: [Select only 1 choice]

- ☐ The most recent FYLSX I registered for or the most recent for which accommodations were approved based on a permanent disability
- ☐ The most recent CBX I registered for or the most recent CBX for which accommodations were approved based on a permanent disability
- ☐ The most recent LSX I registered for or the most recent LSX for which accommodations were approved based on a permanent disability
- ☐ MPRE or the most recent MPRE for which accommodations were approved based on a permanent disability.
- ☐ I am requesting different or greater accommodations. (If you checked this box, **please review the Testing Accommodations Instructions**, and proceed to Section 3 or 4.)

4. If you checked MPRE for question 3: are the testing accommodations you received on the MPRE the same type of accommodations or equivalent to the testing accommodations typically provided by the State Bar of California? (**See list in the Testing Accommodations Instructions**)

☐ Yes

☐ No

5. Do you certify that you are currently experiencing the same disability-related functional limitations for which you were approved for the test indicated in response to question 3?

☐ Yes

☐ No

6. Are you requesting more than 50% additional time (i.e., more than time and one-half) and/or testing in a private room?

☐ Yes (If you checked this box, and your disability is not a severe visual impairment, please review the **Testing Accommodations Instructions** and proceed to section 4)

☐ No

If you are requesting the same accommodations you received on the MPRE, please attach proof of the accommodations approved.

Based on your answers above, this form may be nearly complete. *Stop here and review the **Testing Accommodations Instructions** for the next step.*

Section 3: Request for Same Testing Accommodations Received on Other Exams

(If you did not receive testing accommodations on a bar exam in another U.S. jurisdiction, or on the LSAT, GRE, GMAT, MCAT, DAT, SAT I or II, ACT, or GED, skip this Section and proceed to Section 4.)

1. My request for testing accommodations was denied within the past 5 years for the following exams [Select all that apply]:

☐ FYLSX

☐ CBX

☐ LSX

☐ MPRE

☐ I did not apply for testing accommodations for any of these exams

2. I sat for the following exams without testing accommodations within the past 5 years [Select and complete all that apply]:

☐ FYLSX _____ (month) _____ (year)

☐ CBX _____ (month) _____ (year)

☐ LSX _____ (month) _____ (year)

☐ MPRE _____ (month) _____ (year)

3. I received testing accommodations **within the past 5 years** for the following [Select and complete all that apply]:

☐ A bar exam in another U.S. jurisdiction _____ (Which jurisdiction)

Accommodations approved: _____ (month) _____ (year)

☐ Law School Admission Test (LSAT)

Accommodations approved: _____ (month) _____ (year)

☐ Graduate Record Examinations (GRE)

Accommodations approved: _____ (month) _____ (year)

☐ Graduate Management Admission Test (GMAT)

Accommodations approved: _____ (month) _____ (year)

☐ Medical College Admission Test (MCAT)

Accommodations approved: _____ (month) _____ (year)

☐ Dental Admission Test (DAT)

Accommodations approved: _____ (month) _____ (year)

☐ SAT I or SAT II

Accommodations approved: _____ (month) _____ (year)

☐ American College Testing (ACT)

Accommodations approved: _____ (month) _____ (year)

☐ General Educational Development (GED)

Accommodations approved: _____ (month) _____ (year)

4. Were any of those testing accommodations approved for a limited time due to a temporary disability?

☐ Yes

☐ Bar Exam in U.S. Jurisdiction (Approved until: _____)

☐ LSAT (Approved until: _____)

☐ GRE (Approved until: _____)

☐ GMAT (Approved until: _____)

- ☐ MCAT (Approved until: _____)
- ☐ DAT (Approved until: _____)
- ☐ SAT I or SAT II (Approved until: _____)
- ☐ ACT (Approved until: _____)
- ☐ GED (Approved until: _____)

☐ No

5. I am requesting the same testing accommodations that were approved within the past 5 years for the most recent exam identified in question 3 or the same testing accommodations approved most recently based on a permanent disability:

☐ Yes

☐ No (If you checked this box, **please review the Testing Accommodations Instructions**, and proceed to Section 4.)

6. If you answered YES to Question 5, are those testing accommodations you received the same type of accommodations or equivalent to the testing accommodations typically provided by the State Bar of California? **(See list in the Testing Accommodations Instructions)**

☐ Yes

☐ No

Please attach proof of the accommodations received.

7. If you answered YES to Question 6, do you certify that you are currently experiencing the same disability-related functional limitations for which you were approved for testing accommodations on the exam referenced in Question 5?

☐ Yes

☐ No

8. Are you requesting more than 50% additional time (i.e., more than time and one-half) and/or testing in a private room?

- ☐ Yes (If you checked this box and your disability is not a severe visual impairment, please review the **Testing Accommodations Instructions** and proceed to section 4)
- ☐ No

Based on your answers above, this form may be nearly complete. *Stop here and review the **Testing Accommodations Instructions** for the next step.*

Section 4: Testing Accommodations Requested

1. Please select the testing accommodations you are requesting for the essay and written sections (essays and performance test): [Select all that apply]:

- ☐ 25% additional testing time (i.e., time-and-one-quarter)
- ☐ 50% additional testing time (i.e., time-and-one-half)
- ☐ Assistive technology (please specify): _____
- ☐ Semi-private room
- ☐ Seating near a restroom
- ☐ Large-print font: 18-point font
- ☐ Large-print font: 24-point font
- ☐ Wheelchair accessibility (if table, specify height) _____
- ☐ Other (please specify): _____

2. Please select the testing accommodations you are requesting for the multiple-choice section [Select all that apply]:

- ☐ 25% additional testing time (i.e., time-and-one-quarter)
- ☐ 50% additional testing time (i.e., time-and-one-half)
- ☐ Assistive technology (please specify): _____
- ☐ Semi-private room

- ☐ Seating near a restroom
- ☐ Large-print font: 18-point font
- ☐ Large-print font: 24-point font
- ☐ Wheelchair accessibility (if table, specify height) _____
- ☐ Other (please specify): _____

Section 5: Statement of Need

Testing accommodations are available to applicants:

- Who have one or more functional limitation(s);
- As compared to most people in the general population;
- As the result of one or more disabilities; and
- Who are unable to access a State Bar-administered exam under standard test conditions.

Prior to completing this section, please review the description of the standard test conditions set forth in the Testing Accommodations Instructions. If you need additional space to answer any of the questions below, please attach additional pages.

1. Please provide a reasonable explanation of your disability-related functional limitation(s) as compared to how most people in the general population function in the same area(s).

2. Please provide a reasonable explanation of how your disability-related functional limitation(s) impact your ability to access a State Bar-administered exam under standard test conditions.

3. Please provide a reasonable explanation of why the specific testing accommodations you are requesting are necessary to ensure your access to a State Bar-administered exam.

4. If you are requesting greater than 50% additional testing time and/or a private room, and you do not have a severe visual impairment, please provide a reasonable explanation of why 50% additional testing time and/or a semi-private room are insufficient to provide you with access to a State Bar-administered exam. Include all relevant data and information you would like the State Bar to consider in determining whether you have established an exceptional need.

Section 6: Certification

This form is part of the attorney admissions process. Applicants are responsible for the completeness and accuracy of the information provided. False or misleading information provided in connection with a request for testing accommodations is considered in determining an applicant's moral character and may result in a negative determination of moral character.

I certify that all information provided on this form is true and correct.

Signature: _____

Date: _____

If you are unable to sign this form, please have someone authorized to sign on your behalf sign and date this form in your presence.

Signature: _____

Date: _____

Qualified Professional Certification Form

Please read the **Testing Accommodations Instructions** carefully for help in completing this form and to confirm who may serve as a Qualified Professional.

Section 1: Background Information [To be completed by the applicant.]

1. Applicant Name: _____
2. Applicant File Number: _____
3. Applicant Date of Birth: _____

Section 2: Prior Documentation of Disability [To be completed by the applicant.]

1. I am seeking testing accommodations based on psychological, cognitive, or learning disabilities:

☐ Yes

☐ No
2. If you answered Yes to question 1, have you been examined by one or more Qualified Professionals within the past 5 years regarding the disability for which you are seeking testing accommodations?

☐ Yes

☐ No
3. I am seeking testing accommodations based on a disability that is NOT a psychological, cognitive, or learning disability.

☐ Yes

☐ No
4. If you answered Yes to question 3, have you been examined by one or more Qualified Professionals at any time after you reached the age of 13 regarding the disability for which you are seeking testing accommodations?

☐ Yes

☐ No

5. I have the following documentation from one or more of the Qualified Professionals I have been examined by in the time frame identified in Questions 2 and/or 4, above [Please select all that apply and attach that documentation to this form]:

- ☐ Documentation of disability in previous Individualized Education Program (IEP)
- ☐ Documentation of disability in previous Section 504 Plan
- ☐ Documentation of disability in previous formal plan from a private school
- ☐ Documentation of disability in a previous formal plan from a workplace
- ☐ Documentation of disability in an evaluation from a Qualified Professional
- ☐ Other documentation of disability from a Qualified Professional you believe is relevant to your request
- ☐ I do not have any of above documentation.

6. If you have any of the documentation described in question 5, do you certify that you are currently experiencing the same disability-related functional limitation(s) described in one or more of those sources of documentation?

☐ Yes

If you checked more than 1 box in response to question 5, please identify the document(s) to which this "Yes" response applies: _____

☐ No

Qualified Professional Certification Form

Applicant: Please have one or more Qualified Professionals complete Sections 3, 4, and 5 below.

Qualified Professional: Please read the attached **Testing Accommodations Instructions** carefully for help in completing this form and to confirm who may serve as a Qualified Professional. If you need additional space to answer any of the questions below, **please attach additional pages**.

Section 3: Current Evidence of Disability

1. Applicant Name: _____
2. Applicant File Number [to be completed by applicant]: _____
3. Applicant Date of Birth: _____
4. Qualified Professional Name: _____
5. Qualified Professional Title: _____
6. Qualified Professional License/Certification No.: _____
7. Qualified Professional Address: _____
8. Please provide a brief statement of your professional qualifications, including your expertise in the disability(-ies) for which testing accommodation(s) are sought. (Please attach additional pages if needed)

9. What is the nature of the applicant's disability(-ies) [Check all that apply]:
 - ☐ Visual impairment
 - ☐ Hearing impairment
 - ☐ Physical impairment
 - ☐ Psychological impairment
 - ☐ Cognitive impairment
 - ☐ Learning impairment
 - ☐ Other: _____

10. Have you made an individualized assessment of the applicant?

☐ Yes

☐ No

11. If you answered YES to Question 10, when did you last evaluate the applicant

Section 4: Accommodation(s) Recommended by the Qualified Professional

1. Please select the testing accommodation(s) you are recommending that the applicant receive on the **written** portions of a State Bar-administered exam (i.e., essays and performance test):

☐ 25% additional time (i.e., time-and-one-quarter)

☐ 50% additional testing time (i.e., time-and-one-half)

☐ Assistive technology (please specify): _____

☐ Semi-private room

☐ Seating near a restroom

☐ Large-print font: 18-point font

☐ Large-print font: 24-point font

☐ Wheelchair accessibility (if table, specify height) _____

☐ Other (please specify): _____

2. Please select the testing accommodation(s) you are recommending that the applicant be approved for on the **multiple-choice** portions of a State Bar-administered exam:

☐ 25% additional time (i.e., time-and-one-quarter)

- ☐ 50% additional testing time (i.e., time-and-one-half)
- ☐ Assistive technology (please specify): _____
- ☐ Semi-private room
- ☐ Seating near a restroom
- ☐ Large-print font: 18-point font
- ☐ Large-print font: 24-point font
- ☐ Wheelchair accessibility (if table, specify height) _____
- ☐ Other (please specify): _____
- _____
- _____
- _____

Section 5: Statement of Qualified Professional

Testing accommodation(s) are available to applicants:

- Who have one or more functional limitation(s);
- As compared to most people in the general population;
- As the result of one or more disabilities; and
- Are unable to access a State Bar-administered exam under standard test conditions.

Prior to completing Section 5, please review the description of the standard test conditions set forth in the Testing Accommodations Instructions.

Documentation substantiating an applicant's disability-related functional limitation(s), their specific access needs, and how those needs relate to the testing accommodations recommended, may consist of, where appropriate, a comprehensive evaluation; a relevant history; standardized test data from appropriate evaluation instruments; and/or a written statement describing the applicant's disability, impairment, areas of limitation, effects on

activities of daily living, and testing accommodation needs. Please use this form to provide your written statement documenting the applicant's need for testing accommodations. If appropriate, attach any relevant supporting documentation.

1. I have reviewed the standard test conditions; the recommended accommodations identified in Section 4, above, are based on an understanding of how the exam would be administered under standard test conditions, in the absence of the recommended accommodation(s).

☐ Yes

☐ No

2. Please explain the applicant's disability-related functional limitation(s) as compared to how most people in the general population function in the same area(s). For example, discuss barriers to access the person routinely encounters. _____

3. Please explain how the applicant's disability-related functional limitation(s) impact the applicant's ability to access a State Bar-administered exam under standard test conditions. For example, what barriers to access would you anticipate the applicant facing. _____

4. Please explain why the specific testing accommodation(s) you are recommending are necessary to ensure the applicant's access to and to help reduce specific barriers to a State Bar-administered exam. (Note: Simply naming the diagnosis is not an explanation). _____

5. If you are recommending greater than 50% additional testing time and/or a private room, and the applicant does not have a severe visual impairment, please provide a reasonable explanation of why 50% additional testing time and/or a semi-private room are not sufficient to provide the applicant with access to a State Bar-administered exam. Include all relevant data and information you would like the State Bar to consider in determining whether the applicant has established an exceptional need. _____

I certify that to the best of my knowledge all information provided on this form is true and correct.

Signature of Qualified Professional: _____

Date: _____