



The State Bar of California

OPEN SESSION AGENDA ITEM 706 MAY 2023

DATE: May 18, 2023

TO: Members, Board of Trustees

FROM: Christina Doell, Program Manager

SUBJECT: Proposed Amendments to Admissions Rules Related to Testing
Accommodations (Rules 4.80–4.92): Request to Circulate for Second Public
Comment Period

EXECUTIVE SUMMARY

The State Bar is undertaking a comprehensive review and evaluation of its Admission Rules and practices to ensure that the requirements and procedures are consistent with applicable law, clear to applicants, applied with consistency, and do not pose barriers that do not support furtherance of the State Bar's public protection mission. The proposed changes to the testing accommodation rules were guided heavily by the Consent Decree arising out of *The Department of Fair Employment and Housing v. Law School Admission Council* litigation ([LSAC Consent Decree](#)), and the guidelines for testing accommodations issued by the United States Department of Justice.

Upon recommendation of the Committee of Bar Examiners, in November 2022, the Board of Trustees authorized circulating the proposed changes to the testing accommodations rules for public comment. Following review of the comments received during the public comment period, the committee recommended significant substantive changes to the rules and requests that the Board circulate the revisions to the Chapter 7 Rules of the State Bar (Attachment A) for another public comment period. Since this will be the second public comment period, the committee and staff are recommending a 45-day comment period.

BACKGROUND

After receiving feedback from applicants and members of the public during two stakeholder input forums held last year, the State Bar developed a framework aimed at streamlining the process for requesting testing accommodations. The framework sought to limit applicants' need to secure additional documentation or testing, relying heavily on proof of past testing accommodations on high stakes exams, and expressly limiting the need to secure additional

documentation to that which is reasonable and narrowly tailored to determine the applicant's need for the requested testing accommodations.

In November 2022, the Board approved the committee's request to circulate the proposed rule changes for a 60-day public comment period. A total of 109 comments were received: 78 express disagreement with the proposal, 14 agree if modified, 15 agree with the proposal, and 2 express concerns, but did not state a specific position. The committee reviewed the comments and identified improvements to the rules in light of the comments. The committee recommends significant modifications to the proposed rules, including, among other things:

- Eliminating the framework document and folding the relevant contents into the rules, including (1) language limiting documentation requests to that which is reasonable, limited, and narrowly tailored to support the information required; and (2) providing that the State Bar will defer to documentation from a qualified professional who has made an individualized assessment of the applicants as compared to opinions of those who have not assessed the applicant for diagnosis or treatment.
- Broadening the scope of automatic approvals by eliminating the five-year time frame and automatically approving the same testing accommodations received on any high stakes exam, as defined, based upon a permanent physical or mental impairment – regardless of the date of approval.
- Giving considerable weight to testing accommodations provided in college or law school.
- Returning the review/appeal back to the committee and clarifying that the committee's decision is not subject to further review during the *same* exam cycle.¹

Additionally, staff took the opportunity to revise and reorganize the rules governing the testing accommodations process to improve the flow and make conforming changes. Terminology within the rules was simplified. Definitions for "qualified professional," "disability accommodations expert" and "individualized assessment" were added for clarity, and the number of forms and documentation required was reduced to minimize the time spent by applicants collecting documentation from different sources.

DISCUSSION

As noted above, after carefully considering the public comment received, the committee proposed substantial substantive and technical revisions to the testing accommodations proposal. Because of the volume of changes, including a more technical reorganization to the flow of the rules, the revised rules proposal does not show in redline how the rules circulated for public comment have changed, nor it reflect in redline the changes to the existing rules. Staff felt either of those presentations would make it more difficult to understand the proposal currently put forward by the committee. In addition to the substantive changes, the Disability Rights Education and Defense Fund provided suggestions for improving definitions and for

¹ For more information on the public comment received and the changes recommended by the committee, see <https://board.calbar.ca.gov/Agenda.aspx?id=16929&tid=0&show=100035274>.

clarifying and simplifying the language of the current rules, many of which the committee adopted in this revision. However, the most significant changes to the proposal as circulated for public comment are described below.

LANGUAGE FROM THE FRAMEWORK INCORPORATED INTO THE RULES

When the review of the testing accommodations process began, staff drafted a framework to be able to describe the future testing accommodations process and requirements. The framework was initially intended as a discussion tool which would assist in the later drafting of specific rule changes. Guided by what is currently contained in the rules and what is not, staff recommended, and the committee agreed, to maintain the framework as a guideline for day-to-day operations of testing accommodations application processing, codifying only limited aspects of the framework in the rules. This approach was not well received during the public comment process. A substantial number of commenters argued that important concepts that govern the process of handling testing accommodations should be memorialized in the rules, not the framework. This argument stems from concern that if not included in the rules, the State Bar could simply change the framework without input and do so to the detriment of applicants. Although there are many ways to ensure accountability and transparency and to ensure that changes made in the future are appropriately vetted, the framework was eliminated, and the proposed rules now include the concepts previously set forth in that document.

Documentation Requirements

The rules now incorporate language which provides that applicants not subject to the automatic approval process are required to submit documentation that is reasonable, limited, and narrowly tailored to the information needed to determine the applicant's disability-related functional limitations, their specific access needs, and how those needs relate to the testing accommodations requested. The rules also limit documentation required for an applicant requesting greater testing accommodations than previously approved for a high stakes exam. In such a case, the State Bar shall, using the automatic approval process, approve the same accommodations as previously granted, and shall only require submission of certification by a qualified professional and supplemental documentation necessary to support the greater accommodations requested.

Deference to Recommendations of a Qualified Professional

Also moved from the framework into the rules is language that provides that the State Bar shall defer to documentation from a qualified professional who has made an individualized assessment of the applicant that supports the need for the requested testing accommodation(s) as compared to the opinions of a consultant who has not assessed the applicant for diagnosis and treatment. In other words, the State Bar's disability accommodation expert, who will not have personal familiarity with the applicant, shall not substitute their judgment for that of the applicant's qualified professional. However, the State Bar's expert will still have the obligation to determine whether the qualified professional demonstrated that the disability impacts the applicant's ability to access the exam, and that the accommodations

recommended are necessary to provide an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.

ADDITIONAL CHANGES IN RESPONSE TO PUBLIC COMMENT

Requests For Same or Equivalent Testing Accommodations

A substantial amount of comment was directed at the provisions for an automatic approval process for testing accommodations provided on other high stakes exams (a concept that had been included in both the framework and the rules). As circulated for public comment, the proposal limited this automatic approval process to those accommodations received within the five years immediately preceding the request to the State Bar for testing accommodations. Although there was a rational basis behind its initial approach, the committee believes it more appropriate to align this provision with the approach in the LSAC consent decree, and recommends eliminating the five-year limitation for those with a permanent physical or mental impairment. The committee also proposes that the automatic grant process apply whether or not an applicant subsequently sat for the MPRE without accommodations, as long as the applicant certifies under penalty of perjury that they continue to experience the same functional limitations and need the same accommodations.

Although public comment was to the contrary, the committee continues to recommend the need for documentation to support a request for a private room or a request that would lead to an extension of the exam into additional testing days even though such request may have been granted for another high stakes exam. The committee proposes some refinement to the language, specifying that “a request for more than 50 percent extra time for applicants without severe visual impairments, more than 100 percent extra time for applicants with severe visual impairments, and/or a private room” will be evaluated in the same manner as other accommodation requests that are not subject to the automatic approval process, and qualified professional certification shall include an explanation of why accommodations that allow for testing in the standard number of days, or in a semi-private room, are insufficient. The committee believes this approach is consistent with the approach taken in the LSAC Consent Decree which acknowledges that a higher level of documentation is appropriate for certain requested accommodations.

Same or Equivalent Testing Accommodations Approved in Law School

The committee had a robust discussion in response to comments proposing that the same accommodations granted in college or law school be automatically approved for the bar exam. Ultimately, the committee decided it would be difficult to ensure the consistency and rigor with which every college, university, or law school evaluates testing accommodation requests and the degree to which accommodations are approved only to the extent required by the law. While the committee declined to include in the automatic approval process testing accommodations approved in law school for timed exams, they did vote to recommend language from the LSAC Consent Decree giving considerable weight to documentation of past testing accommodations approved for college or law school exams.

Handling of Requests for Review

The proposal as circulated for public comment moved the review (referred to as an appeal in the current rules) from the committee, to review by an independent disability accommodations expert. The intent was to ensure that requests for testing accommodations are handled consistently, in accordance with the governing law, and not based on personal experiences or biases. This change was also expected to shorten the timeline for applicants to receive decisions and professionalize the process. However, in response to the public comment, the committee agreed to revert the review process back to review by the committee.

The committee elected to maintain a provision that received critical public comment, specifically that requests for review are limited to once *per exam cycle*. The committee believes this is necessary in light of the volume of requests received and the potentially short time frame in which to process them.² Allowing multiple opportunities to request review creates an unfair situation for applicants and could result in limited resources being assigned disproportionately to one applicant while another has not had the opportunity to receive a timely decision.

Timelines

Many commenters suggested that the rules should require the State Bar to review and act on a request for testing accommodations within two weeks of receipt. While the timelines for requesting accommodations were left unchanged in the rules, the committee proposed amendments clarifying that the State Bar will render a determination on any complete request received by the final filing deadline, and will endeavor to complete the evaluation as far in advance of the exam as practicable. Additionally, the committee recommended increasing the time for applicants to submit a request for review, extending the period from 10 days to 14 days to request a review, and the committee adopted a motion to explore adjusting additional timelines after the rules have been implemented for two full bar exam cycles.

FISCAL/PERSONNEL IMPACT

Staff believes that the adoption of the automatic approval process, in conjunction with the new forms and updated information to applicants and qualified professionals, will result in the ability to process requests more expeditiously. Having final determinations in place with more time before the administration of the exam should result in fewer instances of confusion at the exam site as to the accommodations for which applicants have been improved. Staff, at this time, is unable to estimate the impact these changes will have on number of accommodations provided and the resources needed to implement those accommodations, but will keep the Board informed as experience is gained with handling testing accommodation requests consistent with the proposed amended rules.

² Applicants are permitted to submit a request for testing accommodations as late as the last day to apply to sit for an examination, i.e., by 11:59 pm the first business day after January 1 for exams administered at the end of February and 11:59 p.m. June 1 for exams that are administered in July. For the July 2023 exam, that means that the application could be submitted as few as 37 business days before the start of the exam. Many applicants submit their applications considerably in advance, and are encouraged to do so, but the majority of applicants submit their application for testing accommodations close to the deadline.

AMENDMENTS TO RULES OF THE STATE BAR OF CALIFORNIA

Repeal and add Title 4, Division 1, Chapter 7 (commencing with Rule 4.80), and add new Title 4, Division 1, Chapter 7 (commencing with Rule 4.80).

AMENDMENTS TO BOARD OF TRUSTEES POLICY MANUAL

None

STRATEGIC PLAN GOALS & IMPLEMENTATION STEPS

Goal 2. Protect the Public by Enhancing Access to and Inclusion in the Legal System

- c. 2. Increase the numbers of diverse attorneys in the legal profession through diversity pipeline programs that support aspiring attorneys in graduating from law school and passing the bar exam.

RECOMMENDATIONS

Should the Board of Trustees agree with the proposed action, passage of the following resolution is recommended:

RESOLVED, that the Board of Trustees approves circulating for a 45-day public comment period, the revisions to the Chapter 7 Rules of the State Bar set forth in Attachment A.

ATTACHMENT LIST

- A.** Amended Rules Proposal following Public Comment

Chapter 7. Testing Accommodations

Current Rules 4.80 through 4.92 are repealed. New Rules 4.80 through 4.92 are adopted to read as follows:

4.80 Definitions

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

- (A) A “disability” is a physical or mental impairment that limits one or more of an applicant’s major life activities as compared to most people in the general population.
- (B) A “disability accommodations expert” is a qualified professional designated by the State Bar to make recommendations regarding an applicant’s testing accommodations request. A disability accommodations expert shall have doctoral degree or Ph.D., possess knowledge of testing accommodations practices and procedures in exam settings and the Americans with Disabilities Act requirements relating to testing accommodations, and have a minimum of five years’ experience in reviewing requests for testing accommodations for certification or licensure.
- (C) A “high stakes exam” refers to any of the following: California Bar Exam, First Year Law Students’ Exam, Multistate Professional Responsibility Exam (MPRE), a bar exam in another U.S. jurisdiction, LSAT, GRE, GMAT, MCAT, DAT, SAT I, SAT II, ACT, or GED.
- (D) A “mental impairment” is a mental or psychological disorder or condition or an anatomical loss affecting one or more of the body’s systems, such as intellectual disability, organic brain syndrome, emotional or mental illness, and specific learning disability.
- (E) A “permanent disability” is a disability that is long-lasting and non-temporary in nature.
- (F) A “physical impairment” is a physiological disorder or condition or an anatomical loss affecting one or more of the body’s systems, such as: neurological, musculoskeletal, special sense organs, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, immune, circulatory, hemic, lymphatic, skin, and endocrine. Physical or mental impairment” includes, but is not limited to, contagious and noncontagious diseases and conditions such as the following: orthopedic, visual, speech and hearing impairments, and cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, intellectual disability, emotional illness, dyslexia and other specific learning disabilities, Attention Deficit Hyperactivity Disorder, Human Immunodeficiency Virus infection (whether symptomatic or asymptomatic), tuberculosis, drug addiction, and alcoholism.
- (G) A “qualified professional” is a person who is licensed or otherwise properly credentialed and possesses expertise in the disability for which modifications or accommodations are sought.
- (H) An “individualized assessment” is an assessment by a qualified professional who has personal familiarity with the applicant.
- (I) 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 it does 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.

4.81 Purpose of Testing Accommodations

- (A) Testing accommodations are provided to ensure that an applicant who has a disability can access the examination and is afforded an equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others.
- (B) Applicants with disabilities are granted reasonable testing accommodations if they are otherwise eligible to take an examination and, in accordance with these rules, they:
 - (1) have an approved Application for Registration;
 - (2) submit a request for testing accommodations on the State Bar's forms with the required documentation; and
 - (3) establish to the satisfaction of the State Bar that the applicant has a disability and needs the requested testing accommodations in order to meet the purposes set forth in subsection (A).
- (C) Approval of testing accommodations does not entitle an applicant to sit for a particular exam. An applicant must separately apply for any examination for which they intend to sit.

4.82 Processing of Requests for Testing Accommodations – General Rules

- (A) Requests for Testing Accommodations are processed on a case-by-case basis consistent with these rules.
- (B) The State Bar will render a determination on any complete request received by the final filing deadline, and will endeavor to render the determination as far in advance of the exam as practicable.
- (C) The State Bar shall defer to documentation from a qualified professional who has made an individualized assessment of the applicant that supports the need for the requested testing accommodation(s) as compared to the opinions of a disability accommodations expert who has not assessed the applicant for diagnosis and treatment. The applicant and their qualified professional shall have flexibility in the type and source of supporting documentation that may be provided, in addition to the required forms, to demonstrate the

applicant's disability-related functional limitations, their specific access needs, and how those needs relate to the testing accommodations requested.

- (D) Although not eligible under the automatic approval process described in Rule 4.83, considerable weight shall be given to documentation of past testing accommodations approved for timed exams administered in college or law school upon submission of proof of the accommodations approved.
- (E) The State Bar shall not deny an applicant's request for a particular testing accommodation solely because the applicant has no formal history of receiving that testing accommodation.
- (F) The State Bar shall not deny an applicant's request for testing accommodations solely based on the applicant's average or above average IQ score and/or history of academic success.
- (G) The State Bar shall neither deny a request for testing accommodations nor approve it with modifications without elevation to the State Bar's disability accommodations expert.
- (H) An examination application fee is not refunded if a request for testing accommodations is withdrawn or denied.

4.83 Automatic Approval Process: Approval of Previously Granted Testing Accommodations on High Stakes Exams

- (A) Prior accommodations approved for a high stakes exam, as defined, will be approved by the State Bar without the need for any further documentation if all of the following are satisfied:
 - (1) The prior accommodations were approved for a permanent disability;
 - (2) The applicant submits the Request for Testing Accommodations form with the relevant sections completed;
 - (3) The applicant submits proof of the prior approval of accommodations granted by the testing entity;
 - (4) The applicant is requesting the same testing accommodations granted on the high stakes exam;
 - (5) The applicant certifies they are still experiencing the same functional limitations caused by the permanent disability for which the prior accommodations were approved;
 - (6) The State Bar offers the same or equivalent testing accommodations; and
 - (7) The request does not include more than 50 percent extra time for applicants without severe visual impairments, more than 100 percent extra time for applicants with severe visual impairments, and/or a private room. If the requested testing accommodations are for more than 50 percent extra time for applicants without severe visual impairments, more than 100 percent extra time for applicants with severe visual impairments, and/or a private room, the request will be evaluated in the same manner as those requiring submission of certification by a qualified professional as set forth in Rule 4.85.
- (B) An applicant who meets the requirements of subsection (A) need not submit the report of a qualified professional who has made an individualized assessment of the applicant.
- (C) If an applicant requests greater testing accommodations than previously approved for a high stakes exam, the State Bar shall, using the automatic approval process outlined in

subsection (A), approve the same accommodations as previously granted, and shall only require submission of certification by a qualified professional to support the greater accommodations requested.

4.84 Request for Testing Accommodations – Timing of Submission

- (A) Applicants are encouraged to submit a request for testing accommodations as far in advance as practicable. A Request for Testing Accommodations may be submitted before an application to sit for a particular exam is available.
- (B) 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.

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.

- (C) If a Request for Testing Accommodations is incomplete, and the request is submitted on the final application deadline for a particular examination, the applicant will not have the opportunity to remedy the lack of completeness.
- (D) A Request for Testing Accommodations that is incomplete as of the final filing deadline will be withdrawn.
- (E) If a Request for Testing Accommodations is submitted on the final application deadline for a particular exam, it is possible that there will be insufficient time for the applicant to request or for the State Bar to process a request for review pursuant to Rule 4.88 prior to the administration of the examination.
- (F) Notwithstanding subsection (A), if an applicant's request for testing accommodations is based on a temporary disability, the State Bar may require that the applicant submit a new request closer to the examination date or that a decision regarding the request be deferred until closer to the examination date.

4.85 Request for Testing Accommodations – Content of Submissions

- (A) An applicant with a disability seeking testing accommodations must submit a request for testing accommodations on the State Bar's form.
- (B) If a request does not qualify for the automatic approval process described in Rule 4.83, in addition to the Request for Testing Accommodations form, the applicant must also submit by the application filing deadline, on the State Bar's form, certification by a qualified professional, and submit any supplemental documentation needed to determine the applicant's disability-related functional limitations, their specific access needs, and how those needs relate to the testing accommodations requested. Supporting documentation

shall be limited to that which is reasonable, limited and narrowly tailored to the information needed.

- (C) If an applicant is requesting the same testing accommodations as previously granted on another high stakes exam which includes more than 50 percent extra time for applicants without severe visual impairments, more than 100 percent extra time for applicants with severe visual impairments, and/or a private room, the certification by a qualified professional described in subsection (B) shall include an explanation of why accommodations that allow for 50 percent extra time for applicants without severe visual impairments or 100 percent extra time for applicants with severe visual impairments or testing in a semi-private room or distraction-reduced, are insufficient to meet the purposes set forth in Rule 4.81(A).
- (D) A request for testing accommodations is considered complete upon the State Bar's receipt of all required forms and any supporting documentation. A request may be deemed incomplete if the required forms are incomplete, or if the applicant or qualified professional does not respond in full to the required questions. A request that is incomplete by the examination application deadline shall not be processed for that examination.

Rule 4.86 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 (30) days of receipt of the request when additional information is required to complete the request. The request for testing accommodations is deemed incomplete if the applicant fails to provide the information requested by the deadlines set forth in Rule 4.84(B).
- (B) In addition to the provisions of Rule 4.82(B), within sixty (60) days of a request for testing accommodations having been deemed complete, the State Bar will notify the applicant in writing if the request is approved, approved 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 basis or bases for the denial or modifications. The notice will include a report from a disability accommodations expert explaining why the requested testing accommodations were modified or denied, and advising the applicant of the right to request a review. The report will be sufficiently detailed to provide the applicant fair notice of the State Bar's reasoning.

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. 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 (10) 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 4.88 Request for Review of Denial or Approval with Modifications

- (A) An applicant notified that a Request for Testing Accommodations has been denied or granted with modifications may request a review by the Committee. The request must be submitted within fourteen (14) days of the date of the denial or modified grant unless an examination schedule requires a shorter time for Committee review. The applicant may submit additional supporting documentation in support of their request for review.
- (B) Notwithstanding the fourteen (14) day deadline described in subsection (A), 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 reviewing the request for review and supporting documentation, the Director of Admissions may withdraw the prior decision and grant the accommodations requested. The Director must make a determination within fourteen (14) days unless an examination schedule requires a shorter time.
- (D) If the Director of Admissions does not grant the request, the Committee must consider it as soon as practicable. The review shall be based on the original request and supporting documentation and any supplemental documentation provided by the applicant in connection with the request for review.
- (E) To ensure the Committee is able to act timely, consideration of all requests for review under this section shall be delegated to the Subcommittee on Examinations. To assist the subcommittee, to the extent practicable, the subcommittee shall be presented with a recommendation from a disability accommodations expert to inform its decision. This shall be a different expert than the disability accommodations expert who recommended the initial denial or approval with modifications.
- (F) The decision on a request for review is final and shall not be subject to further review by the State Bar or the Committee during the same exam cycle. The applicant may submit a new request for testing accommodations for a different exam cycle.
- (G) 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 9.13(d).

Rule 4.89 Subsequent Request for Testing Accommodations

- (A) Testing accommodations are not automatically applied to subsequent exams upon withdrawal from or failure of an examination. The applicant must submit a new Request for Testing Accommodations before the subsequent, applicable examination application

deadline. The applicant may request the same testing accommodation previously granted by the State Bar simply by certifying that the applicant has the same disability-related functional limitations that qualified them for the same accommodations for a prior exam.

- (B) If an applicant is seeking different testing accommodations than previously approved by the State Bar, and the applicant has a permanent disability, they may incorporate prior supporting documentation into the new request.
- (C) An applicant with a temporary disability must submit a new Request for Testing Accommodations with all supporting documentation before the examination application deadline.

Rule 4.90 Confidentiality of Requests for Testing Accommodations

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

Rule 4.91 False or misleading information in requests for testing accommodations

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.

Rule 4.92 Committee of Bar Examiners Oversight

The Committee of Bar Examiners shall provide oversight to ensure consistent application of standards and processes and to monitor trends in testing accommodations requests, processing, and decisions.