

## Policies & Procedures for Testing Accommodations

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**Accommodation(s).** Without impairing the integrity of the examination process, the Board has adopted the following procedures for those applicants whose disabilities are covered within the scope of the Americans with Disability Act (“ADA”).

### **A. Definitions:**

(i) “Disability” shall mean any of the following:

(a) a physical or mental impairment that substantially limits one or more of the major life activities of the applicant and that substantially limits the ability of the applicant to demonstrate, under standard testing conditions, that the applicant possesses the essential skills and aptitudes that the Supreme Court of Nevada and the Board have determined are appropriate for admission to the practice of law in Nevada;

(b) a record of having such an impairment;

(c) being regarded as having such an impairment.

(ii) “Physical impairment” shall mean any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems; neurological, musculoskeletal, special sense organ, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(iii) “Mental impairment” shall mean any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.

(iv) “Otherwise qualified applicant with a disability” shall mean an applicant with a disability who, with or without reasonable modifications to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of auxiliary aids and services, meets the essential eligibility requirements for admission to the practice of law in Nevada.

(v) “Reasonable accommodation” shall mean an adjustment or modification of the standard testing conditions that ameliorates the impact of the applicant’s disability without doing any of the following:

(a) Fundamentally altering the nature of the examination or the Board’s ability to determine through the bar examination whether the applicant possesses the essential skills and aptitudes that the Supreme Court of Nevada and the Board have determined are appropriate to require for admission to the practice of law in Nevada;

(b) imposing an undue burden on the Board;

(c) compromising the security of the examination; or

(d) compromising the integrity, the reliability or the validity of the examination.

**B. Procedures for Requesting Accommodation(s).** An applicant requesting accommodation(s) must submit a request in writing at the time of the filing of the application. Requests must be submitted no later than the final deadline for filing applications. The Board shall, within twenty-one days of receipt, serve upon the applicant an application for accommodation(s). Applicants seeking accommodation(s) must submit the completed application together with medical and/or psychological verification completed by a licensed professional with appropriate specialty training describing the nature and extent of the disability and accommodation(s) requested not later than June 1 if the application is for the following July examination, and not later than January 1 if the application is for the following February examination.

The verification shall, at a minimum, fully describe:

(i) All test(s) performed to diagnose the disability and the particular disability diagnosed;

(ii) The effect of the disability on the applicant's ability to take the examination under normal testing conditions, or special conditions;

(iii) The accommodation(s) requested and testing conditions believed necessary to accommodate the disability in such a way that administration and validity of the examination would not discriminate unfairly against the applicant.

If requested, the applicant may be required to submit an authorization for release of records from the medical and/or psychological authorities who completed certificates submitted with the request (or other medical provider(s) who have treated the applicant) if the Board reasonably determines that access to those records is reasonably necessary to determine whether an applicant's condition meets the criteria for accommodation(s).

**C. Expert Panel.** The Board, after consultation with its expert panel comprised of physicians and specialists whose professions are germane to the stated disability, shall then determine the extent of the accommodation to be allowed, if any, and notify the applicant in writing of its decision.

**D. Procedure for Review.** The Board shall review all requests for accommodation(s) that are properly filed in accordance with this policy. An applicant who is notified that the accommodation(s) granted by the Board are less than that which the applicant requested, or that the requested accommodation(s) have been denied, may, within a period of 15 days, file a petition for review with the Chair of the Board. This petition shall contain proof of service of the petition upon the Director of Admissions and shall state with particularity each ground upon which the Board's recommendation is alleged to be less than adequate or inadequate, and shall be accompanied by documentation necessary to support the matters set forth in the petition. The petition may further be accompanied by points and authorities, setting forth legal basis for the relief requested, or such additional medical documentation necessary to substantiate the relief requested.

The Chair shall review the Petition and may enlist advice from the expert panel regarding any new information presented in the Petition. If the Chair is of the opinion that relief is not warranted, he/she will deny the Petition. Or, the Chair may amend the original accommodation(s) granted. The Chair (or his/her designee) shall so notify the applicant in writing.

The burden shall be upon the applicant to establish that the granted accommodation(s) are less than adequate or inadequate. Should the applicant fail to meet this burden, the Chair will modify the original accommodation(s) granted.

**E. Standards for Decision on the Merits.** The Board shall grant a request and provide disability accommodation(s) to an applicant if it finds all of the following or is otherwise required to do so by law:

(i) the applicant is a qualified applicant with a disability who is otherwise eligible to take the bar examination;

(ii) the accommodation(s) are necessary to ameliorate the impact of the applicant's disability;

(iii) the accommodation(s) are reasonable.

The Board shall determine, based on the information available to it, what accommodation(s) are reasonable. The Board may provide accommodation(s) different from those requested by the applicant if the Board determines that the accommodation(s) provided will ameliorate the impact of the applicant's disability.

If an applicant is permitted to dictate answers to the essay portion of the examination, those answers shall be transcribed by personnel selected solely by the Board for that purpose.