

Pennsylvania Board of Law Examiners  
601 Commonwealth Ave., Suite 3600  
P.O. Box 62535  
Harrisburg, PA 17106-2535



Phone (717) 231-3350  
Fax (717) 231-3351  
www.pabarexam.org

## **Nonstandard Testing Accommodations Request Form and Documentation Packet for the July 2024 Bar Examination**

### **Introduction**

The Board of Law Examiners (Board) will provide reasonable nonstandard testing accommodations (NTA) at no additional cost to qualified applicants with disabilities as defined under the Americans with Disabilities Act, as amended (ADA). The extent of accommodations will be consistent with the nature and purpose of the examination and necessitated by the applicant's disabilities. If you have any questions after you read these instructions, please contact the Testing Department at (717) 231-3373.

**The burden of proof is on the applicant to establish the existence of a disability as defined by the ADA and to establish the need for NTA.** A disability is defined under the ADA as a physical or mental impairment that substantially limits one or more major life activities of an individual. The ADA requires the Board to provide NTA to those individuals who have a physical or mental impairment that substantially limits them from performing one or more major life activities as compared to most people in the general population. Although you may provide the required documentation establishing that you have a physical or mental impairment, you are not automatically entitled to NTA. Unless you establish that your impairment substantially limits one or more major life activities as compared to the average person, you will not be entitled to NTA on the bar examination. All requests for NTA are evaluated on a case-by-case basis.

In compliance with the ADA, the Board is authorized to require specific documentation, and to establish procedures to evaluate that documentation in order to ensure that the applicant is an individual for whom accommodations are required. In accordance with that authority, the Board has developed a *Nonstandard Testing Accommodations Request Form and Documentation* packet.

### **Nonstandard Testing Accommodations (NTA) Description**

NTA means an adjustment or modification of the standard testing conditions that ameliorate the impact of the applicant's disability on the examination process without fundamentally altering the nature of the examination, which would not impose an undue administrative or financial burden on the Board, compromise the security, validity or reliability of the examination, or provide an unfair advantage to the applicant with the disability.

## **Disabilities Overview**

The following is a list of the types of disabilities for which nonstandard testing accommodations may be provided (for illustrative and reference purposes only - not exhaustive):

1. **Physical impairments:** (conditions that restrict or impair sensory-motor functioning or mobility):
  - a. cerebral palsy
  - b. polio
  - c. multiple sclerosis
  - d. arthritis
  - e. orthopedic injuries, including paraplegia or quadriplegia
  - f. epilepsy
  - g. muscular dystrophy
  - h. Tourette's disorder
  - i. blindness
  - j. other (cancer, AIDS, ARC, allergies)
  
2. **Other disabilities:**
  - a. learning disabilities
  - b. brain injuries
  - c. AD/HD
  - d. other psychiatric conditions

Problems such as simple test anxiety, English as a second language (in and of itself), slow reading without an identified underlying cognitive deficit, or failure to achieve a desired academic outcome are not learning disabilities, and therefore, are not covered under the ADA.

## **Accommodations Overview**

The following is a list of types of nonstandard testing accommodations available (for illustrative purposes only):

1. large type (18 pt font) examination
2. Braille examination or permission to use a screen reader and speech-to-text software
3. Mark/circle
4. additional time to test
5. stop-the-clock break time
6. permission to bring equipment to accommodate medical problems

# Filing Instructions

## Filing Deadline

For applicants seeking NTA, the *NTA Request Form, Certification Statement, Authorization and Release (for NTA), Certificate of Law School Official*, and supporting documentation related to the NTA request must be **received** by the Board **no later than the timely filing deadline**. Applicants must upload their NTA documentation through the Board's Online Bar Application system.

Applicants seeking NTA may apply as late as the final filing deadline and submit an NTA request. However, applicants that apply late in the process who receive a denial from the Executive Director will not be able to file an appeal of the determination that will apply to the current examination, as insufficient time exists for a hearing and Board decision on the matter. In these cases, candidates may sit for the current exam with any accommodations approved by the Executive Director or withdraw from the exam, defer their registration and fee to the next exam, and have the result of an appeal apply to the next scheduled exam. The Board will not accept NTA requests and documentation after the final filing deadline.

## Filing Requirements if Retaking the Bar Exam

Applicants who are retaking the exam and seeking NTA must indicate their interest in NTA on the online Application for Permission to Sit for the Pennsylvania Bar Exam.

Applicants who were previously granted NTA on a prior Pennsylvania bar exam are not required to submit an NTA Request Form and associated documentation, provided that the applicant is seeking the exact same accommodation(s) that were granted in the past and has had no material change(s) in his/her condition. An update to prior medical documentation is required, assessing the applicant's current functional limitations and ongoing need for accommodations, if the nature of the applicant's disability or disabilities is changeable. The Board reserves the right to request an update to prior documentation in all cases if it determines that the prior documentation is insufficient to establish the applicant's current level of impairment and need for accommodation.

Applicants who previously requested NTA on a prior Pennsylvania bar exam who are seeking **ANY** change in the accommodations previously granted **MUST** file a new NTA Request Form (not upload a prior form), including all NTA requests, and submit supporting medical documentation for the new request. Applicants whose NTA request was denied on a previous application must submit new evidence to have that request reviewed again. Resubmitting the supporting documentation that resulted in a previous denial of accommodations will not constitute a new request.

## Payment Requirements

To qualify for a filing deadline fee, the NTA Request Form and documentation must be **received** in the Board office by the filing deadline. If you indicate online that you wish to pay the bar examination application fee by credit card and that you are seeking NTA, you will receive an electronic notice from the Board office when the office has received your NTA Request Form and documentation. At that time, you will be instructed to enter your credit card information into the online filing system. It is the applicant's responsibility to check their electronic messages and to be sure to return to the online payment screen and enter their credit card information.

Applicants paying by money order, certified check, or cashier's check may mail their payment to the Board office. Be mindful that NTA documentation must be received by the office by the deadline and the payment must be postmarked by the deadline. Bar exam applications will not be accepted until the bar exam fee is paid. Refer to the current *Fee Schedule* for filing fees and deadlines.

## **Incomplete Filings**

Incomplete NTA Request Forms and documentation otherwise not filed in compliance with these instructions will be ineligible for review and you will receive a notification through the Board's message system. If your NTA Request Form and documentation is deemed incomplete and you seek to renew your request, you must do so in accordance with the application filing deadlines and fees (see Fee Schedule).

An NTA Request Form will be deemed incomplete for the following reasons, which are not exhaustive: 1) if any portion of it is not completed properly; 2) if the Certification Statement, and/or the Authorization and Release is not completed, signed, and dated 3) if any portion of it is missing; and/or 4) if any questions are unanswered, incompletely answered, or missing any required details. Also, the Board will determine your request ineligible for review if you fail to provide sufficient documentation for the Board to examine the basis for your diagnosis, assess if you are substantially limited compared to a member of the general population or the rationale for your accommodation request.

Further, be sure that your NTA Request includes a complete list of all the accommodations you are seeking. Additional requests to bring items or deviate from standard procedures after an NTA Request Form and documentation are reviewed will not be considered without a new NTA Request Form, supporting documentation and in accordance with the application filing deadlines and fees.

Candidates that do not receive approval of accommodations, will not be permitted to sit for the bar examination with NTA.

## **Steps for Submitting a Complete Request**

1. **Review and provide your medical experts relevant portions of the [Instructions on Providing Documentation for Qualified Professionals and Applicants](#) and gather documentation.**

To support a request for accommodations, you should provide a comprehensive written evaluation report from a qualified professional who conducted an individualized assessment of you, gave the diagnoses which forms the basis for your request for test accommodations and is recommending accommodations on the bar examination on the basis of a disability. The written evaluation should include applicable diagnostic report(s) that will facilitate the Board's review. The letter and diagnostic report(s) together should provide an evaluation describing your diagnosis, the diagnostic tests used to make the diagnosis and an interpretation of the results, the severity of your condition, a detailed description of how it impacts your functioning, and the specific accommodation recommended. The evaluation must be recent and comply in all other respects with the documentation guidelines described in the *Instructions for Providing Documentation for Qualified Professionals and Applicants*. Review your medical provider's evaluation to confirm it follows the instructions.

If you are requesting accommodations based upon more than one disability, you should supply medical documentation to support each disability. If you do not provide any medical documentation with your initial NTA request, it may be immediately denied because you failed to meet your burden of proof and have not provided sufficient medical information required for a Board consultant to make a recommendation.

Testing accommodations are provided based on the current nature and impact of the applicant's disability. If the medical/professional documentation and evaluations you submit are not dated within the past three years (5 years for permanent physical disabilities), you may need to submit current documentation. This can be provided in the form of an addendum to original or updated evaluations that were previously performed. However, the required recency of the evaluation will vary depending on whether the disability or resulting functional limitation is changeable over time.

You should submit previous medical evaluations/documentation to confirm the history of your disability. The most recent evaluations are used to evaluate your current level of disability. Otherwise, the Board consultant may not be able to appropriately evaluate your request for NTA under the ADA, and you may be denied NTA.

2. **Complete each section of the NTA Request Form.** Be sure to list exactly what accommodations you are requesting (be very specific). The only accommodations that will be reviewed are the ones that you indicated on the NTA Request Form, under “NONSTANDARD TESTING ACCOMMODATIONS REQUESTED” sections, (i.e., various accommodations mentioned in your personal statement, recommended by your medical expert in their reports, received in past testing environments, etc. will not be considered unless you specifically request them). Also be careful to be complete in describing your history of accommodations.
3. **Gather verifying documentation of your history of accommodations, if any.** Submit documentation from each educational institution or testing agency (hereinafter “entity”) from which you requested accommodations, whether your request was granted or denied. Copies of the letter(s) you received from the entity notifying you of the specific accommodations granted or denied are acceptable. The verification should identify the time frame and the nature of the disability for which any accommodations were granted or denied. If you received accommodations as a result of an Individualized Education Plan (IEP) or a 504 Plan, please provide copies of all IEPs or 504 Plans.
4. **If you requested accommodations in law school, type your name and social security number on the Certificate of Law School Official, and submit it to your law school for completion (fax copies are acceptable).** This Certificate must be submitted to the Board office with your NTA Request Form and documentation, unless you did not request accommodations in law school.
5. If the nature of your disability is AD/HD, a learning disability, or a psychiatric disability gather transcripts. Submit copies of your undergraduate and law school transcripts and your LSAC Academic Summary Report. You can obtain your LSAC Academic Summary Report by searching for “Academic Summary Report” at <http://www.lsac.org>. If you have trouble obtaining the report, contact an LSAC representative at 215-968-1001.  
  
Transcripts or report cards of your elementary, middle school, and high school education, while not required, are useful in providing evidence of symptoms and impairment present during childhood. The Board reserves the right to request such academic records in particular cases.
6. **Gather copies of your SAT and LSAT test scores.** Whether or not you received accommodations in the past, you must still provide your SAT and LSAT test scores for review.
7. **Complete the Certification Statement.**
8. **Complete the Authorization and Release.**
9. **Make copies of all documentation for your records.**
10. **Upload the documents listed above with your NTA Request Form.**
11. **Upload the Certification that your File is Complete & Request a Review\***

\* If you submitted your bar exam application and did not answer “yes” to the question “Do you require Nonstandard Testing Accommodations under the Americans with Disabilities Act (ADA)” the Board will not be aware that you have uploaded documentation to support a request for NTA and it will not be reviewed. To pursue a request in this case, call the Testing Department 717-231-3350.

### **NTA Request Process (Approved/Denied)**

If the Executive Director **approves** the testing accommodations that you requested, you will receive notice by letter, sent through the Board’s message system, generally within 15 to 30 days of your submission. If the Executive Director **denies**

the testing accommodations that you requested, you will receive notice by letter via the Board's secure message system, normally within 30 days after you submit your NTA Request Form and documentation.

You may elect to submit additional documentation to support your request for NTA. However, you must file any additional documentation in accordance with the bar examination late filing deadlines and fees (minus the fees you previously submitted – see *Fee Schedule*). The Board will not accept documentation after the final filing deadline and/or without the appropriate late filing fees for any reason. The Board will add any additional documentation you submit by the final filing deadline to your original NTA Request Form and documentation. The Executive Director will notify you in writing of a subsequent determination in the same manner described for the initial approval/denial.

In the alternative, you may appeal the Executive Director's determination to the Board. The appeal is an opportunity to provide a clarification of existing documentation or provide further explanation. You may not submit new test results or other evidence in support of your request for NTA that was not submitted previously for consideration, except that you may provide a response to the recommendation of the Board's consultant. The Board will allow written statements from your medical professional(s) only if you submitted evaluations that you believe need clarification or if they are a response to the recommendation. If you did not include medical documentation from your medical professional with your NTA Request Form when it was reviewed and subsequently denied, no statements from your medical professional will be permitted.

You must notify the Board office via the Board's secure message system within 5 calendar days of the denial notification letter if you wish to submit additional information or appeal the denial of your request for NTA. Please be advised that there will be no exceptions made to this policy. If such notice is not provided, and if no additional information is submitted in accordance with the above referenced procedures, your request for NTA for the bar examination will remain denied, and you will have waived your appeal.

The Board will assign a date and time for you to present your appeal. You are permitted to review and obtain copies of documentation included in your NTA file. If one of the Board's medical consultants reviewed your NTA request and the Executive Director denied your NTA request, the NTA coordinator will provide a copy of the consultant's evaluation for your records. If you do not wish to present your appeal, you may rely upon a written submission. Your written submission must be received by the Board by the close of business on the date of the scheduled appeal. The full Board will review the record and issue a decision.

If the Board denies your request for NTA after an appeal, you may seek judicial review by the Supreme Court of Pennsylvania. Please refer to Pa.B.A.R. 222 for additional information relating to hearings and appeal information.

### **Correspondence**

Please do not call the Board office for an update on the status of your pending NTA request. However, if you do not receive a response from the Board office regarding any requested accommodations five weeks prior to the bar examination, you must contact the Board office immediately.

### **Information about the Authorization and Release**

A Board consultant may review requests for NTA. Additionally, you may be required to submit to diagnostic testing by an independent doctor or specialist chosen by the Board, and you will be notified if this is required.

### **Candor and Confidentiality**

The information and documentation provided by you for NTA are subject to the same obligation of candor as all other information provided in your application. Providing false documentation or information may result in the denial of your application for the bar, pursuant to Pa.B.A.R. 203(b)(2) regarding character and fitness to practice law. All information provided is subject to the confidentiality provisions of Pa.B.A.R. 402 and other applicable authority.