

COLORADO SUPREME COURT BOARD OF LAW EXAMINERS
1300 Broadway, Suite 520
Denver, Colorado 80203
303-928-7770

INSTRUCTIONS FOR REQUESTING TEST ACCOMMODATIONS

In an effort to make the Colorado Bar Examination accessible to applicants with disabilities, reasonable accommodations will be made for applicants with diagnosed physical or mental disabilities. If you are requesting accommodations due to a disability, you must file the attached Petition for Test Accommodations and supporting documentation with your application to take the bar exam by the applicable application filing deadline.

Experience indicates that the most reliable diagnoses come from qualified diagnosticians who have comprehensive training and direct experience in working with adult populations and have conducted individualized testing and assessment of an applicant's disability. Diagnosticians should describe their academic credentials, as well as their experience that qualifies them to diagnose your disability and recommend accommodations.

Absent extraordinary circumstances it is your responsibility to inform the Colorado Supreme Court Office of Attorney Admissions of your need for accommodations at the time your application to take the exam is filed. The Office of Attorney Admissions may refuse or defer accommodations to the next test date if you do not provide adequate notice of your need for accommodations in time for review and evaluation by the Office of Attorney Admissions and/or appropriate professional experts.

Accordingly, submit your petition and supporting documentation with your application to take the exam as far in advance of the application filing deadline as possible. You should submit all documentation you wish to be reviewed at the time your request for test accommodations is filed with this office. You also may wish to consult with an expert in the field of your disability to determine whether your medical and supporting documentation is adequate and appropriate to your disability. Please refer to the enclosed *Guidelines for Substantiating Learning Disabilities and/or ADHD* for a more comprehensive discussion of required information and documentation for specific learning disabilities, ADHD and/or other mental impairments. It is imperative that requests for accommodations are complete and all documentation that you wish to have reviewed is included with your initial request for accommodations. Once a decision is made to deny a request for accommodations, that decision is final for the current exam. There is, however, no prohibition on resubmitting a request for a future examination, including any additional documentation.

Based upon the evaluation of the Office of Attorney Admissions expert, a decision will be made whether, and to what extent, a test accommodation should be granted in any particular instance. The Director of Examinations will send the applicant written notification of the decision, which will include details of the evaluation from our expert.

If you find it necessary to withdraw from or retake the bar exam following an unsuccessful attempt, you must resubmit a petition for each subsequent examination. The Office of Attorney Admissions makes no guarantee that an accommodation provided on a past examination, in another jurisdiction or in Colorado, will be granted for a future Colorado Bar Examination. Likewise, requests that were not granted on a past examination, in another jurisdiction or in Colorado, may be granted for a future examination if circumstances should warrant it.

Included in this packet are the following forms and applicable instructions for each. Review them thoroughly before completing.

Petition For Test Accommodations. Complete this form and submit it with your application no later than the applicable filing deadline. Include a detailed description of your disability as it relates to your request and a detailed description of the accommodation(s) you believe necessary. Requested accommodations must relate to your impairment.

Guidelines for Substantiating Learning Disabilities and/or ADHD. If your disability involves a learning impairment, ADHD or other mental health disorder, carefully review these guidelines to determine what documentation should be submitted for consideration. Additionally, provide your diagnostician with these guidelines for reference in completing the Disability Declaration and compiling the necessary supporting documents. Insufficient documentation is the most common basis for denial of accommodations.

Disability Declaration. Provide this form to the person(s) diagnosing your disability far enough in advance to allow him or her time to complete the form, compile the appropriate documents substantiating your disability, and return it to you for submission with your petition.

Statement of Testing Agency/Institution. Make the appropriate number of copies of this form and submit one to every applicable agency/institution from which you received test accommodations related to this disability in the past (i.e., SAT, ACT, LSAT, MPRE, Law School, etc.). A letter from the official testing agency will suffice in lieu of our form. In addition, your disability relates to a learning impairment or ADHD, submit with your petition an official copy of scores for all standardized tests taken since the time of first diagnosis, regardless of whether accommodations were granted for each of these examinations.

Your petition will not be reviewed until all documentation has been received. Provide a description of any documentation that you are not including with your petition, explaining the reasons for the omission and anticipated date on which they will be received. The Office of Attorney Admissions will presume your petition and supporting documents are complete when submitted unless otherwise noted. Delaying submission of this information could result in the denial of your request for accommodations.

COLORADO SUPREME COURT OFFICE OF ATTORNEY ADMISSIONS
1300 Broadway, Suite 520
Denver, Colorado 80203
(303) 928-7770

PETITION FOR TEST ACCOMMODATIONS

DATE OF EXAM

APPLICANT NAME

Street Address

City

State

Zip

Telephone (*day*)

(*evening*)

A. Nature of disability or impairment (*check all that apply*):

Visual

Specific learning

Physical

ADHD

Auditory

Other: _____

Describe your disability as it relates to your request: _____

B. When was your disability first diagnosed? _____

C. Name, address, and telephone number of the Licensed Professional who most recently diagnosed your disability:

D. Past accommodations granted for your disability. (*Provide documentation verifying accommodations for each instance.*)

1. Indicate whether you were granted accommodations during your elementary and/or secondary education (K-12). Specifically detail any accommodations granted and for which testing programs (*Submit grade reports, IEPs, or other school records that verify a disability and the accommodations you received in grades K-12.*)

2. Provide names and dates of all college or graduate entrance exams you have taken (**SAT, ACT, GRE, GMAT, LSAT, etc**) and specifically detail any accommodations granted. (*If your impairment relates to a learning disability, ADHD or other mental impairment submit a copy of the scores achieved in each instance, regardless of whether accommodations were granted.*)

3. Indicate whether you have taken the **MPRE**, the date of the exam and whether accommodations were granted. Specifically, detail any accommodations granted. (*If your impairment relates to a learning disability, ADHD or other mental impairment submit a copy of the scores achieved in each instance, regardless of whether accommodations were granted.*)

4. Indicate whether you used **disabled-student services** or received accommodations for exams while you were in **college**. Specifically detail any accommodations granted. *(If your impairment relates to a learning disability, ADHD or other mental impairment submit a copy of college transcripts for each school, regardless of whether accommodations were granted.)*

5. Indicate whether you received accommodations while you were in **law school** and if accommodations were provided; specifically detail those accommodations. *(If your impairment relates to a learning disability, ADHD or other mental impairment submit a copy of law school transcripts, regardless of whether accommodations were granted.)*

6. Have you previously taken a **state bar exam**? Yes ____ No ____

If yes, indicate in which **jurisdiction(s), date(s), and the results** of each exam:

7. List those **bar exams for which you received accommodations** and detail those accommodations for each instance.

E. Accommodations Requested – Requested accommodations must relate to your disability (*check all that apply*):

1. Test Format

Large Print Braille Audio Cassette

Other (*please describe*): _____

2. Testing Aide

- Reader Dictation to tape
- Personal attendant Circle answers in MBE Test Booklet
- Typist or Scribe (*specify*): _____
- Other (*specify*): _____

3. Test Timing/Environment

- Additional test time. Specify the **precise amount of additional time** requested for each exam session and **explain why you believe extra test time is appropriate** to your disability. Requests for unlimited time will be denied.

- Wheelchair accessible test room and rest room
 - Separate room for testing
 - Semi-private room for testing
 - Other (*specify*): _____
- _____

4. Miscellaneous Equipment/Devices*

- Medications (*identify*): _____
- Magnifying glass Slant Board Reading lamp
- Ergonomic Chair Other (*specify*): _____

**Must be supplied by examinee*

The Office of Attorney Admissions reserves the right to make the final decision concerning special accommodations for the Colorado Bar Examination.

I certify under penalty of perjury that the information herein provided is true and correct to the best of my knowledge and belief.

Signature Date

**GUIDELINES FOR SUBSTANTIATING LEARNING DISABILITIES
AND/OR ADHD**

The Petition for Test Accommodations must be accompanied by documented evidence of impairment including, but not limited to:

1. Any and all clinical reports over the life span.
2. Documented history of treatment for the impairment(s) under consideration and their efficacy.
3. School records of learning problems, grade reports, special services, Individual Education Plan's, standardized test scores, previous accommodations, etc.
4. All standardized test scores indicating those for which accommodations were granted (K-12, SAT, ACT, LSAT, etc.).
5. Letters of prior test accommodations from K-12, college, law school, etc. (*Use the enclosed Statement of Testing Agency/Educational Institution for this purpose.*)
6. Grade transcripts for high school, college, law school and post graduate education..
7. Employment or other records that demonstrate impairment.

These guidelines are provided in an effort to ensure that accommodations for the Colorado Bar Exam are appropriate for candidates with a qualifying disability. Requests for additional test time on the bar exam because of impaired learning, including but not limited to, specific learning disabilities, processing deficiencies, and attention deficit disorder (ADHD) must be substantiated by a comprehensive psychoeducational or neuropsychological assessment.

1. **Testing and assessment must be conducted by a qualified diagnostician** who has comprehensive training and direct experience in working with adult populations. Diagnosticians should describe their academic credentials and qualifications that allow them to diagnose such disabilities and recommend accommodations.
2. **All tests must be reliable, valid, and standardized** for use with an adult population and all standard scores and percentiles (including subtests) must be provided. The test findings, using age-based norm tables, must document both the nature and severity of the disability(ies).
3. **Testing/assessment must be current.** Accommodations will be based upon the current nature and impact of the candidate's disability. Testing must have been conducted within three years of the accommodation request, unless the candidate was over the age of 21 when the assessment was conducted; in which case, testing must be within five years of the candidate's request for accommodations.
4. **The testing/assessment must be comprehensive.** Objective evidence of a substantial limitation in cognition/learning must be provided. It should provide clear and specific

evidence that a learning disability does or does not exist. It is not acceptable to administer only one test, nor is it acceptable to base a diagnosis on only one of several subtests. Informal inventories, surveys, and direct observation by a qualified diagnostician may be used in tandem with formal tests in order to further develop a diagnosis and recommend accommodations. The diagnostician must provide a specific DSM IV diagnosis and show evidence that alternative explanations can be ruled out.

5. **The report of assessment must include a specific diagnosis.** For example, individual “learning styles,” “learning differences,” and “academic problems” are not by themselves learning disabilities for which accommodations will be granted. The specific diagnosis must be supported by test data, academic history, anecdotal and clinical observations that may include comments about the candidate’s level of motivation, study skills, and other non-cognitive factors. These findings must demonstrate that the candidate’s functional limitations are due to the diagnosed disability(ies). It is important that the diagnostician rule out alternative explanations for problems in learning such as emotional or attentional problems that may interfere with learning, but which do not, in and of themselves, constitute a disability in learning.
6. **The report of assessment must recommend specific accommodations.** The diagnostician must include a detailed explanation as to why each recommended accommodation is necessary. Such request must reference test results or clinical observations that support the need for the accommodation.
7. **Actual test scores must be provided.** Standard scores must be age-based scores only and provided for all normed measures. Percentiles are also acceptable, but grade equivalents are not acceptable unless standard scores and/or percentiles are also included. The report of assessment must show evidence of intra-individual differences in cognitive/achievement and in information processing that demonstrate a substantial limitation for which an accommodation is recommended. The particular profile of the individual’s strengths and weaknesses must be shown to relate to functional limitations that necessitate the recommended accommodations.
8. **For learning impairments** domains to be addressed should include the following:
 - a. a description of the presenting problem(s) and history of development;
 - b. a neuropsychological or psychoeducational evaluation with reports of aptitude assessments using a complete comprehensive battery (e.g. Woodcock-Johnson Psychoeducational Battery – III, Tests of Cognitive Ability, Wechsler Adult Intelligence Scale – III, etc.);
 - c. a complete achievement battery including current levels of academic functioning in relevant areas such as reading (decoding, comprehension and reading rate) and written language (e.g. Woodcock–Johnson Psychoeducational Battery III: Tests of Achievement, the Scholastic Abilities Test for Adults, etc.). *The Wide Range Achievement Test-3 (WRAT-3) is not a comprehensive measure of achievement and therefore is not acceptable if used as the sole measure of achievement. The NDRT is not a valid diagnostic measure and does not provide age-based norms. It should be used only as supplemental information and scores should be submitted based on the*

overall mean of 200. It should be noted that improvement with extended time is not evidence of a need for accommodations in that such improvement is not specific to only disabled examinees.

- d. an assessment of information processing (e.g., short- and long-term memory, sequential memory, processing speed, executive functioning, etc.) using appropriate instruments (e.g., Wechsler Memory Scale, relevant subtests from the Woodcock–Johnson Psychoeducational Battery III, tests of Cognitive Ability, etc.);
 - e. other appropriate assessment measures to help support a differential diagnosis or to disentangle the cognitive disability from co-existing neurological, behavioral and/or personality disorders.
9. **For diagnoses of Adult Attention Deficit/Hyperactivity Disorder (ADHD)** relevant batteries as described above should be provided to determine patterns supportive of attention problems. The report should also include a measure of reading speed as well as a review of all DSM-IV diagnostic criteria for ADHD and specify which symptoms that cause impairment were present in childhood and which current symptoms have been present for at least the past six months. The diagnosis should not be based on merely self-report. Minimally, the domains to be addressed must include the following:
- a. A report of a diagnostic interview that includes relevant background information to support the diagnosis;
 - b. a description of the presenting problem(s);
 - c. a developmental history;
 - d. academic history, including results of prior standardized testing, reports of classroom performance and behavior, and notable trends;
 - e. family history, including primary language of the home, and current influence of English (where relevant);
 - f. psychological history;
 - g. medical history, including the absence of a medical basis for the present symptoms;
 - h. any history of prior psychotherapy;
 - i. a discussion of dual diagnoses, alternative or coexisting mood, behavioral, neurological and/or personality disorders, along with any history of relevant medication and current use which may impact the individual’s learning;
 - j. what data-based evidence indicates that this person with ADHD is impaired in reading, writing, and fluency of performance;
 - k. exploration of possible alternatives which may mimic a cognitive disability when, in fact, one is not present.

COLORADO DISABILITY DECLARATION

For questions regarding completion of this form, please contact Colorado Supreme Court Office of Attorney Admissions, 1300 Broadway, Suite 520, Denver, Colorado 80203, telephone: (303) 928-7770.

This form must be completed by a licensed physician or psychologist qualified to diagnose your disability.

Applicant name: _____

Applicant SSN: _____ Applicant DOB: _____

Licensed Qualified Professional

Name: _____

Title: _____

Address: _____

Telephone: _____

Certification No: _____

State of License: _____

Describe the credential(s), training and direct experience that qualify you to diagnose and/or verify the applicant's disability and recommend accommodations:

Complete all sections applicable to the disability. Disability Declaration must be accompanied by documented evidence of impairment.

SECTION I
General Description of Disability

A. Date of last examination: _____ Nature and extent of disability: _____

B. Describe presenting problems and history of development. Provide documentation of a history of impairment that results in a substantial limitation in a major life activity. (*Attach relevant reports.*)

C. Diagnosis. (*If the disability relates to impaired learning, ADHD or other mental health disorder the diagnosis must meet all criteria for DSM IV Diagnosis.*)

D. Provide evidence of significant impairment relative to the average person (not law students). (*Attach relevant reports.*)

E. Describe treatments attempted to mitigate problems and effectiveness of treatment.

SECTION II
Complete this section for Learning Disabilities and/or ADHD

Before completing this section, please review the attached Guidelines for Substantiating Learning Disabilities and/or ADHD. These guidelines provide a more comprehensive description of required information and documentation relating to Learning Disabilities and ADHD.

- A. Provide comprehensive achievement test results using age-based scores from a valid diagnostic test battery (i.e., WJ-III, WIAT-II, SATA). **Attach relevant reports.** *The Nelson Denny Reading Test (NDRT) is not a test validated for learning disabilities diagnosis and does not provide age-based norms.*

- B. Data-Based Explanation of Diagnosis:

- C. Alternative Explanations for Data:

- D. The Bar Examination draws on reading and writing skills to manifest one's legal knowledge in a timely fashion. Provide evidence that the applicant is significantly impaired in these skill domains, particularly with regard to reading and writing fluency. *(The NDRT should only be used as a supplemental measure and scores should be reported based on overall mean of 200.)*

SECTION III
Recommended Accommodations

The Colorado Bar Examination is a two-day exam. Each test day is comprised of two three-hour sessions (AM and PM). Day one consists of the written examination Multistate Essay Exam and Multistate Performance Exam. Day two: 100 multiple-choice questions are answered in two 3-hour sessions.

A. Based on this person's disability and your diagnosis, what testing accommodations would you recommend?

*Additional test time _____ extra minutes per session.

**Additional time will be denied if not specifically identified.*

B. Provide a rationale for each accommodation recommended based on the history and current status of significant impairment.

Note that the ADA does not require that accommodations be provided in order to perform better, to perform optimally, or to reach one's true potential.

I certify under penalty of perjury that the information herein provided is true and correct to the best of my knowledge and belief.

Signature

Date

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1300 Broadway, Suite 520, Denver, Colorado 80203

STATEMENT OF TESTING AGENCY/EDUCATIONAL INSTITUTION

(Name of candidate)

(Name of official completing this form)

(Official title of person completing this form)

(Name of agency or educational institution)

I attest that it is my responsibility to authorize test accommodations for individuals with qualifying disabilities for the specific purpose of facilitating the completion of examinations. The above named candidate received the accommodations described below during the administration of the following exam(s) **(check all that apply)**:

Law School Exams while in attendance for the years _____ to _____

MPRE (date of exam): _____ **LSAT** (date of exam): _____

State Bar Examinations (specify exam & applicable dates) _____

Other college and/or graduate entrance/standardized exams (specify exam, applicable dates and scores for each):

Describe below the specific accommodations and the years during which they were provided.

Signature

Date