

Rules related to Accommodations (only 1):

5.10 Specific Testing Accommodations

(1) Definitions. For the purpose of this rule:

(a) The term “disability” means a disability as the term is defined under the Americans with Disabilities Act of 1990 (42 USC § 12101 et seq.) (ADA), amendments to the act, applicable regulations and case law. The definition of disability is construed in favor of broad coverage of individuals. It applies even if only one major life activity is impaired and even if that impairment is episodic or in remission but otherwise meets the statutory definition when it is active.

(b) The term “qualified professional” means a health professional who is licensed or otherwise properly credentialed and possesses expertise in the disability for which modifications or accommodations are sought. Types of professionals who might possess the appropriate credentials and expertise are doctors (including psychiatrists), psychologists, nurses, physical therapists, occupational therapists, speech therapists, vocational rehabilitation specialists, school counselors, and licensed mental health professionals. As an example of a professional who would not possess the appropriate expertise, a podiatrist would not be considered to be a qualified professional to diagnose a learning disability or support a request for testing accommodations on that basis.

(2) An applicant with a disability that has been shown to substantially limit one or more major life activities and who desires an adjustment or modification to the standard testing conditions to alleviate the impact of the applicant’s functional limitation(s) on the examination process may request reasonable accommodation(s) to take the examination.

(3) Consistent with the requirements of the ADA, the Board shall evaluate all timely and complete accommodation requests and supporting documents, and determine the extent, if any, to which they will be granted. In fashioning an accommodation, the Board shall strive for an accommodation that is reasonable, not unduly burdensome, consistent with the nature and purpose of the examination, does not fundamentally alter the nature of the examination, and that best ensures that, when the examination is administered to the applicant, the examination results accurately reflect the applicant’s aptitude or achievement level, rather than reflecting the applicant’s impairment. If an applicant submits a request for accommodation within six-weeks or less of the first day of the applicable bar exam, then pursuant to this paragraph, the Chair of the Board, or the Chair’s designee, is delegated the authority to act on behalf of the Board and fulfill its required functions under this paragraph.

(4) Applicants must file timely and complete accommodation requests using the forms prescribed by the Board. The filing deadlines for requests shall be set by the Board. Incomplete or untimely requests will be rejected except where: (a) disability occurs after the application filing deadline; or (b) the accommodation request does not cause an undue hardship on the Board or the Oregon State Bar.

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Deleted: (b) → The term “qualified professional” means a licensed physician, psychologist, or other health care provider who has comprehensive training in the field related to the applicant’s claimed disability. ¶ (2) →

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(5) An applicant requesting accommodations must fully complete the forms approved by the Board for (a) requesting an accommodation due to disability; (b) certifying a disability and need for the requested accommodation due to disability; and, if applicable, (c) proof of past testing accommodations in similar test settings (e.g., in law school, college, secondary or primary school, on a bar examination in another jurisdiction, or on other standardized exams or high-stakes testing [e.g., LSAT, SAT, GRE]).

(6) Certification by a qualified professional must be based on careful consideration of the candidate by the qualified professional(s), using methods and instruments that are broadly accepted and recognized within that professional's discipline and expertise, and have demonstrated reliability and validity for determining an applicant's relevant capacities and limitations.

(7) Applicants who request the same testing accommodation(s) previously received on a similar standardized exam or high-stakes test, provide proof of having received the previous testing accommodation(s), and provide certification by a qualified professional of the need for the requested testing accommodation(s) due to disability, the Board shall generally accept such documentation and provide the requested accommodation without requiring additional documentation. The Board shall review all documentation to ensure that it meets this standard. Applicants whose documentation fails to meet these standards may be required by the Board to submit additional information.

(8) Applicants who request testing accommodation with no history of having received the requested accommodation on a similar standardized exam or high-stakes test, or who request an additional or greater accommodation (e.g., more time than was previously provided), shall be required to provide certification by a qualified professional that includes, at a minimum:

(a) the objective basis for the qualified professional's opinion (e.g., the methods and objective tests used to diagnose or certify the disability, the validity of the test findings, collateral information specifying functional limitations resulting from the disability). Collateral information may include previous medical records, observations by educators or family members, results of psycho-educational or other professional evaluations considered in addition to the applicant's self-report;

(b) the effect of the disability on the applicant's ability to take the examination under regular testing conditions;

(c) the recommended accommodation(s); and

(d) for each recommended accommodation, how it best ensures that, when the examination is administered to the applicant, the examination results accurately reflect the applicant's aptitude or achievement level, rather than reflecting the applicant's impairment.

(9) An applicant who is breastfeeding may request accommodations to enable the applicant to express milk during the examination. Request for accommodations must be submitted timely using the procedures and forms prescribed by the Board for specific testing accommodations. Applicants must submit medical documentation from a medical professional supporting the request for accommodation(s).

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Deleted: psychological verification completed by a qualified professional. The medical and/or psychological verification shall, at a minimum, describe:...

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(ii) →

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Deleted: (b) → A letter from the applicant's law school setting forth any accommodations that were provided to the applicant for examinations taken at the law school. ¶
(c) → A letter from each jurisdiction in which the applicant has applied to practice law setting forth any accommodations that were provided to the applicant for taking the bar exam. ¶
(6) →

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Stated Policies related to Accommodations: None

Practices related to Accommodations: See Applications and Forms Attached

Deleted: the child's date of birth.