

Supplemental Information for the Oregon State Bar Exam "Bar exam"

Acknowledgement that Exam Type is not yet established:

The Oregon State Bar Exam is presently scheduled to be a Uniform Bar Exam (UBE) that will be taken in-person. This exam may be given at multiple sites throughout the Portland Metro area, or may be spread further south into the Willamette Valley, as far as Eugene. However, due to COVID-19, these plans may change. Our resources may limit the number of sites at which we can host an in-person exam, and federal or state health authorities may require greater social distancing than our current testing plans. In such event, we may have to place limits on the number of exam seats available. If it is determined that a safer approach is to provide a remote exam, and this is ordered or approved by the Oregon Supreme Court, then we will give a remote exam instead. It is up to the National Conference of Bar Examiners (NCBE) to determine whether a remote exam will be given UBE status. If the NCBE elects not to give UBE status to a remote exam, we will work with other jurisdictions to ensure maximum transferability of any earned remote exam score. By submitting a Bar exam application, you acknowledge the possibility of a remote exam, and in such event you will be responsible for your own exam environment. Therefore, any accommodations related to your exam environment will be your responsibility, rather than the Oregon State Board of Bar Examiners or the Oregon State Bar.

Time Modifications must be presented as percentages of time rather than actual time:

A standard UBE exam consists of four three-hour sessions spread across two days. However, if we have a remote exam, these session times may be reduced. In order for an accommodation to be applicable to both a standard UBE exam and a shortened remote exam, applicants must present their additional time requests as a percentage of the standard time, rather than the actual time requested. For example, if an applicant would normally receive standard time plus 50%, they would request "Standard time, Plus 50%" rather than 4 hours and 30 minutes for each standard three-hour session. Requests for breaks must be expressed in minutes, but the timing of those breaks must be expressed in percentages.

For example, a request for a five minute break every 45-minutes under standard in-person conditions should be changed to "a five-minute break after completion of 25% of each exam session."

Breaks are automatically included in accommodations for additional time:

Please keep in mind that all additional time accommodation awards include taking restroom and stretch breaks as needed. No additional "off-the-clock" time is added to the exam session, but there is no need to request that you be allowed to take restroom or stretching breaks. This is true whether the exam is held in-person or remotely.

Medicine and Necessary Medical Equipment do not normally require accommodations:

No accommodations are necessary to bring medicines into the exam environment. Medical equipment only requires accommodations if the equipment is noisy or excessively bulky because these attributes may disturb fellow exam takers. If the bar exam is held remotely, each applicant is responsible for their own environment and cannot test with other applicants. Therefore, accommodation requests related to medical equipment are not necessary for a remote exam.

How to Submit your Accommodation Request:

This completed request packet must be scanned or saved as a separate document from the bar exam application and the electronic document must be named using the following naming nomenclature: [Last Name], [First Name] - Testing Accommodation Request. Your testing accommodation request form must then be uploaded into your applicant portal.

IMPORTANT NOTICE: For an accommodation request to be considered, it must be submitted concurrently with, or subsequent to the submission of, a completed exam application, together with full payment of the correct application fee.

I. TEST ACCOMMODATIONS INFORMATION SHEET

GUIDELINES:

The Oregon Board of Bar Examiners encourages persons with disabilities to apply for test accommodations. Reasonable test accommodations will be made on the Oregon Bar Examination for qualified applicants with disabilities. The Oregon Bar Examination is a two-day timed examination designed to test the knowledge and skills necessary for one who seeks admission to the Oregon State Bar.

It is the policy of the Board of Bar Examiners to administer the bar examination and all other services of this office in accordance with the Americans with Disabilities Act Amendment Act (ADAAA). A qualified applicant with a disability who is otherwise eligible to take the bar examination, but whose impairment limits his/her ability to demonstrate under standard testing conditions that he/she possesses the knowledge and skills to be admitted to the Oregon State Bar, may request reasonable test accommodations.

The Board of Bar Examiners will make reasonable modifications to any policies, practices, and procedures that might otherwise deny equal access to individuals with disabilities, provided such modifications do not result in a fundamental alteration in the examination or other admission requirements. In order to accommodate disabled persons, The Board of Bar Examiners will furnish additional time, auxiliary aids, and other accommodations when necessary to ameliorate the impact of the applicant's disability on the applicant's ability to take the bar examination. The determination of testing accommodations is an individualized inquiry and will be made on a case-by-case basis. No additional charges will be assessed to individuals with disabilities to cover the costs of reasonable accommodations.

Requests for test accommodations will be evaluated on a case-by-case basis. The applicant must submit documentation from one or more qualified professionals that provides information on the diagnosed impairment(s), the applicant's current level of impairment, and the rationale for the accommodations requested on the bar examination. In addition, the applicant must submit verifying documentation of his or her history of accommodations, if any. All documentation will be retained by the Board of Bar Examiners and may be submitted to one or more qualified professionals for an impartial review. Accommodations granted elsewhere do not necessarily entitle an applicant to accommodations on the bar examination, although the Board gives considerable weight to documentation relating to past accommodations received in similar testing situations or in response to an IEP or Section 504 plan.

DEFINITIONS

1. *Disability* is a physical or mental impairment that substantially limits one or more of the major life activities of the applicant. In the bar examination setting, the impairment must limit an applicant's ability to demonstrate, under standard testing conditions, that the applicant possesses the knowledge, skills and abilities tested on the bar examination.

2. *Physical impairment* is a physiological disorder or condition or an anatomical loss affecting one or more of the body's systems.
3. *Mental impairment* is a mental or psychological disorder such as organic brain syndrome, emotional or mental illness, attention deficit/hyperactivity disorder, or a specific learning disability.
4. *Major life activities* include, but are not limited to, caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
5. *Reasonable accommodation* is an adjustment or modification of the standard testing conditions, or an appropriate auxiliary aid or service, that ameliorates the impact of the applicant's disability without doing any of the following:
 - a. fundamentally altering the nature of the bar examination, including but not limited to compromising the validity or reliability of the examination; or
 - b. imposing an undue burden on the Board of Bar Examiners; or
 - c. jeopardizing examination security.

FILING DEADLINE

Requests for accommodations will be considered after receipt of all information. The Application Checklist, located in Section V of Form 1: Applicant Request for Test Accommodations must be submitted with this application. The applicable items specified in the Applicant Checklist must be completed and mailed on or before the **timely filing** deadline of the exam the applicant wishes to take.

Applicants with disabilities are subject to the same application deadline as individuals without disabilities. Because some of the accommodation request forms require input from third parties, the appropriate individuals should be asked to complete the forms well in advance of the deadline.

A timely request for test accommodations must be received no later than the late filing deadline found online here: www.osbar.org/admissions.

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.

RETAKE APPLICANTS

Applicants who retake the examination must submit Form 1: Applicant Request for Test Accommodations each time they apply for the bar examination, even if they previously requested and were granted accommodations in Oregon. It is not necessary to resubmit supporting documentation that was submitted with a previous request, provided the applicant sat for the Oregon Bar Examination within the preceding three years and (1) is requesting the same accommodations that were received previously on the Oregon Bar Examination and (2) has had no material changes in his/her condition. New supporting documentation is required if there is any change in the accommodations requested. 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 of Bar Examiners 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 accommodations.

STEPS FOR SUBMITTING A COMPLETE REQUEST

This application packet contains seven separate forms, but you need only submit those forms and documents that pertain to your particular disability. Please carefully review the information below to ensure that you submit a complete request. A checklist is provided in Section V of Form 1: Applicant Request for Test Accommodations, which you should complete and submit with your request. All required forms and documentation must be submitted together by the deadline.

IMPORTANT NOTE: Some of the forms that must be submitted with your request must be completed by third parties and returned to you for submission to the Board of Bar Examiners. Make certain that you request completion of these forms by the third parties in a timely manner so that you are able to submit your request by the deadline.

STEP 1: Have a qualified professional complete the applicable disability verification form and return it to you for submission to the Board of Bar Examiners. There are separate forms for learning disabilities, AD/HD, psychological disabilities, visual disabilities, and physical disabilities. You will need to complete the top portion of the applicable disability verification form and request that your qualified professional complete the rest of the form and return it to you. Your qualified professional should attach to the completed disability verification form a comprehensive evaluation report and/or relevant records, as specified in the form.

STEP 2: Gather verifying documentation of your history of accommodations requests, if any. Submit a Form VIII: Law School Verification Form completed by each educational institution or testing agency (hereinafter "entity") from which you requested accommodations, whether your request was granted or denied. Complete the top portion of the form and request that the entity complete the rest of the form and return it to you for submission to the [BAA]. Alternatively, you may provide other proof of your accommodations history, such as a copy of the letter(s) you received from the entity notifying you of the specific accommodations granted or denied. The proof should identify the time frame (e.g., third year of law school) and the nature of the disability (e.g., AD/HD) 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.

STEP 3: If the nature of your disability is AD/HD or a learning disability, provide transcripts. Attach copies of your undergraduate and law school transcripts and your LSAC Academic Summary Report. Photocopies of transcripts are acceptable for this purpose. You can obtain your LSAC Academic Summary Report by logging in to your LSAC account at www.lsac.org. Click on "Transcripts," then click on "Academic Summary Report," and print the report. If you have trouble obtaining the report, contact an LSAC representative at 215-968-1001.

Learning disabilities and AD/HD are developmental disorders with childhood onset, even if not diagnosed until adulthood. 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 of Bar Examiners reserves the right to request such academic records in particular cases.

STEP 4: **Complete and sign Form 1: Applicant Request for Test Accommodations.** Attach all relevant forms and documents, as indicated above, so that all required documentation is provided in one submission.

Requests for test accommodations and supporting documentation may be submitted to the Board of Bar Examiners at 16037 SW Upper Boones Ferry Rd., PO Box 231935, Tigard, OR 97281-1935.

DESCRIPTION OF THE EXAMINATION

The Oregon Bar Examination is administered over two-days in a quiet environment, and the applicants are allowed to use small foam earplugs. Applicants are also allowed to have unwrapped food and a clear container of water. No items other than those included in the Board of Bar Examiner’s test instructions may be brought into the testing room unless approved as test accommodations. The chart below provides a description of the standard testing schedule.

Tuesday Schedule

Essay Questions 1 – 6Three Hours

Lunch Break – 1 Hour and 30 Minutes

MPT 1 and MPT 2Three Hours

Wednesday Schedule

AM Session of the MBE.....Three Hours

Lunch Break - 1 Hour and 30 Minutes

PM Session of the MBE.....Three Hours