



National Conference of Bar Examiners
302 South Bedford Street, Madison, WI 53703
Phone: (608) 316-3070; Fax: (608) 316-3119
Email: mpre.ada@ncbex.org

Request for MPRE Test Accommodations

Guidelines for Medical Documentation of Physical and Chronic Health-Related Disabilities

I. Introduction

The National Conference of Bar Examiners (NCBE) is committed to providing reasonable and appropriate accommodations to examinees with documented disabilities who demonstrate a need for accommodations in accordance with the Americans with Disabilities Act Amendments Act of 2008 (ADAAA). The ADAAA and accompanying regulations define a person with a disability as someone with a physical or mental impairment that substantially limits one or more major life activities.

To support a request for test accommodations, applicants must submit a current clinical or diagnostic report prepared by a qualified professional that is on letterhead, typed in English, dated, and signed. The report must establish the nature and existence of the applicant's disability or disabilities, establish his or her current functional limitations, and provide a rationale for each accommodation requested. The current functional limitations caused by the impairment must be relevant to taking the MPRE, and the requested accommodations must be necessary to ameliorate the current limitations.

A summary checklist is provided at the end of these guidelines for quick reference.

Physical and chronic health-related disabilities may be impairments of short or long duration or may be episodic impairments for which the functional limitations can be documented over time.

II. Description of the MPRE Administered Under Standard Conditions

The MPRE is a two-hour timed examination administered in paper-and-pencil format in a proctored setting. Most examinees complete the examination in the allotted time. The test consists of 60 multiple-choice questions. Test items are written at an 11th- to 12th-grade reading level. Examinees record their answers by darkening circles on a Scantron answer sheet using a number 2 pencil. Examinees are assigned seats in a quiet environment. Examinees may bring medication, glucose tablets or gel, or medical aids that are necessary to ambulate (cane, crutches, walker, wheelchair, service animal, prosthetic limb, cast, brace, or sling), are necessary to communicate (hearing aid, voice amplifier), or are required for medical or health reasons (heart monitor, insulin pump, glucose monitor, blood sugar testing kit, Epinephrine auto-injector, TENS unit), provided that use of such items will not necessitate any deviation from the standard test policies or schedule.

The Essential Components

I. A Qualified Professional Must Conduct the Evaluation

Professionals conducting assessments, rendering diagnoses, offering clinical judgments specific to physical or chronic health-related disabilities, and making recommendations for appropriate accommodations must be qualified to do so. Appropriate licensure or certification as well as comprehensive training and relevant expertise in the specialty are essential. If multiple diagnoses are given, the evaluator must be qualified to make all diagnoses. Please be aware that we will not grant accommodations based on medical evaluations conducted by family members because of the inherent conflict of interest associated with such an arrangement.

II. Substantiate the Diagnosis and Current Functional Limitations

A comprehensive diagnostic report must be provided that includes the following information:

- a specific, professionally recognized diagnosis;
- a description of the diagnostic criteria and/or diagnostic tests used and a detailed interpretation of test results;
- relevant educational, developmental, and medical history;
- the history of presenting symptoms, date of onset, and their duration and severity;
- a description of the expected progression or stability of the disability or condition, including information on whether it is permanent, temporary, progressive, or fluctuating, and, if applicable, any known or suspected environmental triggers to episodes;
- assessment of current functional limitations and how those limitations restrict the condition, manner, or duration of the applicant's performance of major life activities compared to most people;
- a description of current treatment, assistive devices, auxiliary aids, medications, and/or strategies used by the applicant to ameliorate the impact of the functional limitations and the effectiveness thereof.

III. Each Accommodation Recommended Must Include a Rationale

The report must include specific recommendations for accommodation(s). A detailed explanation supporting the need for each requested accommodation must be provided and correlated with specific functional limitations established through the evaluation process from test results and clinical observations.

The report should include a review of prior accommodations utilized by the applicant (e.g., for standardized examinations such as the LSAT, ACT, or SAT; school examinations; licensing or certification examinations; classroom; etc.) and the extent to which the accommodations met the applicant's needs. It is important to recognize, however, that accommodation needs can change over time and in different settings.

IV. Documentation Must Be Current

The provision of reasonable accommodations is based upon clear evidence of the current impact of the disability on a major life activity that affects the applicant's ability to take the MPRE under standard conditions. Because of the changing manifestations of some physical disabilities and chronic health conditions, it is essential that the applicant provide recent and appropriate documentation. The documentation must address the applicant's present level of functioning and the need for accommodations in the context of taking the MPRE. This is important because an individual's presentation and performance may vary over time even if the diagnosis remains unchanged.

If the applicant's disability is **permanent or unchanging in nature**, a report from the most recent medical evaluation may suffice if it establishes the functional impact of the disability, indicates that it is permanent or unchanging, and provides the information discussed in these Guidelines.

If the applicant's disability is of **recent onset, or temporary, fluctuating, episodic, or transitory in nature**, the report typically should be from an evaluation conducted within the preceding 12 months. A report that is older than 12 months may be acceptable if it is accompanied by a letter from the professional providing an update on the diagnosis, the applicant's current level of functioning, changes since the last evaluation, and current treatment. If applicable, the letter may simply address why a report older than 12 months continues to be relevant in its entirety.

If the applicant is requesting the accommodation of extended testing time on the basis of cognitive impairment caused by the disability or by medication taken for the disability, the request may need to be supported by a brief but well-conceived psychological test battery. Obtaining standardized measures of performance on academically relevant tasks may help to objectively demonstrate the need for the requested accommodations. Test results must be reported using age-based norms where available, and all standard scores must be provided.

V. Checklist for Physical and Chronic Health-Related Disability Medical Documentation

- A specific, professionally recognized diagnosis and description of the diagnostic criteria and/or diagnostic tests used, with a detailed interpretation of all test results
- Relevant educational, developmental, and medical history
- The history of presenting symptoms, including date of onset, duration, and severity
- A description of the expected progression or stability of the disability, including whether it is permanent, temporary, progressive, or fluctuating
- Any known or suspected environmental triggers to episodes, if applicable
- Assessment of current functional limitations
- A description of how the current functional limitations restrict the condition, manner, or duration of the applicant's performance of major life activities as compared to most people in general, and specifically with respect to taking the MPRE
- Current treatment, assistive devices, auxiliary aids, medications, and/or strategies the applicant uses to ameliorate the impact of any functional limitations and the effectiveness thereof
- A rationale for each requested accommodation that is correlated with specific functional limitations established through the evaluation process from test results and clinical observations
- A discussion of prior accommodations used and the extent to which those accommodations met the applicant's needs