

N O T I C E

OHIO BOARD OF BAR EXAMINERS POLICY ON APPLICANTS WITH DISABILITIES

If you have a disability you may qualify for accommodations in order to take the Ohio bar examination.

It is the policy of the Board of Bar Examiners of the Supreme Court of Ohio that the bar examination shall be administered in a manner that does not discriminate, on the basis of a disability, against qualified applicants with disabilities. The Board of Bar Examiners Policy on Applicants with Disabilities is attached.

A request for testing accommodations for the Ohio bar examination must be submitted to the Supreme Court Bar Admissions Office along with, and by the deadline for filing, an Application to Take the Bar Examination or, if applicable, an Application for Reexamination.

A request for testing accommodations must be made on forms that are available through the Bar Admissions Office.

If you have questions about testing accommodations, or if you would like to receive copies of the forms for requesting accommodations, please contact the Bar Admissions Office at the following address:

Bar Admissions Office
Supreme Court of Ohio
65 South Front Street, 5th Floor
Columbus, OH 43215-3431

Telephone: 614.387.9340

**OHIO BOARD OF BAR EXAMINERS
POLICY ON APPLICANTS WITH DISABILITIES**

I. POLICY

It is the policy of the Ohio Board of Bar Examiners (“Board”) to administer the bar examination in a manner that does not discriminate, on the basis of disability, against a qualified applicant with a disability. An applicant who is otherwise eligible to take the Ohio bar examination may file a request for testing accommodations if, by virtue of a disability, the applicant cannot demonstrate, under standard testing conditions, that the applicant possesses the essential skills and aptitudes that the Supreme Court of Ohio and the Board have determined are appropriate to require for admission to the practice of law in Ohio.

II. DEFINITIONS

For the purpose of this policy, the following definitions shall apply:

- A. “Disability” shall mean any of the following:
1. a physical or mental impairment that substantially limits one or more of the major life activities of the applicant and that substantially limits the ability of the applicant to demonstrate, under standard testing conditions, that the applicant possesses the essential skills and aptitudes that the Supreme Court of Ohio and the Board have determined are appropriate to require for admission to the practice of law in Ohio;
 2. a record of having such an impairment;
 3. being regarded as having such an impairment.
- B. “Physical impairment” shall mean any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological, musculoskeletal, special sense organ, respiratory (including speech organs), cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.
- C. “Mental impairment” shall mean any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities.
- D. “Qualified applicant with a disability” shall mean an applicant with a disability who, with or without reasonable modifications to rules, policies, or practices; the removal of architectural, communication, or transportation barriers; or the provision of

auxiliary aids and services, meets the essential eligibility requirements for admission to the practice of law in Ohio.

- E. “Reasonable accommodation” shall mean an adjustment or modification of the standard testing conditions that ameliorates the impact of the applicant’s disability without doing any of the following:
1. fundamentally altering the nature of the examination or the Board’s ability to determine through the bar examination whether the applicant possesses the essential skills and aptitudes that the Supreme Court of Ohio and the Board have determined are appropriate to require for admission to the practice of law in Ohio;
 2. imposing an undue burden on the Board;
 3. compromising the security of the examination;
 4. compromising the integrity, the reliability, or the validity of the examination.

III. REQUESTS FOR TESTING ACCOMMODATIONS

A. Regular Requests

1. A regular request for testing accommodations shall be on forms prescribed by the Board and shall consist of all of the following:
 - a. a statement of the applicant, including a description of the applicant’s disability and the accommodations requested;
 - b. a certificate of the applicant’s medical or psychological authority;
 - c. a certificate from any educational institution or employer that provided accommodations to the applicant while the applicant attended the educational institution or was employed by the employer.

The applicant may file any additional documentation in support of the request. Upon request, the applicant shall submit an authorization for release of records from the medical and/or psychological authorities who completed certificates submitted with the request if the Board reasonably determines that access to those records is reasonably necessary to determine whether an applicant’s condition meets the criteria for a disability set forth in this policy.

2. A request for testing accommodations for an examination shall be filed with the applicant’s Application to Take the Bar Examination and by the deadline in Gov. Bar R. I, Sec. 3, for filing that application. A request for testing accommodations for re-examination shall be filed with the Application for Re-examination and by the deadline in Gov. Bar R. I, Sec. 7, for filing that application.

B. Emergency Requests

1. An applicant may file an emergency request for testing accommodations after the time prescribed in Part III(A)(2) of this policy if all of the following conditions are met:
 - a. the applicant's Application to Take the Bar Examination or Application for Re-examination was timely filed and complete in all other respects;
 - b. at the time of filing the Application to Take the Bar Examination or the Application for Re-examination, the applicant did not have the disability;
 - c. after acquiring the disability, the applicant promptly submits both of the following:
 - i. an emergency request on a form prescribed by the Board, providing the date and circumstances under which the disability arose;
 - ii. a complete request for testing accommodations.
2. An emergency request shall not be filed fewer than 7 days preceding the scheduled bar examination.

C. Availability of Request Forms

All forms necessary to complete a regular or emergency request for testing accommodations shall be available at no charge from the Supreme Court Bar Admissions Office.

IV. BOARD DECISIONS

A. Procedures for Review of Requests

1. The Board shall review all requests for testing accommodations that are properly filed in accordance with this policy. Requests that are not timely filed, that are incomplete, or that otherwise do not comply with the requirements of this policy may be rejected for consideration by the Board. The Board may request an applicant to submit additional information in support of the applicant's request. The Board may seek the assistance of a medical, psychological, or other authority of the Board's choosing in reviewing a request.
2. In reviewing a regular request, the Board shall comply with the following procedures.

- a. The Board shall make a determination, and the Secretary of the Board shall send notification of the determination to the applicant, no fewer than 40 days before the examination.
 - b. The Board's denial of a request shall be in writing and sent to the applicant by certified mail to the address provided by the applicant on the request. The Board's denial shall include a statement of the Board's reasons for denial. The Board shall also provide the applicant with a copy of the written report of any expert it consulted in reviewing the request.
 - c. The applicant may appeal the denial of a request to the Chair of the Board. The appeal shall be filed within 10 days of the applicant's receipt of the notice of denial. The appeal shall be conducted on the basis of the record compiled before the Board, and the applicant shall be limited to a written argument in support of the appeal.
 - d. Within 5 days of the filing of an appeal, the Chair shall affirm, reverse, or modify the decision of the Board and prepare a written ruling with reasons for the decision. The Secretary of the Board shall send a copy of the ruling to the applicant at the address provided by the applicant on the request. The Chair's decision on appeal shall be final.
3. In reviewing an emergency request, the Board shall comply with the following procedures.
- a. Before deciding the merits of an emergency request, the Board shall first determine whether the request qualifies as an emergency request under this policy. If it does not qualify as an emergency, the Board may deny the request.
 - b. The Board may deny an emergency request if it is not practicable in the time remaining before the examination:
 - i. to arrange accommodations that would provide testing conditions that are reasonable and comparable to those conditions provided to other applicants; or
 - ii. for the Board to take all steps reasonable and necessary for it to reach a fair determination on the merits of the request before the examination.
 - c. The Board shall make a determination on the emergency request, and the Secretary of the Board shall notify the applicant of the determination, as soon as is reasonable but no later than 24 hours before the examination.

- d. The Board's decision on an emergency request shall be final and is not appealable.
4. The Board may delegate to a committee of bar examiners its authority to review and rule upon requests pursuant to this policy.
5. The Board shall incur the costs of all accommodations that it grants and that are provided to the applicant by the Board.

B. Standards for Decision on the Merits

1. The Board shall grant a request and provide testing accommodations to an applicant if it finds all of the following:
 - a. the applicant is a qualified applicant with a disability who is otherwise eligible to take the bar examination;
 - b. the testing accommodations are necessary to ameliorate the impact of the applicant's disability;
 - c. the testing accommodations are reasonable accommodations.
2. The Board shall determine, based on the information available to it, what testing accommodations are reasonable accommodations. The Board may provide accommodations different from those requested by the applicant if the Board determines that the accommodations provided will effectively ameliorate the impact of the applicant's disability.
3. No testing accommodation granted pursuant to this policy shall serve to alter in any manner the limitation otherwise imposed on the length of an applicant's answers.
4. If an applicant is permitted to dictate answers to the essay portion of the examination, those answers shall be transcribed by personnel selected solely by the Board for that purpose.

V. CONFIDENTIALITY

All requests for testing accommodations, supporting documentation, and information developed by the Board with respect to the requests shall remain confidential.