

FORM 4

TESTING ACCOMMODATION - VERIFICATION FORM ATTENTION DEFICIT/HYPERACTIVITY DISORDER (AD/HD) DISABILITY

NOTICE TO APPLICANT: This form is to be completed by all licensed professionals who have been involved in the diagnosis and/or treatment of your disability or disabilities. Please read and sign the following before submitting to your treating professionals for completion:

I hereby authorize the release of the information requested on this form and authorize the release of any additional information regarding my disability or accommodations previously granted as may be requested by the Arizona Supreme Court Committee on Examinations (Committee).

Applicant Signature

Date Signed

Last 4 digits of Social Security Number

Date(s) of Treatment

NOTICE TO TREATING PROFESSIONAL: The following is the Committee's policy for determining whether to grant test accommodations on the Arizona Uniform Bar Examination:

In deciding requests for accommodations, the Committee relies upon the following definition of disability contained in the Americans with Disabilities Act Amendments Act (ADAAA) as interpreted by controlling case law:

A disability is a physical or mental impairment that substantially limits one or more of the major life activities of an individual. A bar applicant will be compared to the average person in the general population in determining whether a disability substantially limits a major life activity.

Thus, merely having an impairment does not make an individual disabled for purposes of the ADAAA and does not automatically qualify a bar applicant for an accommodation. An applicant must also demonstrate that the impairment limits a major life activity. To qualify as being disabled under the ADAAA, an applicant must further show that the limitation on the major life activity is "substantial."

The determination of a disability by the Committee is an individualized inquiry and will be made on a case-by-case basis, per individual and per examination administration.

Legibly print or type your responses to the items below. Return the completed form to the applicant for submission to the Arizona Supreme Court Committee on Examinations for consideration of the applicant's request for test accommodations. Attach copies of current objective test results, evaluations, and reports relied upon in making diagnosis of the applicant's disability and current level of impairment in support of your recommendation for accommodation. This documentation is required.

Applicant Name: _____

I. Qualifications of the Examiner/Diagnostician

Name of professional completing this form: _____

Address: _____

Telephone: _____ Fax: _____

Occupation, title, and specialty: _____

List your academic and professional credentials allowing you to diagnose this applicant's disability. _____

Attach a copy of your curriculum vitae. Describe your specialized training in the assessment, diagnosis, and remediation of attention deficit disorders with the adult population:

II. Diagnostic Information Concerning Applicant

The current diagnostic criteria according to the Fifth Edition Diagnostic and Statistical Manual of Mental Disorders, (DSM-5) is used as the basic guideline for determination of Attention Deficit/Hyperactivity Disorder (AD/HD) diagnosis. An applicant warranting an AD/HD diagnosis should meet basic criteria including:

1. Sufficient numbers of symptoms of inattention and/or hyperactivity-impulsivity that have been persistent and that have been "maladaptive." The exact symptoms should be described in detail.
2. Objective evidence that symptoms of inattention and/or hyperactivity-impulsivity were present during childhood.
3. Objective evidence indicating that current impairment from the symptoms is present in two or more settings. There must be clear evidence of clinically significant impairment within the academic setting. However, there must also be evidence that these problems are not confined to the academic setting.
4. A determination that the symptoms of AD/HD are not a function of some other mental disorder (such as mood, anxiety, or personality disorders; psychosis, substance abuse, low cognitive ability, etc.).

5. Indication of the specific AD/HD diagnostic subtype; predominantly inattentive type, hyperactive-impulsive type, combined type, or not otherwise specified.

Current DSM criteria are used to provide a basic guideline for AD/HD diagnosis. This diagnosis depends on objective evidence of AD/HD symptoms across the applicant's development, which cause the applicant clinically significant impairment within multiple environments. Applicant self-report alone is generally deemed insufficient to establish evidence for AD/HD.

AD/HD evaluation is primarily based on in-depth history consistent with a chronic and pervasive history of AD/HD symptoms beginning during childhood and persisting to the present day. The evaluation should provide a broad, comprehensive understanding of the applicant's relevant background including family, academic, social, vocational, medical, and psychiatric history. There should be a focus on how AD/HD symptoms have been manifested across various settings over time, how the applicant has coped with the problems, and what success the applicant has had in coping efforts. There should be a clear attempt to rule out a variety of other potential explanations for the applicant's self-reported AD/HD difficulties.

Provide a comprehensive evaluation that addresses all six points in Section II, Diagnostic Information Concerning Applicant (above) and complete questions 1-9 that follow.

1. Provide the date the applicant was first diagnosed with AD/HD: _____

2. Provide the date of your last evaluation of the applicant: _____

3. At the time of your initial evaluation/consultation, did the applicant have a previously documented history of AD/HD? ☐ Yes ☐ No

If yes, describe. If no, what objective evidence has been presented for your review that supports a likely history of undiagnosed AD/HD (school records, previous psychological test reports, parent interview, etc.)? _____

4. List the applicant's self-reported symptoms of AD/HD indicating sufficient qualification for current DSM criteria: _____

5. Does the applicant exhibit clinically significant impairment across multiple environments (academic, work, social, etc.)? ☐ Yes ☐ No

If yes, describe: _____

6. Are these self-reported symptoms of AD/HD (Question 4) and the evidence of clinically significant impairments across multiple environments (Question 5) supported by information other than the applicant's self-report (job evaluations, recent teacher evaluation, interviews with significant others)? ☐ Yes ☐ No

If yes, describe: _____

7. Does the applicant meet full current DSM criteria for (check which diagnosis applies):

- ☐ AD/HD, Combined Presentation
- ☐ AD/HD, Predominantly Inattentive Presentation
- ☐ AD/HD, Predominantly Hyperactive-Impulsive Presentation
- ☐ AD/HD, not otherwise specified

8. Is the applicant substantially limited in a major life activity? ☐ Yes ☐ No

If yes, state what activity: _____

9. Is the applicant significantly restricted as to the condition, manner or duration under which the applicant can perform the activity as compared to the general population? ☐ Yes ☐ No

Explain why or why not: _____

III. Formal Testing

AD/HD questionnaires and checklists (Wender-Utah, BAADS, etc.) are helpful to quantify self-reported AD/HD symptoms, but cannot be used to the exclusion of interview and collateral information describing and documenting past and current symptoms.

1. Were AD/HD questionnaires and/or AD/HD checklists completed? ☐ Yes ☐ No

Objective personality/psychopathology tests are not essential if not indicated. However, they can be helpful to describe the applicant's emotional status and rule out other psychological problems. If not used, there should be a clear explanation why they were not deemed necessary to rule out other potential explanations for reported AD/HD symptoms.

2. Was psychological testing completed? ☐ Yes ☐ No

If yes, describe how the findings support AD/HD diagnosis. **If no**, explain why testing was not deemed necessary to rule out other psychiatric diagnoses: _____

Cognitive test results cannot be used as the sole indication of AD/HD diagnosis independent of history and interview. However, these test findings often augment the AD/HD evaluation and should be reported. They are particularly necessary to rule out intellectual limitation as an alternative explanation for academic difficulty, to describe type and severity of learning problems, and to assess the severity of cognitive deficits associated with AD/HD (inattention, working memory, etc.). In general, the applicant who has completed law school, reporting academic distress secondary to AD/HD symptoms, should demonstrate at least average to above average intelligence.

3. Was cognitive testing performed? ☐ Yes ☐ No

If yes, describe how the findings support AD/HD diagnosis. **If no**, explain why cognitive testing was not deemed necessary to rule out low ability level and/or establish objective evidence of processing problems: _____

The evaluation should indicate a concern with reliability, particularly the reliability of self-report information. There should be some indication that the information provided is reliable, is valid, and has not been unduly influenced by the applicant's motivation to achieve a specified goal.

4. Do you believe the applicant's motivation level, interview behavior, and/or test-taking behavior is adequate to yield reliable diagnostic information/test results? ☐ Yes ☐ No

If yes, describe how this determination was made: _____

IV. AD/HD Treatment

Is the applicant currently being treated for AD/HD? ☐ Yes ☐ No

If yes, describe the type of treatment and explain whether this treatment is beneficial in ameliorating the AD/HD symptoms and, if so, why accommodations are necessary. **If not**, explain the rationale for not receiving treatment for this disability:

V. Accommodations Recommended for the Bar Examination

Based on the applicant's condition or disability and your diagnosis, what test accommodations, if any, would you recommend? Please include explication in terms of symptom severity. (Check all that apply).

TEST SCHEDULE

Standard Test Schedule: Four sessions over two days

Day One –

MEE six essay questions administered in one 3-hour session followed by a break.

MPT two performance questions administer in one 3-hour session.

Day Two –

MBE 100 multiple choice questions administered in one 3-hour session followed by a break.

MBE 100 multiple choice questions administered in one 3-hour session.

Examinees are permitted access to water, medication, and restrooms during testing.

☐ Modified Alternative Test Schedule Request:

If an extended time schedule is being requested, specify the amount of additional time requested for each session of the bar examination. Explain why additional specified time is needed for each test format of the examination.

All requests for additional time, extra breaks, or limited hours in a day, must specify the amount or duration. If specific detail is not indicated, the request for accommodation will be deemed incomplete. No accommodation of unlimited time will be considered or granted.

Generally, the following alternative schedules will apply, though some variations may occur:

Test sessions for extended time of 25% or more will be split into 8 sessions and tested over 4 days.

Test sessions for extended time below 25% will be tested over 2 days and may results in a test day with more than the standard 6 hours of testing in one day.

MEE and MPT (essay and performance exams) - ☐ 10% ☐ 25% ☐ 50% ☐ 100%

Rationale Required:

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MBE (multiple choice exam) - ☐ 10% ☐ 25% ☐ 50% ☐ 100%

Rationale Required:

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Other Alternate Schedule Request and Required Rationale. Specify any other requested alteration to the standard test and break schedule not already addressed in this application.

Request and Required Rationale:

TEST ENVIRONMENT

Standard Test Environment:

Standard testing generally occurs in one large, secured room with examinees seated 2-4 feet apart at a shared or individual table. Great care is taken to ensure the environment is suitable for high stakes testing.

☐ **Modified Alternative Test Environment Request:**

☐ Distraction reduced setting

☐ Private setting

☐ Other please specify _____

Rationale Required:

TEST MATERIAL DELIVERY & RESPONSE FORMATS

Standard Test Materials Format:

The bar exam is administered in-person at an event venue, not a testing center. Instructions are read aloud before the start of the exam. Exam materials are provided in 12-point font printed paper format. MEE and MPT answers may be typed on examinee personal laptop computer if examinee has registered, paid, and downloaded approved software from the attorney admissions designated vendor. All examinees answer MBE questions using pencils and paper scantron bubble sheets provided to them at the exam.

☐ **Modified Alternative Format Request:**

☐ Large Print Examination Materials: ☐ 18 pt or ☐ 24 pt

☐ Braille

☐ Audio CD

☐ Other please specify: _____

Rationale Required:

☐ **Personal Assistance Request:**

If the Committee authorizes the use of personal assistance to transcribe exam answers, the Committee will arrange to have a qualified person available at the examination.

- ☐ Dictate to a Digital Recorder
- ☐ Dictate to a Typist/Reporter
- ☐ Reader for MEE/MPT
- ☐ Scribe for MBE
- ☐ Assistance with MBE Scantron sheet
- ☐ Alternate format for MBE Scantron sheet
- ☐ Printed instructions
- ☐ Other please specify: _____

Rationale Required:

TEST EQUIPMENT

Standard Equipment Provided: Tables, chairs, and lighting will be standard unless a specific request related to the disability is requested and granted. All examinees are provided with disposable foam earplugs for each session of the exam. Use of a personal laptop, wired keyboard, and wired mouse are permitted for registered laptop users on MEE and MPT test day(s). No wireless devices are permitted.

☐ **Request Permission to Bring Special Furniture or Equipment**

Description Required:

Rationale Required:

PERMITTED AND PROHIBITED ITEMS

Standard Permitted Items:

The following items are permitted into the exam room in **ONE clear, quart or gallon sized zip top style plastic food storage bag provided by the applicant:**

- Wallet
- Money or credit card
- Government issue ID for entry
- Keys
- Non-digital (analog) wristwatch

- Sunglasses, eyeglasses, contact solution, eyedrops
- Prescription medication(s) with prescription label
- Non-prescription medication(s) removed from packaging
- Feminine hygiene products in original wrappers
- Transparent water bottle(s) with no label or writing
- Laptop, power cord, wired mouse, wired keyboard on MEE and MPT test day(s) if laptop certified.

If an item is not on the above Permitted Items list, it is prohibited—this is strictly enforced.

☐ **Request Permission to Bring Personal/Prohibited Item(s):**

Description Required for Each Requested Item:

Rationale Required for Each Requested Item:

☐ **OTHER REQUEST**

Specify Request and Rationale for any accommodation request not already addressed in this application:

VI. Examiner's/Diagnostician's Certification

I attach hereto copies of current objective test results, evaluations, and reports relied upon in making diagnosis of the applicant's disability and current level of impairment in support of the above recommended accommodation. (This documentation is required).

I certify that all the information on this form is true and correct to the best of my knowledge and belief.

Printed Name of Professional Completing Form

License/Certification Number/State

Signature of Professional Completing Form

Date