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## Request for MPRE Test Accommodations

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### Guidelines for Medical Documentation of Visual 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 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.

#### 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

Typically, an optometrist or ophthalmologist is qualified to provide supporting documentation for visual disabilities. Depending on the accommodations requested and the rationale given for those accommodations, however, a psychologist or a learning or reading specialist with relevant training and experience may also be needed to provide documentation addressing the functional impact of the disability on processing speed, reading, and/or test taking and provide standardized measures of reading rate and processing speed. 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

Objective evidence of a substantial limitation in a major life activity related to taking the MPRE must be provided. The documentation must validate the need for accommodations based upon the applicant's current level of functioning.

In most cases, documentation should be based on a comprehensive diagnostic/clinical evaluation that follows these guidelines and includes the following information, as relevant to the applicant's condition:

- the current diagnosis, including a statement as to whether the condition is progressive or stable
- best corrected visual acuities for distance and near vision
- eye health
- visual fields: threshold fields, not confrontation (provide measurements and copies of reports)
- binocular evaluation: eye deviation (provide measurements), diplopia, suppression, depth perception, convergence, etc. (specify whether difficulty with distance, near point, or both)
- accommodative skills at near point, with and without lenses (provide measurements)
- oculomotor skills: saccades, pursuits, tracking
- clinical observations
- a description of current functional limitations in major life activities and specifically in taking the MPRE or similar tests
- relevant information about current treatment and its effectiveness

NOTE: if the applicant is legally blind and will test exclusively with tactile or auditory input (Braille, reader, or audio CD recording), making no use of visual material, the qualified professional need only provide the current diagnosis and visual acuity.

### 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. **It may be necessary to include standardized measures of reading rate and comprehension from an assessment performed by a psychologist, learning or reading specialist, or other qualified professional.**

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.

Some visual conditions are of a permanent or unchanging nature. In such cases, a simple statement from the optometrist or ophthalmologist of the diagnosis and the functional limitations might suffice.

Because of the changing manifestations of many visual conditions, however, **a diagnostic evaluation completed within the past three years is typically necessary.** If the diagnostic report is more than three years old, the applicant should submit a letter from a qualified professional that provides an update of the diagnosis, a description of the severity of the functional impact of the disability on reading as well as on other major life activities, and a rationale for each requested accommodation. The nature, severity, and extent of the applicant's condition and the functional limitations as they relate to taking the MPRE, or a similar test, must be addressed. The recommended accommodations should not be supported solely by a history of prior accommodations or self-report. If applicable, the qualified professional may simply address why older documentation continues to be relevant.