



ARKANSAS BOARD OF LAW EXAMINERS

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General Instructions for Requesting Test Accommodations

The Uniform Bar Examination (UBE) administered in Arkansas is a two-day, timed examination designed to assess the knowledge and skills required for individuals seeking admission as attorneys licensed to practice law in Arkansas. A qualified applicant with a disability who is otherwise eligible to take the UBE, but who cannot demonstrate under standard testing conditions the knowledge and skills necessary for admission, may request reasonable testing accommodations. The Arkansas Board of Law Examiners (Board) provides reasonable and appropriate accommodations for qualified applicants with documented disabilities who demonstrate a need for accommodation and meet the definition of disability under the Americans with Disabilities Act of 1990, as amended (ADA), along with its regulations and applicable case law.

The Board administers the bar examination in accordance with the ADA. Under the ADA, a disability is a physical or mental impairment that substantially limits one or more major life activities. The purpose of testing accommodations is to ensure equal access to the bar examination. Accommodations adjust or modify standard testing conditions to lessen the impact of an applicant's impairment without fundamentally altering the exam, imposing an undue burden on the Board, compromising examination security, validity, or reliability, or providing an unfair advantage. Accommodations must be reasonable, aligned with the nature and purpose of the exam, and necessitated by the applicant's disability. While accommodations may help applicants better demonstrate their knowledge, they do not guarantee improved performance, test completion, or a passing score.

The burden of proof lies with the applicant to show both the existence of a disability under the ADA and the need for testing accommodations. Requests are evaluated individually. Applicants must complete the appropriate application and follow all instructions. Required documentation will vary depending on the disability. All documentation submitted will be retained by the Board and may be reviewed by one or more qualified professionals.

Documentation accepted in other testing contexts may not be sufficient for the bar examination, and accommodations granted by other entities do not automatically entitle an applicant to accommodations for the Arkansas Bar Examination. However, the Board may give weight to documentation describing past accommodations received in similar testing situations or pursuant to an Individualized Education Plan (IEP) or Section 504 Plan.

DEFINITIONS

- a) **Disability:** A physical or mental impairment that substantially limits one or more major life activities. For bar examination purposes, the impairment must limit the applicant's ability to demonstrate, under standard testing conditions, the knowledge, skills, and abilities tested on the examination.
 - b) **Physical impairment:** A physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems.
 - c) **Mental impairment:** Any mental or psychological disorder, including intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities.
 - d) **Major life activities:** Activities such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, reading, concentrating, thinking, communicating, and working.
 - e) **Reasonable accommodation:** An adjustment or modification to standard testing conditions, or an auxiliary aid or service, that mitigates the impact of the applicant's disability without:
 - a. altering nature, validity, or reliability of the examination;
 - b. imposing an undue burden on the Board; or
 - c. jeopardizing examination security.
 - f) **Qualified professional:** A licensed physician, psychiatrist, psychologist, or other health-care provider with appropriate training and expertise in the field related to the applicant's disability.
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PURPOSE OF TESTING ACCOMMODATIONS

Testing accommodations ensure *equal access* to the bar examination by adjusting standard conditions in ways that lessen the impact of the applicant's impairment. Accommodations may not fundamentally alter the nature of the examination, impose an undue burden on the Board, compromise exam security or validity, or provide an unfair advantage. Accommodations must be reasonable, aligned with the exam's purpose, and necessitated by the applicant's disability. Although accommodations may enable applicants to demonstrate mastery of the tested material more effectively, they do not guarantee improved performance, completion, or passage.

APPLICANT'S BURDEN OF PROOF UNDER THE ADA

Applicants must establish both the presence of a disability under the ADA and the need for testing accommodations. Requests are reviewed case-by-case. Documentation requirements vary depending on the disability, and materials that were sufficient elsewhere may not satisfy the bar examination's standards.

REQUIRED DOCUMENTATION AND GUIDANCE FOR QUALIFIED PROFESSIONALS

Applicants are required to submit completed forms and comprehensive reports from qualified professionals. The following documents are provided to applicants and qualified professionals to help ensure that all documentation is thorough and that recommended accommodations are reasonable and appropriate:

- General Guidance for Qualified Professionals
- Guidelines for Documentation of Disabilities

INDEPENDENT REVIEW

All applications for accommodations and supporting documentation will be submitted to one or more experts in the relevant disability area for impartial review. The Board may require additional information or documentation and may require an applicant to undergo evaluation by a Board-designated professional.

OTHER ELIGIBILITY REQUIREMENTS

Applicants requesting accommodations must meet all eligibility requirements for the bar examination.

EMAIL COMMUNICATION

The Board may send important information to the email address listed in the application. Applicants must ensure that their email address is current, remains active after graduation, and is used consistently for all communication. Applicants are encouraged to check email daily.

FILING DEADLINE

Applicants must be registered for an upcoming bar examination before submitting an accommodations request. Requests will be considered only after all required information has been received and will be acknowledged electronically. The Applicant Checklist (Form 1, Page 8) must be included.

Applicants with disabilities must comply with the same deadlines as all other applicants. Because some forms require third-party input, applicants should request completion of these forms well before the deadline.

A timely request for the February bar examination must be postmarked no later than November 1; for the July examination, no later than March 1. Requests received after these dates will be accepted, but such applicants will not have an opportunity to supplement or appeal their request for that exam administration.

Requests will not be accepted if incomplete or if supporting documentation arrives after the deadlines set forth in the *Rules Governing Admission to the Bar*.

APPEALS

If a request is denied or modified, the Board will notify the applicant electronically. Applicants may appeal the Board's final decision. Appeals must be submitted in writing within 15 days of the decision.

No specific form is required. A petition responding to the denial or modification may be submitted, but it must be notarized, made under penalty of perjury, and attest to the accuracy of its statements. Appeals are based solely on materials previously submitted; new documentation is not permitted. Late or nonconforming appeals will not be considered.

STEPS FOR SUBMITTING A COMPLETE REQUEST

Review all instructions carefully and submit all required forms and documentation together by the deadline. Form 1 (Page 8) includes a checklist that must accompany the submission.

Important: Some forms must be completed by third parties and returned to the applicant for submission. Request completion early.

Step 1: Have a qualified professional complete the appropriate disability verification form. Separate forms exist for learning disabilities, ADHD, psychological disabilities, visual disabilities, and physical disabilities. Complete the applicant section and provide the form to your professional, who must return it with a comprehensive evaluation report and/or relevant records. If requesting accommodations for more than one disability, submit documentation for each.

Reports must include more than a diagnosis and should summarize the diagnostic interview. They may include:

- description and history of symptoms
- review of neuropsychological, psychological, or psychoeducational testing
- developmental, psychosocial, and vocational history
- family history
- educational history (test scores, IEPs, 504 Plans, report cards, prior accommodations and their effectiveness)
- rationale connecting each requested accommodation to the functional impact of the disability during testing

Step 2: Provide documentation of your accommodations history, if any. Submit Form 7 for each institution or testing agency from which you requested accommodations, whether granted or denied. Alternatively, provide letters describing past accommodations and the relevant time frames. Include copies of any IEPs or 504 Plans.

Step 3: If requesting accommodations for ADHD or a learning disability, submit undergraduate and law school transcripts and your LSAT Academic Summary Report. Earlier school records may help demonstrate childhood symptoms. The Board may request additional records.

Step 4: Complete and sign Form 1: Applicant Request for Test Accommodations.

Step 5: Submit all forms and supporting documents together. Partial submissions will not be reviewed until complete. Late filings will not be considered.