

Form C – LEARNING DISABILITY VERIFICATION

HEALTHCARE PROFESSIONAL FORM

I. Qualifications of the Licensed Healthcare Professional

Petition for Non-Standard Testing Accommodations for _____ (Applicant)

Licensed healthcare professional _____
 Street _____
 Street 2 _____
 City _____ State _____ ZIP _____
 Phone number _____ Fax number _____
 Occupation/Specialty _____ / _____
 License/Certification number _____
 Name of licensing entity _____

NOTICE TO LICENSED HEALTHCARE PROFESSIONAL:

For your convenience, a fillable PDF version of this form (Form C – Learning Disability Verification) is also available on the Virginia Board of Bar Examiners' website (barexam.virginia.gov/bar/barnstforms.html). Legibly print or type your responses. Return this completed form to the Applicant for submission to the Board for consideration of the Applicant's request for test accommodations.

Following is the Board's policy for determining whether to grant test accommodations on the Virginia Bar Examination:

In deciding the merits of Petitions for Non-Standard Testing Accommodations, the Board relies upon the definition of disability contained in the Americans with Disabilities Act as amended by the ADA Amendment Act of 2008 (ADA/ADAAA), and 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. "Substantially" means "considerable" or "specified to a large degree." An applicant will be compared to the average person in the general population in determining whether a disability substantially limits a major life activity.

The negative effects of corrective and mitigating measures, such as side effects of medication or burdens associated with following a particular treatment regimen, may be considered when determining whether an applicant is "substantially limited" in a major life activity and, therefore, disabled. Corrective and mitigating measures may be measures undertaken with artificial aids, like medications and devices, and measures undertaken, whether consciously or not, by the body's own systems.

Merely having an impairment does not make an individual disabled for purposes of the ADAAA and does not automatically qualify an 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 Board is an individualized inquiry and will be made on a case-by-case basis.

Return the completed form to the Applicant for submission to the Board for consideration of the Applicant's request for test accommodations.

Is the Applicant's claimed disability within your field of expertise? ____ Yes ____ No

If yes, please describe the credentials which qualify you to diagnose and/or verify the Applicant's disability.

Please describe the training you have had in the area of making recommendations for specific time accommodations on licensing examinations such as the Virginia Bar Examination.

II. Diagnostic Information Concerning the Applicant

In order to be entitled to accommodations based on a learning disability, the individual must provide documentation, at his/her expense, establishing that: 1) he/she has a learning disability that substantially limits a major life activity, and 2) the learning disability results in functional limitations that require accommodations in order to take the examination on an equal basis with other applicants for the examination. The evaluation must:

- Have been administered within the last five (5) years and after the Applicant's eighteenth (18th) birthday.
- Document an information processing deficit.
- Certify that the Applicant's aptitude is within the average or above-average range.
- Identify a significant discrepancy in aptitude-achievement, as well as in processing measures; such discrepancies cannot be obtained from a single subtest.
- Document that the Applicant is substantially limited in a major life activity.

Date of last evaluation/assessment of the Applicant. _____

Provide a concise description of your diagnosis (please include the specific DSM-V diagnosis).

(If you need more space, continue on a separate page)

III. Formal Testing

An Applicant with specific learning disabilities must have been identified by an appropriate psychoeducational assessment process that is well documented in the form of a comprehensive diagnostic report. This report must include:

- An account of a thorough diagnostic interview that summarizes relevant components of the individual's developmental, medical, family, social and educational history.
- Clear, objective evidence of a substantial limitation to learning or performance provided through assessment in the areas of cognitive aptitude, achievement, and "information processing abilities" (results must be obtained on standardized test(s) appropriate to the general adult population and be reported in standard scores and percentiles).
- Interpretation of the diagnostic profile that integrates assessment data, background history, observations made during the evaluation process, as well as the inclusion or ruling out of possible coexisting conditions (such as previously diagnosed psychological issues, or English as a second language) affecting the individual's performance.
- A specific diagnostic statement. That statement should not include nonspecific terms such as "learning differences," "learning styles," or "academic problems."
- A rationale based on diagnostic information presented for each accommodation recommended (background history, test scores, documented observations, etc.).

A copy of the evaluation report, including all the above outlined information, must accompany this form. It should be kept in mind that when choosing a test battery, the technical aspects of each test must be considered. This includes the test's reliability, validity, and whether it is standardized with norms available for the general adult population. Again, the professional judgment of the evaluation is the key to a strongly documented diagnosis. The following lists of tests are provided as a guide to assessment instruments appropriate for the adult population. It is not intended to be all-inclusive and will vary with the needs of the individual being evaluated.

Aptitude/Cognitive Ability

- ___ Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV) (including IQ, Index, scaled scores and percentiles)
- ___ Woodcock-Johnson-Fourth Edition "Tests of Cognitive Abilities" (WJ-IV COG: subtests 1-7 minimum)

Achievement

- ___ Woodcock-Johnson-Fourth Edition "Tests of Achievement" (WJ-IV Basic Battery subtests 1-11 minimum)
- ___ Wechsler Individual Achievement Test-Third Edition (WIAT-III)
- ___ Test of Word Reading Efficiency-Second Edition (TOWRE-2) Test of oral reading efficiency only
- ___ The Wide Range Achievement Test-Third Edition (WRAT-3)

Please Note: The TOWRE-2 and WRAT-3 are not comprehensive measures of academic achievement and should not be used as the sole measures in this area.

Information Processing

- ☐ Wechsler Memory Scale-Fourth Edition (WMS-IV)
- ☐ Comprehensive Test of Phonological Processing-Second Edition (CTOPP-2)
- ☐ Test of Adolescent/Adult Wordfinding-Second Edition (TAWF-2)
- ☐ Information from subtest, index and/or cluster scores on the Wechsler Adult Intelligence Scale-Fourth Edition (WAIS-IV) (Working Memory; Perceptual Organization; Processing Speed) and/or the Woodcock-Johnson-Fourth Edition (WJ-IV) "Tests of Cognitive Abilities"; (processing clusters appropriate to document individual's areas of weakness) as well as other appropriate neuropsychological instruments that relate to areas of concern within the applicant's individual profile.

IV. Learning Disability

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

Describe how this determination was made.

2. Please include any informal measures, background history and clinical observations that aided you in determining that this individual has a learning disability.

3. Is the Applicant substantially limited in a major life activity? ☐ Yes ☐ No
If yes, identify the major life activity and describe the substantial limitation.

4. Is the Applicant significantly restricted as to the condition, manner, or duration under which he/she can perform the activity as compared to the general population? ____ Yes ____ No

Please explain why or why not.

5. Is there any objective evidence that the recommended testing accommodations have facilitated the Applicant's test performance in the past? ____ Yes ____ No

If yes, please explain.

6. Is there any medical or scientific study which provides data enabling you to determine, on an objective basis, the exact amount of additional testing time which will place the Applicant in a testing position akin to that enjoyed by a person who does not have this disability? ____ Yes ____ No

If yes, please attach a copy of the study to this form and describe how the study supports the accommodations you have recommended for the Applicant.

V. Complete Attachments

1. ACCOMMODATIONS REQUEST CHART; if applicable
2. ADDITIONAL TIME REQUEST CHART; if applicable

VI. Licensed Healthcare Professional's Certification

I have attached to this Form C copies of all records in my possession or control on which I have relied in answering the inquiries on this form. If there exists some ethical or professional reason that I cannot attach the required records to Form C for return to the Applicant, I hereby certify that I will mail the required records directly to the Virginia Board of Bar Examiners, 2201 West Broad Street, Suite 101, Richmond, VA 23220. **I understand that the Applicant's request for non-standard testing accommodations will not be processed without these records, causing him/her to make a choice to take the Virginia Bar Exam under standard testing conditions or to delay taking the Virginia Bar Exam until the Petition is complete.**

I understand that a representative or agent of the Virginia Board of Bar Examiners may contact me for clarification of my responses on this form.

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

Signature of Licensed Healthcare Professional

Date Signed

The Virginia Board of Bar Examiners may have all documentation related to this matter reviewed by the Board's expert(s) and may require additional documentation and/or testing.

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Accommodations Request Chart

Standard testing on the Virginia Bar Examination is two days. The first day is the Virginia Essay session administered in two 3-hour sessions. The second day is the Multistate Bar Examination (MBE), which is a standardized test, also administered in two 3-hour sessions. There is about a 1 to 1½ hour lunch break between sessions on each day of the exam. The Additional Time Request Chart details each session. The typical physical testing environment consists of a large room in which 150 – 900 applicants are seated in assigned seats, two per 6' table or three per 8' table. Applicants may leave the room to use the restroom or get a drink of water; however, no food or beverages will be permitted in the testing room.

Applicants applying for non-standard testing accommodations will be tested in a room with like-accommodated applicants. For private room requests, the applicant's healthcare provider must provide sufficient documentation.

Check Yes for all non-standard testing accommodations required for the applicant's disability and provide the specific rationale for each accommodation.

Check all that apply	Accommodations	Specific rationale for accommodation
____ YES	Additional testing time	To receive additional time, provide the amount of time per session on the Additional Time Request Chart .
____ YES	Large print testing materials ____ 18pt ____ 24pt	
____ YES	Braille version of exam	
____ YES	Use of magnifying glass or special visual aid/apparatus	
____ YES	Assistance bubbling the MBE scantron answer sheet (applicant will circle answers in their MBE booklet)	
____ YES	Use of sign language interpreter	
____ YES	Use of a reader	
____ YES	Transcriptionist/Court Reporter	
____ YES	Audible computerized version of the exam questions	
____ YES	Use of dictation or speech to text software for transcribing the exam answers	
____ YES	Private testing room	
____ YES	Wheelchair accessibility	
____ YES	Medication	
____ YES	Other requests not listed above _____	

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Additional Time Request Chart

Day 1 – Essay & Multiple Choice

Consists of 9 Essay questions and 10 Multiple Choice questions divided into Morning and Afternoon sessions. Standard sessions are 3 hours (180 minutes) each. Applicants can choose to either handwrite or type their answers. Applicants who choose to handwrite their answers are provided booklets containing sheets of lined paper. Applicants who choose to type their answers using their laptop must register, pay, and download the required software.

Morning Session – consisting of 5 Essay questions in various subject matters.

Additional Requested Time (Minutes)	_____	minutes
Standard Time (3 hrs = 180 minutes)	180	minutes
Total Time Requested for Essay Morning Session:	_____	minutes

Afternoon Session – consisting of 4 Essay questions and 10 Multiple Choice questions in various subject matters.

Additional Requested Time (Minutes)	_____	minutes
Standard Time (3 hrs = 180 minutes)	180	minutes
Total Time Requested for Essay Afternoon Session:	_____	minutes

Provide an explanation as to how the specific aspect(s) of the applicant's claimed disability affects their ability to take the essay portion of the Virginia Bar Exam under standard testing times and conditions.

Day 2 – Multistate Bar Exam

Consists of 200 multiple choice Multistate Bar Exam (MBE) questions, which must be answered by using a pencil and bubbling in circles on a computer-graded grid sheet.

Morning Session – consisting of 100 multiple choice questions.

Additional Requested Time (Minutes)	_____	minutes
Standard Time (3 hrs = 180 minutes)	180	minutes
Total Time Requested for MBE Morning Session:	_____	minutes

Afternoon Session – consisting of 100 multiple-choice questions.

Additional Requested Time (Minutes)	_____	minutes
Standard Time (3 hrs = 180 minutes)	180	minutes
Total Time Requested for MBE Afternoon Session:	_____	minutes

Provide an explanation as to how the specific aspect(s) of the applicant's claimed disability affects their ability to take the Multistate (MBE) portion of the Virginia Bar Exam under standard testing times and conditions.

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