

IN THE SUPREME COURT OF THE COMMONWEALTH OF THE NORTHERN MARIANA ISLANDS

IN RE MATTER OF NON STANDARD) GENERAL ORDER NO. 99-800
TESTING ACCOMMODATIONS.)
	ORDER

NOTICE IS HEREBY GIVEN that the Judiciary of Commonwealth of the Northern Mariana Islands with this order shall implement a policy regarding bar applicants with disabilities. It is the policy of the Commonwealth Judiciary 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 bar examination may file a request for non-standard 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 deemed necessary by the Supreme Court for admission to the practice of law in the Commonwealth.

SO ORDERED this 13 day of December, 1999.

MIGUEL S. DEMAPAN, Chief Justice

ALEXANDRO C. CASTRO, Associate Justice

EDWARD MANIBUSAN, Justice Pro tem

CNMI BAR EXAMINERS POLICY ON APPLICANTS WITH DISABILITIES

(Approved by the CNMI Supreme Court on 12/13/41)

I. POLICY

It is the policy of the Commonwealth Judiciary 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 bar examination may file a request for non-standard 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 deemed necessary by the Supreme Court for admission to the practice of law in the Commonwealth.

II. VOLUNTARY DISCLOSURES OF DISABILITY

Any applicant for the bar examination may voluntarily disclose to the Bar Administrator that the applicant has a disability as hereinafter defined. No applicant need disclose to the Bar Administrator that the applicant has a disability unless the applicant is requesting non-standard testing accommodations.

III. **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 sub limits one or more of the major

- C. "Mental impairment" shall mean any mental or psychological disorder, such as mental retardation, organic brain syndrome, mental illness, and specific learning disabilities.
- D. "Non-standard or reasonable testing accommodations" 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 Supreme Court's ability to determine through the bar examination whether the applicant possesses the essential skills and aptitudes deemed necessary by the Supreme Court for admission to the practice of law in the Commonwealth.
 - 2. imposing an undue burden to the Bar Administrator;
 - 3. compromising the security of the examination;
 - 4. compromising the integrity, the reliability, or the validity of the examination.

IV. REQUEST FOR NON-STANDARD TESTING ACCOMMODATIONS

- A. A request for non-standard testing accommodations shall be on forms prescribed by the Supreme Court and shall consist of all of the following:
 - 1. a statement of the applicant, including a description of the applicant's disability and the non-standard accommodations requested;
 - 2. a certificate of the applicant's medical or psychological authority. The cost of obtaining professional certification including the certificate from medical and/or psychological authority shall be borne by the applicant;
 - 3. a certificate from any educational institution, employer, or other testing organization that provided non-standard accommodations to the applicant while the applicant attended the educational institution or was employed by the employer, or took other examinations;
 - 4. an authorization for release of records from the applicant's medical and/or psychological authorities for the purpose of determining whether the applicant has a disability as defined herein and whether non-standard or

reasonable accommodation is appropriate.

- B. The applicant may file any additional documentation in support of the request.
- C. A request for non-standard testing accommodations for an examination shall be filed as part of the applicant's application by the deadline.
- D All forms necessary to complete a request for non-standard testing accommodations shall be available from the Supreme Court Bar Administrator.
 - 1. The Supreme Court shall consider emergency requests on a case-by-case basis using the guidelines set forth in this policy.
 - 2. Decisions on an emergency request shall be made as soon as practicable and shall be communicated in writing to the applicant as soon as practicable. The Supreme Court may deny an emergency request if there is insufficient time to provide appropriate accommodations without prejudice to the request for non-standard accommodations.

V. DECISIONS ON REQUEST FOR NON-STANDARD ACCOMMODATIONS

- A. Procedures for Review of Requests
 - 1. The Supreme Court in consultation with the Bar Administrator; shall review all requests for non-standard testing accommodations filed in accordance with this policy. Incomplete requests or requests that otherwise do not comply with the requirements of this policy may be rejected for consideration. The Supreme Court may request an applicant to submit additional information in support of the applicant's request. The Supreme Court may seek the assistance of a medical, psychological, or other authority designated by the Supreme Court in reviewing a request.

The Supreme Court may request the applicant to undergo an independent medical and/or psychological examination at the Supreme Court's expense.

- 2. The Supreme Court's decision on a request shall be in writing and sent to the applicant by certified mail to the address provided by the applicant on the request.
- 3. An applicant may request a hearing on the Supreme Court's denial.

 Hearings may be conducted by telephone conference call at the request of

the applicant or the Bar Administrator.

B. Standards for Decision on the Merits

- 1. The Supreme Court shall grant a request and provide non-standard 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 non-standard testing accommodations are necessary to ameliorate the impact of the applicant's disability;
 - c. the non-standard testing accommodations are reasonable accommodations.
- 2. The Supreme Court shall determine what non-standard testing accommodations are reasonable. The Supreme Court may provide accommodations different from those requested by the applicant if the Supreme Court determines that the accommodations provided will effectively ameliorate the impact of the applicant's disability. If an applicant is permitted to dictate answers for the essay portion of the examination, those answers shall be transcribed by personnel selected solely by the Supreme Court for that purpose and the cost of the transcription shall be borne by the Supreme Court.

VI. CONFIDENTIALITY

All requests for non-standard testing accommodations, supporting documentation, and information developed by the Supreme Court with respect to the requests shall remain confidential.