

ACUPUNCTURE BOARD

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**POLICIES AND PROCEDURES FOR EXAM CANDIDATES REQUESTING
ACCOMMODATIONS FOR DISABILITIES
ADOPTED BY THE BOARD MARCH 1, 2002**

I. Statement of Policy

The California Acupuncture Board recognizes its responsibilities under Title II of the Americans with Disabilities Act to provide appropriate and effective accommodations, including auxiliary aids, to qualified exam candidates with disabilities. However, the Board will not fundamentally alter the measurement of the skills or knowledge the examination is intended to test, nor create an unreasonable risk to the security and integrity of the examination process.

All exam facilities will be physically accessible to disabled candidates.

A disability, with respect to an individual, is defined as: (1) a physical or mental impairment that limits one or more of the major life activities of such individual; (2) a record of such an impairment; or (3) being regarded as having such an impairment. Major life activities include: walking, speaking, seeing, hearing, breathing, learning, working, caring for one's self, etc. Mental impairment includes any mental or psychological disorder such as organic brain syndrome, emotional or mental illness and specific learning disabilities.

A candidate seeking an accommodation is responsible for making the request and providing documentation of the need by the application deadline established for all applicants. This information will be kept confidential to the extent provided by law. The Board will evaluate each request individually, in accordance with the guidelines set forth herein, to provide an appropriate and effective accommodation. All requests to the Board for accommodations must be submitted on the prescribed forms.

All application packages will contain:

- (a) Policies and Procedures for Exam Candidates Requesting Accommodations for Disabilities;
- (b) Accommodation of Disabilities request form. (Attachment A);
- (c) Professional Evaluation and Documentation of the Disability for a professional to recommend appropriate accommodation (Attachment B);
- (d) List of the Most Commonly Used Reliable Standardized Psychometric Tests (Attachment C).

II. The California Acupuncture Licensing Examination

An applicant for licensure is required to pass a 200 question exam over a five (5) hour period. Water is provided in the testing rooms. Unlimited restroom use is available to candidates once the exam has begun.

III. Documenting the Need for an Accommodation

A. Conditions Applicable to all Candidates Requesting Accommodation

To protect the integrity of the testing process, the Board requires documentation of the existence of a disability and how the requested accommodation is necessary to provide the candidate with an equal opportunity to exhibit his/her knowledge, skills and ability through the examination.

The Board will review the history of accommodation in relation to the currently identified impact of the disability.

Candidates requesting an accommodation must provide all the information listed in Attachment B (to be completed by the professional certifying to the disability). For subsequent examinations the candidate may submit a statement, signed under penalty of perjury, indicating the disability condition has not changed to the extent it would modify the accommodation previously provided.

An evaluation and documentation supporting a disability shall be valid for three years from the date submitted to the Board; except that no further documentation will be required where the evaluation clearly states the disability will not change in the future.

B. Additional Conditions Applicable to Learning Disabled Candidates

A learning disability is defined as individual evidence of significant learning difficulties which substantially affect or limit one or more major life activities, and which are not primarily due to cultural, emotional, or motivational factors. The term does not include learning problems which are primarily the result of visual, hearing, or motor disabilities, mental retardation, emotional disturbance, or of environmental, cultural, or economic disadvantage. (Note that while some of these factors may be involved in other types of disabilities, such factors are excluded from the determination of a learning disability.)

The individual must demonstrate: a) at least average overall intellectual functioning as measured by general cognitive ability tests (see attachments); and b) show evidence of a significant impairment in one or more of the following areas of intellectual functioning and information processing:

- Attention and concentration.
- Efficiency and speed of information processing.
- Reception (perception and verbal comprehension).
- Memory (ability for new learning).
- Cognition (thinking).
- Expression.

Significant impairment is generally determined by a discrepancy of 1.5 standard deviations, or more, between the individual's intellectual functioning, as measured by general cognitive ability tests (see attachments), and actual performance on reliable standardized measures of attention and concentration, memory, language reception and expression, cognition, as well as academic areas of reading, spelling, writing and mathematics. Further, determination of the learning disability shall be based on reliable standardized psychometric tests of achievement and ability and a complete clinical history including medical, family, developmental, educational and occupational information. Attachment C specifies the acceptable standardized

psychometric tests for specific types of learning disabilities.

A measurement instrument which is not on this list will be considered if it is published in the Bureau of Mental Measurement Yearbook and is being used for its intended purpose.

C. Information Required to Evaluate Disabilities

A candidate who requests an accommodation and/or auxiliary aid must provide the Board with the necessary information to evaluate the request. The Board will evaluate each request on a case-by-case basis. The following information is required to support requests for an accommodation and/or auxiliary aid:

1. Identification of the type of disability (physical, mental, learning).
2. Credential requirements of the evaluator.
 - a) For physical or mental disabilities (not including learning), the evaluator must be a licensed physician or psychologist with special expertise in the area of the disability. If someone else who does not fit this criterion completes the evaluation, the Board may require another evaluation by a professional of their choosing, and the request may be delayed.
 - b) In the case of learning disabilities, a qualified evaluator must have sufficient experience to be considered qualified to evaluate the existence of and proposed accommodations needed for specific learning disabilities.

The evaluator must be one of the following:

A licensed psychologist or physician who possesses a minimum of three years experience working with adults with learning disabilities, and who has training in all of the areas described below;

or

another professional who possesses a master's or doctorate degree in special education or educational psychology from a regionally accredited institution, and who has at least three years of equivalent training and experience in all of the areas described below:

- Assessing intellectual ability level and interpreting tests of such ability.
- Screening for cultural, emotional and motivational factors.
- Assessing achievement level.
- Administering tests to measure attention and concentration, memory, language reception and expression, cognition, reading, spelling, writing and mathematics.

3. Professional verification of the disability, which must include:

- (a) The nature and extent of the disability.
- (b) The test(s) performed to diagnose the disability (if applicable).
- (c) The effect of the disability on the candidate's ability to perform under standard testing conditions.
- (d) The recommended accommodation and how it relates to the candidate's disability, given the format of the examination.
- (e) The professional's name, title, telephone number, professional license or certification number, educational credential, and his or her original signature.
- (f) A description of the professional's educational experience which qualifies him or her to make the determination.

D. Evaluation of the Accommodation Request

The Board has the responsibility to evaluate the accommodation request, and to approve, deny, or suggest alternative reasonable accommodations. The Board will consider the candidate's history of accommodation in determining its reasonableness in relation to the currently identified impact of the disability.

The candidate is responsible for having the evaluator submit to the Board the documentation specified in Attachment B. This information should describe, in detail, how the disability affects the candidate's ability to demonstrate his or her aptitude and achievement in the examination format(s). The candidate is responsible for any costs involved in providing this information. The Board will review and evaluate each request within thirty (30) days of the final filing deadline date. The Board will verify the request is completed correctly and appropriate verification is provided.

In keeping with its consumer protection mandate, the Board reserves the right to request further evidence on the necessity of the accommodation. Based on its judgment, it may request that the candidate submit to another professional examination to verify the disability and/or to determine what accommodations are most appropriate and effective.

The Board recognizes its responsibility to accommodate the identified needs of qualified individuals with disabilities by making reasonable modifications or providing auxiliary aids or services. This does not mean that all requests for accommodation, auxiliary aids or services will be granted, or that the candidate will receive the particular accommodations or services sought. The Board is not required to grant the request if doing so would fundamentally alter the measurement of the skills or knowledge the examination is intended to test, create an unreasonable risk to the security and integrity of the examination process, or would create an undue financial or administrative burden.