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May 7, 2015

*Sent via USPS and emailed  
to [sharp@aclu-ky.or](mailto:sharp@aclu-ky.or).*

William E. Sharp  
Legal Director  
ACLU of Kentucky  
315 Guthrie Street, Ste 300  
Louisville, KY 40202

RE: Nonstandard Test Accommodations

Dear Mr. Sharp:

On April 27<sup>th</sup>, 2015, we received your letter from the American Civil Liberties Union on Ms. Jacquelyn Bryant-Hayes' behalf. The letter, dated April 24<sup>th</sup>, 2015, was a response to the denial of accommodations letter that Ms. Bryant-Hayes had received earlier in the month. Your letter included substantially more supporting documentation than the original request and Ms. Bryant-Hayes' accommodations file was promptly referred to the Board of Bar Examiners for review and reconsideration, pursuant Part V of the Policy on Non Standard Test Accommodations. After the Board reviewed the file, they determined that Ms. Bryant-Hayes should be allowed a 20 minute break per test session during the July 2015 KY Bar Exam, in accordance with the physician's recommendation.

Therefore, in consideration of her expected need to express breast milk during the July 2015 bar exam, the following accommodations have been approved:

1. Up to a 20 minute off the clock break per testing session (one break during the morning session and one break during the afternoon session on both Tuesday and Wednesday).
2. Separate testing area (small group testing room with other applicants).
3. Private room for pumping needs.

Ms. Bryant-Hayes' test schedule will be as follows:

**Tuesday, July 28<sup>th</sup>**

7:30 a.m.	Registration begins in Goldenrod
7:45 a.m.	Instructions begin
8:00 a.m.	Kentucky Essay begins
11:00 a.m.	Kentucky Essay ends

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(Up to 20 additional minutes will be allotted should she need to express breast milk during the morning session.)

11:00 a.m. – 12 p.m. Lunch

12:15 p.m. Instructions begin  
12:30 p.m. MEE begins  
3:30 p.m. MEE ends

(Up to 20 additional minutes will be allotted should she need to express breast milk during the afternoon session.)

**Wednesday, July 29<sup>th</sup>**

7:30 a.m. Registration begins in Goldenrod  
7:45 a.m. Instructions begin  
8:00 a.m. Morning session of MBE begins  
11:00 a.m. Morning session of MBE ends

(Up to 20 additional minutes will be allotted should she need to express breast milk during the morning session.)

11:00 a.m. – 12 p.m. Lunch

12:15 p.m. Instructions begin  
12:30 p.m. Afternoon session of MBE begins  
3:30 p.m. Afternoon session of MBE ends

(Up to 20 additional minutes will be allotted should she need to express breast milk during the afternoon session.)

***NOTE:*** *In the event Ms. Bryant-Hayes completes the examination prior to the time listed above, her schedule will be adjusted accordingly.*

If these accommodations are unacceptable to Ms. Bryant-Hayes, as stated in the Policy on Applicants with Disabilities, Section V, Appeal Process, she has ten (10) days from the date of this letter in which to submit a written appeal to the board directed to my attention. If an appeal is not filed within ten (10) days, Ms. Bryant-Hayes will be deemed to have accepted the accommodations as a reasonable accommodation and the Board's decision will be final.

Ms. Bryant-Hayes is hereby on notice that the content of the bar examination is **confidential** and during her testing she may not discuss it with anyone other than members of the Board of Bar Examiners and/or its staff. Any violation of this policy shall be considered as cheating and will be referred to the Character and Fitness Committee for further determination as to her eligibility for admission to the bar.

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The applicant's performance on the bar examination is the sole responsibility of the applicant. Further, the Board is not responsible for the malfunction of any equipment approved for use during the bar examination.

As stated in the Policy on Applicants with Disabilities, section IV, paragraph 4. Determinations made by the Committee on Accommodations with respect to an accommodation request are independent of any determination made by the Character & Fitness Committee pursuant to SCR 2.040 relating to an applicant's moral character or fitness eligibility.

If you have any questions about the above arrangements, please call me immediately at (859) 246-2381 extension 224.

Sincerely,

A handwritten signature in cursive script, reading "Kristen E. Northcutt". The signature is written in dark ink and is positioned above the printed name and title.

Kristen E. Northcutt  
Deputy Director