DOJ Issues Technical Assistance Regarding the ADA and Testing Accommodations

The Civil Rights Section of the Department of Justice has just issued a document providing technical assistance regarding the Americans with Disabilities Act and testing accommodations. <http://www.ada.gov/regs2014/testing_accommodations.html>

The publication provides technical assistance on testing accommodations for individuals with disabilities who take standardized exams and other high-stakes tests. It addresses:

1. The obligations of testing entities, including private, state, or local government entities that offer exams related to applications, licensing, certification, or credentialing for secondary (high school), postsecondary (college and graduate school), professional (law, medicine, etc.), or trade (cosmetology, electrician, etc.) purposes;
2. Who is entitled to testing accommodations;
3. What types of testing accommodations must be provided, and
4. What documentation may be required of the person requesting testing accommodations are also discussed.

What tests are covered by the ADA?

Examinations administered by any private, state, or local government entity related to applications, licensing, certification, or credentialing for secondary or postsecondary education, professional, or trade purposes are covered by the ADA.

"Examples of covered exams include:

High school equivalency exams (such as the GED);

High school entrance exams (such as the SSAT or ISEE);

College entrance exams (such as the SAT or ACT);

Exams for admission to professional schools (such as the LSAT or MCAT);

Admissions exams for graduate schools (such as the GRE or GMAT); and

Licensing exams for trade purposes (such as cosmetology) or professional purposes (such as bar exams or medical licensing exams, including clinical assessments)."

The Department of Justice defines testing accommodations as:

"changes to the regular testing environment and auxiliary aids and services that allow individuals with disabilities to demonstrate their true aptitude or achievement level on standardized exams or other high-stakes tests."

Examples of testing accommodations that may be required include:

Braille or large-print exam booklets;

Screen reading technology;

Scribes to transfer answers to Scantron bubble sheets or record dictated notes and essays;

Extended time;

Wheelchair-accessible testing stations;

Distraction-free rooms;

Physical prompts (such as for individuals with hearing impairments); and

Permission to bring and take medications during the exam (for example, for individuals with diabetes who must monitor their blood sugar and administer insulin).

The publication notes that documentation required of the person with a disability by the testing entity must be reasonable and limited to the need for the testing accommodations. The following are examples of types of documentation:

"Recommendations of qualified professionals;

Proof of past testing accommodations;

Observations by educators;

Results of psycho-educational or other professional evaluations;

An applicant’s history of diagnosis; and

An applicant’s statement of his or her history regarding testing accommodations."

The Technical Assistance document concludes by clarifying that a testing entity must respond to requests for testing accommodations in a timely manner to ensure equal opportunity for individuals with disabilities. Additionally, the testing entity must report the test scores of persons receiving accommodations the same as it reports the scores of individuals generally. Finally, testing entities must not decline to report the scores for test takers receiving accommodations.

This Department of Justice has provided very helpful technical assistance to individuals with disabilities who need testing accommodations and those entities that provide the testing.