



New ADA Technical Assistance for Associations With Testing and Certification Programs

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On September 8, 2015, the Department of Justice (DOJ) published technical assistance guidelines to assist associations and other entities that have examination or testing programs relating to certification, licensing, trade, education or employment related purposes. These guidelines are available at www.ada.gov.

Testing entities must make reasonable accommodations to meet the needs of individuals with disabilities. Such accommodations include providing Braille or large print exams, permitting scribes to transfer information, extending exam time, providing wheelchair accessible testing stations, providing distraction free test rooms and giving permission for test takers to bring meds into the test room and take meds as needed.

Testing entities should include a provision in testing applications asking if the applicant needs special accommodations. Any person with a disability is entitled to a reasonable accommodation. The nature of the accommodation will vary from individual to individual.

The testing entity must ensure that the test score of the person with a disability accurately reflects that individual's aptitude or achievement level on whatever skill sets the exam is designed to measure.

The applicant should provide the testing entity with reasonable documentation to support the requested accommodation. Examples include a recommendation from a qualified professional, proof of past accommodations, observations by educators, and the applicant's history of diagnosis.

Testing entities should defer to the opinion of a qualified professional. If the applicant provides an opinion from a qualified professional, the testing entity cannot set up unreasonable additional requirements such as "we need two opinions."

When an association receives a request for an accommodation, the association must react promptly. The association can't respond that it will take the matter under advisement and get back to the applicant in 6 months. Failure to make a reasonable response in a timely manner is an ADA violation.

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