

Clarifying Testing and Documentation for College Disability Services

In the past few years, new guidelines have come out that have led to some understandable confusion concerning the documentation many colleges expect students to submit when they register for disability accommodations at college. It is easy to see why the information has caused some misunderstandings.

AHEAD's Documentation Guidelines

One source of potential confusion stems from professional guidelines that have been misinterpreted by some to represent actual law. Professionals and parents may have heard of the Association on Higher Education and Disabilities (AHEAD), which is a professional association to which many college disability services professionals belong. In 2012, AHEAD issued what it called "Guidance on Documentation Practices," which suggested that colleges give more weight to certain kinds of disability information (such as student self-report) as primary and secondary sources of disability documentation.

(<https://www.ahead.org/learn/resources/documentation-guidance>).

What is important to understand about this is that AHEAD is a professional organization, not a rule-making body, and that the "guidance" the organization has provided was intended to be helpful but does not obligate colleges that belong to the group to follow that guidance. Some schools have adjusted their guidelines to align with AHEAD's suggestions, but others have not.

Department of Justice Revised Regulations

Another recent development that has led to misunderstandings is the Department of Justice's (DOJ's) 2015 publication of revised regulations concerning determining accommodations on high stakes and licensing tests (http://www.ada.gov/regs2014/testing_accommodations.html). This may have stemmed in part from the DOJ's consent decree with the LSAC, which covered many aspects of the board's handling of students with disabilities (<https://www.justice.gov/opa/pr/law-school-admission-council-agrees-systemic-reforms-and-773-million-payment-settle-justice>). One of the issues the document addresses is what the Department of Justice views as "excessive and burdensome documentation demands."

The important thing to note here is that this document does not address testing accommodations administered in college classes. Instead, it very specifically notes (under the heading "What Kinds of Tests Are Covered?") that the statement covers "exams 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” (*the original text does not appear in bold in the document but does here for emphasis*).

The examples provided in this section include the SAT, LSAT, and exams required to work in a field like cosmetology. The statement addresses tests used in college applications and particularly mentions the SAT and ACT, but those are not administered by or at colleges, and it does not imply that once students get into college, colleges have to follow the same regulations.

It also refers to “licensing, certification, or credentialing.” Exams of this type are created and administered by professional boards (such as the National Board for Certification in Occupational Therapy); it is these boards that review students’ requests for accommodation and approve them, and these boards and their exams are subject to these regulations that the Department of Justice clarified in 2015.

The main point to take away is that the exams addressed in this document are those that students take before they get into college (e.g., the ACT) or after they complete their college education (e.g., the occupational therapy certification exam or law school entrance exam). As of this moment, the statement does not address the documentation requirements of colleges themselves, though perhaps this will change in the future.

Re-testing Under IDEA

For a long time, the Individuals with Disabilities Education Act (IDEA) required schools to re-test students who had been found eligible for special education every three years. However, that changed in 2004 with the reauthorization of the law. The newer regulations state:

If the IEP Team and other qualified professionals, as appropriate, determine that no additional data are needed **to determine whether the child continues to be a child with a disability, and to determine the child’s educational needs**, the public agency must notify the child’s parents of—

- (i) That determination and the reasons for the determination; and
- (ii) The right of the parents to request an assessment to determine whether the child continues to be a child with a disability, and to determine the child’s educational needs (§ 300.305 (d)(1)). [*Once again, bold type does not appear in the law but is used here for emphasis.*]

Notice that it specifically says that testing may not be necessary to do testing in order to determine that a child still has a disability and to determine the child’s needs. It does not address students’ potential need for updated testing in order to apply for accommodations on high stakes exams or at college (this is not the law’s purpose).

As a result, some districts may tell parents new testing is not needed for the specific purposes laid out in the law, causing some parents not to request newer testing and leave students without current documentation that meets some colleges' requirements.

What Documentation Do Colleges Require?

There is no one answer to this question. Requirements truly vary from school to school. As of this moment, the Office for Civil Rights has not laid out regulations for college documentation, though this may change in the future. Requirements for learning disabilities documentation tends to demand the most (see http://www.ldadvisory.com/reading_docs_hs/ for what is commonly required). The best way to see what documentation certain colleges require students to submit is to check the website of their disability services office. For some hints on how to navigate to these pages and to see what some typical requirements are, see <http://www.ldadvisory.com/find-docs-check-hs/>.

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