



June 2022

# HIGHER EDUCATION

## Testing Companies Most Commonly Granted Extra Time to Accommodate Individuals with Disabilities

# GAO Highlights

Highlights of [GAO-22-104430](#), a report to congressional requesters

## Why GAO Did This Study

Each year, millions of individuals take standardized tests—like the SAT or GRE—with the goal of pursuing higher education. Under the ADA, testing companies must provide accommodations to individuals with disabilities. Justice is responsible for enforcing ADA requirements related to testing accommodations.

GAO was asked to review accommodations on higher education tests. This report examines (1) the types of accommodations testing companies grant and how they make those decisions, (2) challenges associated with testing accommodations, and (3) how Justice has enforced compliance with ADA requirements related to testing accommodations.

GAO obtained and reviewed accommodation data from the six testing companies that administer the ACT, AP Exams, GMAT, GRE, LSAT, MCAT, PSAT, and SAT. These tests are commonly associated with admission into higher education programs. The data are from 2019 through 2020, the most recent available. GAO also reviewed relevant federal laws and regulations and Justice’s data on closed reports and investigations of potential ADA violations pertaining to the selected tests from 2017 through 2020, the most recent data available. GAO interviewed officials from the six testing companies, six disability advocacy organizations selected to reflect a range of perspectives, and from Justice.

View [GAO-22-104430](#). For more information, contact Melissa Emrey Arras at (617) 788-0534 or [emreyarrasm@gao.gov](mailto:emreyarrasm@gao.gov).

June 2022

## HIGHER EDUCATION

# Testing Companies Most Commonly Granted Extra Time to Accommodate Individuals with Disabilities

## What GAO Found

Companies that administer standardized higher education tests grant a variety of accommodations to help ensure their tests are accessible to individuals with disabilities. The most common accommodations granted in 2019-2020 were for individuals who needed extra time or adjustments to the testing environment, according to the most recent data from the six testing companies GAO reviewed (see figure). In determining eligibility for accommodations, officials from those testing companies reported considering factors such as how a disability affects an individual’s ability to test under standard conditions and any prior use of accommodations. Officials also said they consider whether a request is appropriate for a particular test (e.g., whether granting it could affect test validity).

**Most Common Accommodations Granted on the ACT, AP Exams, GMAT, GRE, LSAT, MCAT, PSAT, and SAT, 2019-2020**

Accommodation type	Percent	Examples
Extra time	55	25%, 50%, or 100% extended time
Adjustments to the testing environment	22	Preferential seating; separate room
Other	8	Adaptive equipment; access to food or medication
Auditory or visual assistance	6	Magnifier; screen reading software; scribe
Alternate test format	6	Braille; large-print; recorded audio
Breaks	4	As needed, extended, or extra breaks

Source: GAO analysis of testing company data. | GAO-22-104430

Note: Tests include the ACT, Advanced Placement (AP) Exams, Graduate Management Admission Test (GMAT), GRE General Test (GRE), Law School Admission Test (LSAT), Medical College Admission Test (MCAT), Preliminary SAT (PSAT) assessments for tenth and eleventh graders, and SAT. Numbers do not add to 100 due to rounding.

Individuals with disabilities and testing companies faced several challenges related to testing accommodations. For example, some individuals had difficulty providing adequate documentation to justify their accommodations, according to representatives from six disability advocacy organizations. Officials from five of the six testing companies described challenges in reviewing and granting accommodation requests. For example, officials from three testing companies said requests that do not sufficiently describe an individual’s disability and its impact are difficult to evaluate. In addition, officials from two companies said it can be challenging to provide appropriate accommodation access while also protecting test integrity.

The Department of Justice enforces requirements under the Americans with Disabilities Act of 1990, as amended, (ADA) related to testing accommodations. Justice has investigated or referred reports of potential violations, intervened in private litigation, and clarified requirements to promote compliance. From 2017 through 2020, Justice reported receiving and closing more than 90,000 reports of potential ADA violations, of which fewer than 100 pertained to the selected tests in GAO’s review. To manage resources, Justice officials said they prioritize reports that could have a broad impact for investigation or referral to U.S. Attorney’s Offices. Justice officials also said the agency can intervene in private lawsuits to address systemic problems with testing accommodations. In 2015, Justice issued a technical assistance document to clarify ADA requirements for testing accommodations.

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## Abbreviations

ADA	Americans with Disabilities Act of 1990
ADHD	attention deficit hyperactivity disorder
AP Exams	Advanced Placement Exams
GMAT	Graduate Management Admission Test
GRE	GRE General Test
IEP	Individualized Education Program
Justice	Department of Justice
LSAT	Law School Admission Test
MCAT	Medical College Admission Test
Section 504 of the Rehabilitation Act	Section 504 of the Rehabilitation Act of 1973

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June 6, 2022

The Honorable Robert P. Casey, Jr.  
Chairman  
The Honorable Bill Cassidy  
Ranking Member  
Subcommittee on Children and Families  
Committee on Health, Education, Labor and Pensions  
United States Senate

The Honorable Margaret Wood Hassan  
United States Senate

The Honorable Tim Kaine  
United States Senate

The Honorable Mark DeSaulnier  
House of Representatives

The Honorable Cathy McMorris Rodgers  
House of Representatives

Each year millions of individuals take standardized tests with the goal of enrolling in undergraduate, graduate, or professional school. These tests are designed to measure knowledge in a specific area or predict future academic success. Standardized tests are generally administered under uniform conditions and time limits to ensure test scores are comparable across individuals. However, such standardization may make it challenging for some individuals with disabilities to accurately demonstrate their knowledge or potential. Companies that administer standardized tests (testing companies) are required to provide accommodations, such as extra time or extra breaks, to individuals with disabilities under the Americans with Disabilities Act of 1990, as amended, (ADA) which protects individuals with disabilities from discrimination in certain settings.<sup>1</sup> To ensure compliance, the Department of Justice is responsible for enforcing the ADA's requirements related to testing accommodations.

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<sup>1</sup>Pub. L. No. 101-336, 104 Stat. 327 (codified as amended at 42 U.S.C. §§ 12101-12213).

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Given the role that standardized tests play in accessing higher education and how accommodations can make those tests accessible for individuals with disabilities, you asked us to examine various issues related to testing accommodations. This report describes (1) the types of accommodations testing companies grant and how they make those decisions; (2) the challenges associated with testing accommodations for individuals and testing companies; and (3) how Justice has enforced compliance with ADA requirements related to testing accommodations.

In conducting this work, we focused on eight tests offered by six companies that are associated with undergraduate, graduate, and professional education. At the undergraduate level, we selected the most common admissions tests, the ACT and SAT, as well as Advanced Placement (AP) Exams and Preliminary SAT (PSAT) assessments generally taken by tenth and eleventh graders. We selected these based on their roles in the college admissions process and in determining merit scholarships.<sup>2</sup> At the graduate and professional level, we selected four admissions tests used in the fields of study with the largest number of graduates. They are the Graduate Management Admission Test (GMAT), GRE General Test (GRE), Law School Admission Test (LSAT), and Medical College Admission Test (MCAT).<sup>3</sup>

To determine the types of accommodations testing companies grant, we collected and reviewed data from the six testing companies for calendar years 2019 and 2020, the most recent years for which data were available. The data included the number of accommodations requested and granted by accommodation and disability type. We assessed the reliability of these data by asking the testing companies whether they had routine quality control procedures in place, among other things. We also reviewed the accommodation data for consistency and completeness. Based on these efforts, we believe the data that testing companies provided are sufficiently reliable for the purposes of our reporting objectives. To understand how testing companies made accommodation

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<sup>2</sup>The PSAT assessments generally taken by tenth and eleventh graders are the PSAT/National Merit Scholarship Qualifying Test and PSAT 10.

<sup>3</sup>The six testing companies are the ACT, Association of American Medical Colleges, College Board, Educational Testing Service, Graduate Management Admission Council, and Law School Admission Council.

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decisions for selected tests, we reviewed policies and procedures on their websites and interviewed officials from each company.<sup>4</sup>

To identify challenges related to testing accommodations, we interviewed representatives from six disability advocacy organizations that were selected to reflect a range of perspectives on the experience of individuals with disabilities.<sup>5</sup> We also asked officials at the six testing companies about their challenges related to reviewing accommodation requests.

To examine how Justice has enforced compliance with ADA requirements related to testing accommodations, we reviewed pertinent federal laws and regulations and interviewed agency officials. We also obtained data from Justice on closed reports and investigations of potential ADA violations that pertain to the eight tests and six associated testing companies included in our review for calendar years 2017 through 2020, the most recent data available. We assessed the reliability of these data by reviewing documentation about Justice's data systems and by soliciting information from knowledgeable agency officials about the process used to identify reports and investigations in their data systems. We found the data to be sufficiently reliable for the purposes of describing the total number of closed reports and investigations. A more detailed explanation of our objectives, scope, and methodology can be found in appendix I.

We conducted this performance audit from July of 2020 to June of 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that

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<sup>4</sup>We did not evaluate whether these testing companies were in compliance with the relevant laws or regulations. Accordingly, statements in this report that describe the policies and procedures used by testing companies to review and respond to requests for accommodations should not be read as indicating that testing companies are either in or out of compliance with applicable federal laws or regulations.

<sup>5</sup>The six disability advocacy organizations are the Association on Higher Education and Disability, Council of Parent Attorneys and Advocates, Disability Rights Legal Center, Learning Disabilities Association of America, National Federation of the Blind, and Yale Center for Dyslexia & Creativity.

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the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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## Background

The ADA prohibits public and private entities, including testing companies, from discriminating against individuals with disabilities in certain areas.<sup>6</sup> Justice is responsible for issuing regulations and enforcing compliance with ADA requirements related to testing accommodations. Within Justice, the Disability Rights Section of the Civil Rights Division manages this responsibility. In certain circumstances, testing companies may also be required to comply with Section 504 of the Rehabilitation Act of 1973, as amended (Section 504 of the Rehabilitation Act).<sup>7</sup> Specifically, Section 504 of the Rehabilitation Act prohibits entities that receive federal financial assistance from discriminating against individuals with disabilities.<sup>8</sup> The Departments of Education and Health and Human Services are responsible for enforcing compliance with Section 504 of the Rehabilitation Act by any testing companies that receive federal financial assistance from them.

To be eligible for accommodations, an individual generally must meet the definition of disability under the applicable law. The ADA defines individuals with disabilities as those who have a physical or mental impairment that “substantially limits” one or more major life activities, have a record of such impairment, or are regarded as having such an impairment.<sup>9</sup> In 2008, Congress enacted the ADA Amendments Act to clarify the definition of a disability after several Supreme Court decisions narrowed the definition. The ADA Amendments Act includes a non-exhaustive list of the major life activities that are covered by the ADA, including activities such as reading, thinking, and concentrating.<sup>10</sup> Examples of disabilities that may affect such activities include

- attention deficit hyperactivity disorder (ADHD),

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<sup>6</sup>42 U.S.C. § 12101-12213.

<sup>7</sup>29 U.S.C. § 794.

<sup>8</sup>Education’s regulations under Section 504 of the Rehabilitation Act are codified at 34 C.F.R. part 104, and Health and Human Services’ regulations under Section 504 of the Rehabilitation Act are codified at 45 C.F.R. part 84.

<sup>9</sup>42 U.S.C. § 12102(1).

<sup>10</sup>Pub. L. No. 110-325, 122 Stat. 3553 (2008).



- autism spectrum disorder,
- hearing or visual impairments,
- learning disabilities (e.g., dyslexia),
- medical disabilities (e.g., diabetes, cerebral palsy), and
- psychiatric disabilities (e.g., anxiety, depression).

Under Section 309 of the ADA, and related regulations, testing companies are required to offer tests in a place and manner accessible to individuals with disabilities or offer alternative accessible arrangements.<sup>11</sup> Among other things, a testing company generally must administer its test so that it accurately reflects an individual’s aptitude, achievement level, or the skill that the exam purports to measure, rather than the individual’s impairment.<sup>12</sup> To make tests accessible, testing companies may provide individuals with disabilities accommodations that modify the standard testing environment or provide auxiliary aids or services. The number and type of accommodations needed may vary based on an individual’s disability, nature of the impairment, and prior experience with accommodations (see table 1).

**Table 1: Examples of Testing Accommodations That Individuals with Disabilities May Use**

Accommodation	Potential uses of accommodations
Breaks	<ul style="list-style-type: none"> <li>• Individuals with attention deficit hyperactivity disorder (ADHD) may use additional breaks to increase their focus.</li> <li>• Individuals with medical disabilities, such as diabetes, may use additional breaks to take medication, test blood sugar, or use the restroom.</li> </ul>
Adjustments to the test environment	<ul style="list-style-type: none"> <li>• Individuals with mobility impairments may need wheelchair access.</li> <li>• Individuals with autism spectrum disorder may use preferential seating to help reduce distractions.</li> </ul>

<sup>11</sup>42 U.S.C. § 12189 and 28 C.F.R. § 36.309. Section 309 of the ADA states that companies which “offer examinations or courses related to applications, licensing, certification, or credentialing for secondary or post-secondary education, professional, or trade purposes” must offer them “in a place and manner accessible to persons with disabilities or offer alternative accessible arrangements...[.]”

<sup>12</sup>One exception is when the impaired skill is one the exam purports to measure. 28 C.F.R. § 36.309(b)(1)(i).

Accommodation	Potential uses of accommodations
Alternate test format	<ul style="list-style-type: none"> <li>Individuals with visual impairments may take braille or large print tests.</li> <li>Individuals with cerebral palsy may record their responses on a large-print answer sheet to accommodate fine-motor impairments.</li> </ul>
Extra time	<ul style="list-style-type: none"> <li>Individuals taking a braille test may request extra time to compensate for the additional time it takes to read.</li> <li>Individuals with learning disabilities or anxiety may use extra time to compensate for slower processing speed.</li> </ul>
Auditory or visual assistance	<ul style="list-style-type: none"> <li>Individuals with visual impairments or severe dyslexia may use screen-reading technology or a human aide to read the test aloud.</li> <li>Deaf individuals may use an interpreter to translate test instructions into sign language.</li> </ul>

Source: GAO analysis of documentation from testing companies and disability advocacy organizations. | GAO-22-104430

To request testing accommodations, individuals with disabilities can submit a request to the relevant testing company. Testing companies generally provide information on their websites about how to request accommodations, including their requirements for specific documentation. For example, companies may require individuals to submit documentation that describes their disability diagnosis and their functional limitations. Testing companies generally require that documentation come from a qualified professional and meet certain time frames.<sup>13</sup> Individuals may also be instructed to provide information on their educational history, including any prior use of testing accommodations. Testing companies generally review the information submitted and then notify individuals in writing of whether accommodations were approved or denied. If the company denied a requested accommodation, individuals may be able to ask for reconsideration or appeal the denial.

In 1991, Justice issued regulations implementing Section 309 of the ADA. These regulations require, among other things, that testing companies provide auxiliary aids to individuals with impaired sensory, manual, or speaking skills unless the companies can demonstrate that doing so would either fundamentally alter the test or result in an undue burden.<sup>14</sup> In 2010, Justice updated testing accommodations regulations in response to concerns that testing companies were requesting inappropriate and burdensome documentation from individuals to evaluate their

<sup>13</sup>Qualified professionals are licensed or otherwise properly credentialed and possess expertise in the disability for which modifications or accommodations are sought.

<sup>14</sup>28 C.F.R. § 36.309(b)(3).

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accommodation requests. The updated regulations also specify that, among other things,

- requests for documentation of an individual's disability must be reasonable and limited to the need for accommodation,
- testing companies should give considerable weight to documentation of past testing accommodations in similar environments and to Individualized Education Programs (IEP) under the Individuals with Disabilities Education Act or to plans providing services under Section 504 of the Rehabilitation Act,<sup>15</sup> and
- testing companies must respond to accommodations requests in a timely manner.<sup>16</sup>

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<sup>15</sup>Under the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act, children with disabilities must be identified, located, and evaluated and, as appropriate, provided with special education and related services through an IEP or plan under Section 504 of the Rehabilitation Act. Pursuant to these requirements, schools maintain records that describe the student's disability and accommodations history, which can include the disability diagnosis, psychoeducational test results, and relevant developmental and educational history.

<sup>16</sup>28 C.F.R. § 36.309(b)(1)(iv)-(vi).

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## Testing Companies Often Granted Individuals Extra Time and Reported Considering Eligibility and Appropriateness When Reviewing Requests

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### Most Accommodations Were for Extra Time and Nearly Half Were for Individuals with Learning Disabilities

#### Types of Accommodations

More than half of the accommodations requested and granted in 2019 and 2020 were for extra testing time, according to the most recent data available at the time of our analysis from the six testing companies included in our review (see fig. 1).<sup>17</sup> According to researchers, extra testing time is a common testing accommodation request because it can support individuals with a variety of disabilities. For example, individuals with learning disabilities or ADHD may request extra time to compensate for slower processing or reading speeds.<sup>18</sup> In addition, individuals with disabilities may request extra time from testing companies to help support other requested accommodations, such as having a human aide read test questions or a scribe write down a test-taker's responses. The amount of

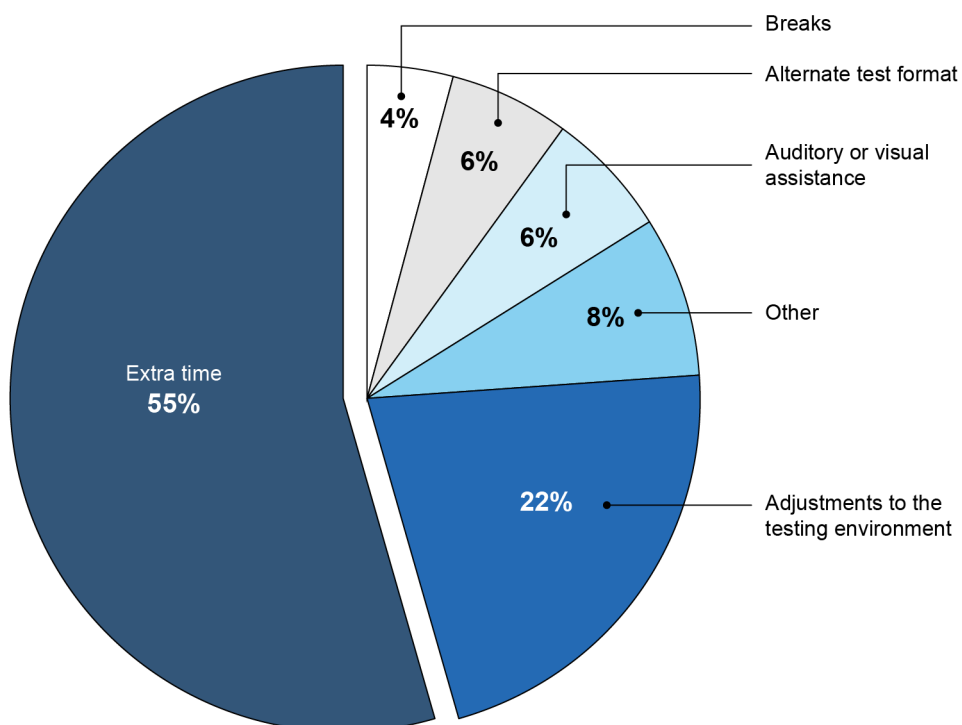
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<sup>17</sup>The percentages of accommodations that individuals with disabilities requested were the same as those that testing companies granted for each type of accommodation.

<sup>18</sup>Laura M. Spenceley and Starr Wheeler, "The Use of Extended Time by College Students with Disabilities," *Journal of Postsecondary Education and Disability*, vol. 29, no. 2 (2016): 141-150.

extra time individuals may require varies based on factors related to their disability.<sup>19</sup>

**Figure 1: Percentage of Accommodations Requested and Granted in 2019-2020 on the ACT, AP Exams, GMAT, GRE, LSAT, MCAT, PSAT, and SAT, by Accommodation Type**



Source: GAO analysis of testing company data. | GAO-22-104430

Notes: This figure consolidates data on accommodations requested and granted because the percentages of accommodations that individuals with disabilities requested were the same as those that testing companies granted for each type of accommodation included in the figure (e.g., extra time accounted for 55 percent of both accommodations requested and granted). Some accommodations may have been requested in a different year than they were granted. The “Other” category includes accommodations such as access to food or medication and use of adaptive equipment (e.g., a trackball mouse). The data pertain to the following tests: ACT, Advanced Placement (AP) Exams, Graduate Management Admission Test (GMAT), GRE General Test (GRE), Law School Admission Test (LSAT), Medical College Admission Test (MCAT), Preliminary SAT (PSAT) assessments generally taken by tenth and eleventh graders, and SAT. Numbers do not add up to 100 percent due to rounding.

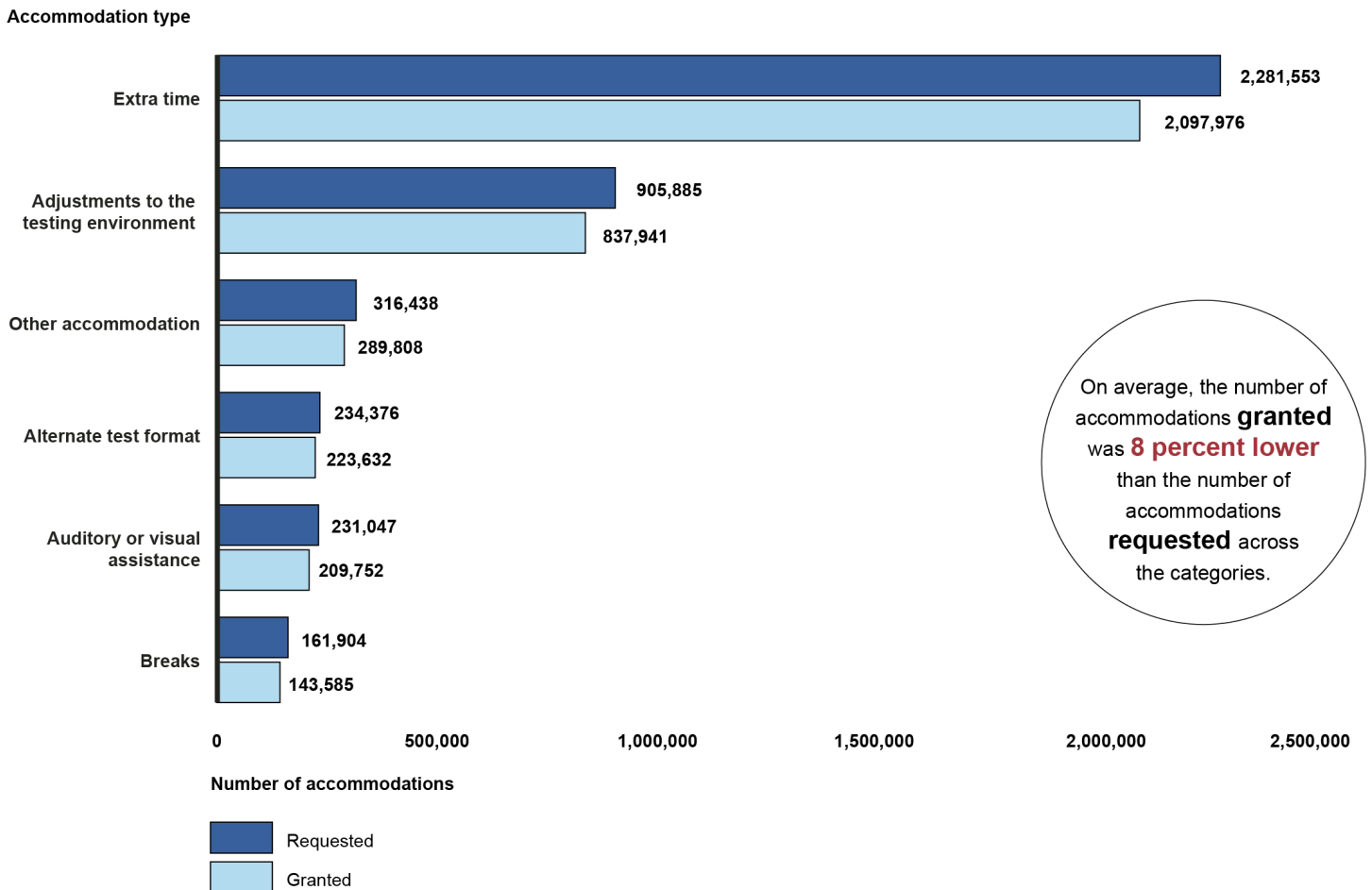
<sup>19</sup>Of the accommodations requested and granted for extra time in 2019-2020, 82 percent were for 50 percent extra time, 18 percent were for more than 50 percent extra time, and less than 1 percent were for less than 50 percent extra time.

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The data also showed that nearly a quarter of accommodations requested and granted allowed adjustments to the testing environment, such as preferential seating or testing in a separate room to minimize distractions. Other types of accommodations requested and granted included alternate test formats, auditory or visual assistance, and extra breaks. For example, alternate test formats might include a large-print test booklet or braille test, while visual assistance might entail use of screen-reader software or a human aide to read the test aloud. For additional examples of specific accommodations, see appendix I.

In addition to the above analysis, we also compared the number of accommodations requested to the number granted, by accommodation type, from 2019 through 2020 (see fig. 2). We found that the average number of accommodations granted for the 2-year period was 8 percent lower than the number requested across accommodation types. This ranged from 5 percent lower for alternate test formats to 11 percent lower for breaks.

**Figure 2: Numbers of Accommodations Requested and Granted in 2019-2020 on the ACT, AP Exams, GMAT, GRE, LSAT, MCAT, PSAT, and SAT, by Accommodation Type**



Source: GAO analysis of testing company data. | GAO-22-104430

Notes: Some accommodations may have been requested in a different year than they were granted. The “Other” category includes accommodations, such as access to food or medication, and use of adaptive equipment (e.g., a trackball mouse). The data pertain to the following tests: ACT, Advanced Placement (AP) Exams, Graduate Management Admission Test (GMAT), GRE General Test (GRE), Law School Admission Test (LSAT), Medical College Admission Test (MCAT), Preliminary SAT (PSAT) assessments generally taken by tenth and eleventh graders, and SAT.

We also reviewed data that testing companies reported on the determinations they made in 2019 and 2020 in response to individuals’

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requests for accommodations.<sup>20</sup> Across the five testing companies with available data, 86 percent of individuals received all of their requested accommodations. Among individual testing companies, this rate varied substantially, ranging from 39 percent at one company to 98 percent at another company. The data also showed that across the five testing companies, 9 percent of individuals received some of their requested accommodations and 5 percent of individuals were denied all requested accommodations. These rates also varied among individual testing companies.<sup>21</sup>

## Types of Disabilities

Nearly half of all accommodations requested and granted in 2019 and 2020 were for individuals with learning disabilities, such as dyslexia and oral or written language disorders, according to testing company data for seven of the eight tests included in our review (see fig. 3).<sup>22</sup>

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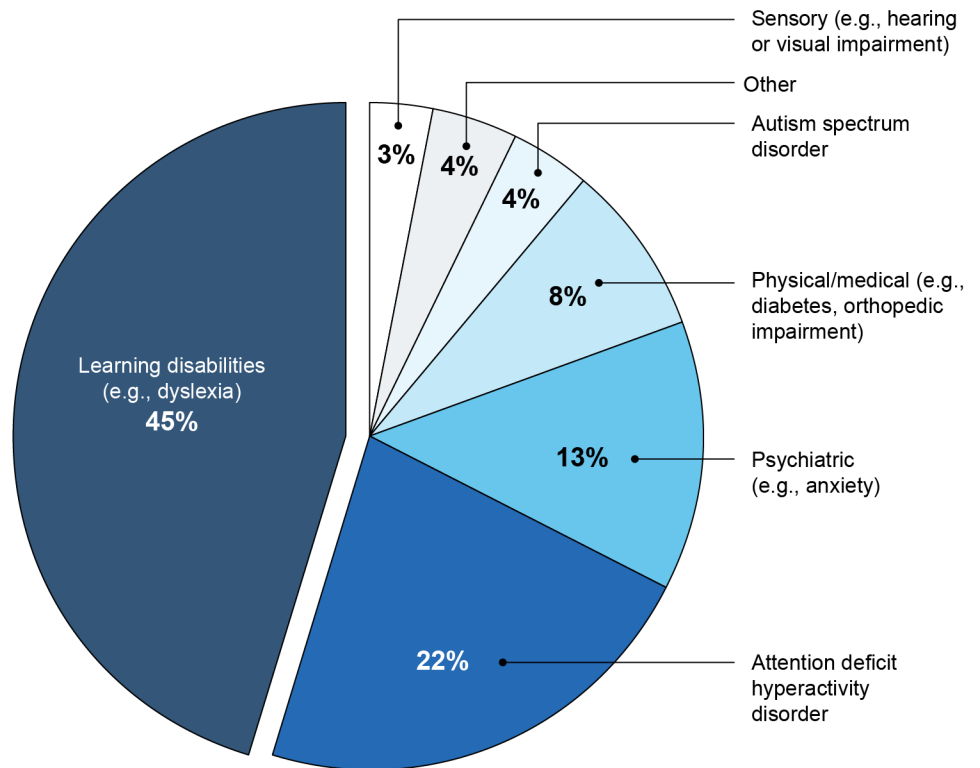
<sup>20</sup>These determinations were current as of the end of the calendar year. Such data were not available for the Graduate Management Admissions Test, so they are not included in our analysis.

<sup>21</sup>Among individual testing companies, the percentage of individuals who received some, but not all, of their requested accommodations ranged from 1 percent to 56 percent, and the percentage of individuals denied all of their requested accommodations ranged from 1 percent to 8 percent.

<sup>22</sup>We based our analysis on the number of accommodations requested and granted by disability type because these data were generally more complete across testing companies than data on the number of individuals. However, data on the number of accommodations requested and granted by disability type were not available for the Graduate Management Admission Test, so they are not included in our analysis. With this approach, individuals that requested or were granted more than one accommodation would be counted more than once. Similarly, individuals with more than one disability may be counted in multiple categories.



**Figure 3: Percentage of Accommodations Requested and Granted in 2019-2020 on the ACT, AP Exams, GRE, LSAT, MCAT, PSAT, and SAT, by Disability Type**



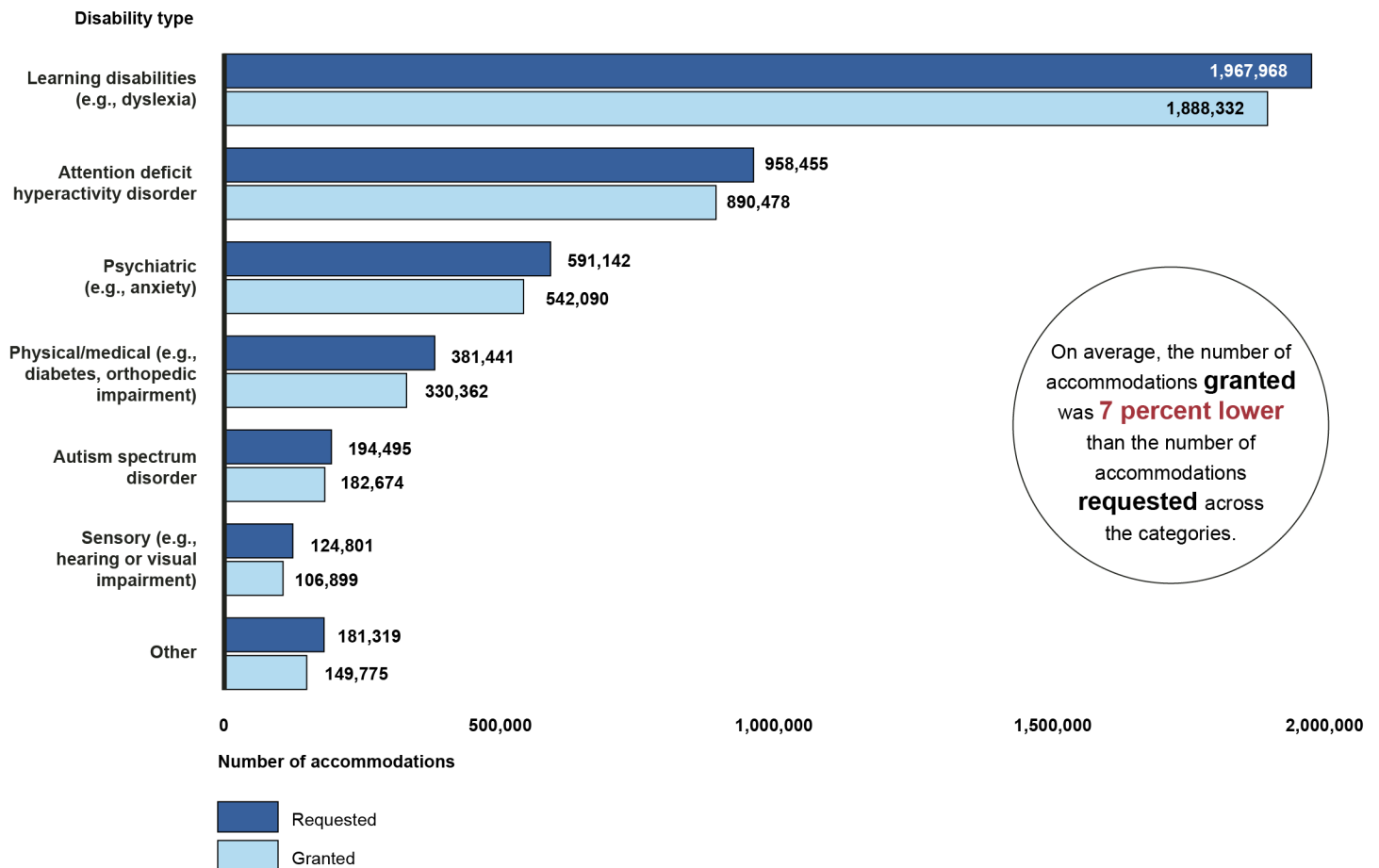
Source: GAO analysis of testing company data. | GAO-22-104430

Notes: This figure consolidates data on accommodations requested and granted because the percentages of accommodations that individuals requested were about the same as those that testing companies granted for each type of disability included in the figure (e.g., learning disabilities accounted for about 45 percent of both accommodations requested and granted). Some accommodations may have been requested in a different year than they were granted. The “Other” category includes intellectual disabilities, among other conditions, such as pregnancy. The data pertain to the following tests: ACT, Advanced Placement (AP) Exams, GRE General Test (GRE), Law School Admission Test (LSAT), Medical College Admission Test (MCAT), Preliminary SAT (PSAT) assessments generally taken by tenth and eleventh graders, and SAT. Numbers do not add up to 100 percent due to rounding.

These data also show that nearly a quarter of accommodations requested and granted were for individuals with ADHD. The remaining accommodations requested and granted were associated with psychiatric, physical, medical, or sensory disabilities, and autism spectrum disorder, along with other conditions (e.g., a sprained wrist, pregnancy, nursing mother).

In addition to the above analysis, we also compared the number of accommodations requested to the number granted, by disability type, from 2019 through 2020. We found that the average number of accommodations granted for the 2-year period was 7 percent lower than the number of accommodations requested across disability types (see fig. 4). This ranged from 4 percent lower for learning disabilities to 17 percent lower for disabilities that fell in the “Other” category.

**Figure 4: Numbers of Accommodations Requested and Granted in 2019-2020 on the ACT, AP Exams, GRE, LSAT, MCAT, PSAT and SAT, by Disability Type**



Source: GAO analysis of testing company data. | GAO-22-104430

Notes: Some accommodations may have been requested in a different year than they were granted. The “Other” category includes intellectual disabilities, among other conditions, such as pregnancy. The data pertain to the following tests: ACT, Advanced Placement (AP) Exams, GRE General Test (GRE), Law School Admission Test (LSAT), Medical College Admission Test (MCAT), Preliminary SAT (PSAT) assessments generally taken by tenth and eleventh graders, and SAT.

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Percent of Individuals Using Accommodations Held Steady between 2019 and 2020, despite a Decline in Test Takers

About 5 percent of individuals took tests with accommodations in both 2019 and 2020, but the overall number of test takers—both with and without accommodations—declined in 2020, according to data testing companies provided. During the 2-year period, about 1.1 million individuals with disabilities tested with accommodations out of about 21.1 million test takers.<sup>23</sup> Also, the number of individuals who took a test with accommodations declined by 31 percent, compared to a 39 percent drop for test takers generally. The rates of change for testing with accommodations and testing in general varied substantially across testing companies, with the two that offer undergraduate tests experiencing the most pronounced drops. The declines may be due to the impact of the COVID-19 pandemic, which led to decreased availability of testing dates and locations. For example, some testing companies cancelled test dates in the spring of 2020. During this time, some colleges and universities also changed their undergraduate admissions policies to eliminate the requirement for applicants to take certain standardized tests. According to the National Center for Fair and Open Testing, most 4-year colleges and universities in the United States did not require such standardized tests for fall 2021 and 2022 applicants.<sup>24</sup> In addition, while several graduate and professional tests could be taken online from remote settings by May of 2020, online access to undergraduate tests was more limited during this time period.

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<sup>23</sup>Testing companies generally provided data on the unique number of individuals who took each of the eight tests included in our review, but the overall number of individuals who tested are not unique because individuals may have taken more than one type of test within the time period of our analysis, such as the ACT and the SAT. The number of individuals who took an AP Exam using accommodations was not available for 2020, so we used a proxy based on the number of individuals granted accommodations who registered by April 2020 to take an AP Exam in May or June—the only test dates individuals could register for in 2020.

<sup>24</sup>The National Center for Fair and Open Testing maintains a list of 4-year colleges and universities in the United States that do not require applicants to submit ACT or SAT scores for admission. According to this list, over two-thirds of colleges did not require ACT or SAT scores for fall 2021 applicants and over three-quarters will not require scores for fall 2022 applicants.

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In Making Determinations on Accommodations, Testing Companies Reported Considering an Individual's Eligibility under the ADA and the Request's Appropriateness

Officials from the testing companies we interviewed told us that in making determinations on requests for accommodations, they consider an individual's eligibility under the ADA and appropriateness of the request for a particular test.<sup>25</sup>

**Eligibility.** To determine an individual's eligibility for accommodations, officials from all six testing companies said they look for evidence of a disability and a description of how the disability limits the individual's abilities. Officials from four testing companies added that they consider how such limitations would affect an individual's ability to take their particular test under standard conditions. Officials from all six testing companies also told us that they look for assessments from qualified professionals. Officials from two of these companies said they consider whether the disability documentation is current per their guidelines, which vary across types of disabilities. For example, one company's guidelines require documentation from within the last 5 years for individuals with learning disabilities and from within the last 12 months for individuals with psychiatric disabilities. Officials from another testing company said that in addition to considering whether documentation is provided by qualified professionals, they take into account the accommodations recommended by these professionals.

In addition, officials from all six testing companies said they considered an individual's prior use of accommodations in comparable settings when reviewing accommodation requests. In some cases, an individual's history of accommodations is the only information testing companies need to make an accommodation determination. Three of the six testing companies have a streamlined process for individuals who request the same accommodations that they used in certain educational settings. For example, guidance on one company's website states that documentation of accommodations received under the Individuals with Disabilities Education Act or Section 504 of the Rehabilitation Act would sufficiently demonstrate eligibility and need for the same allowable

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<sup>25</sup>As discussed previously, ADA regulations require, among other things, that testing companies provide auxiliary aids to individuals with certain impaired skills unless the companies can demonstrate that doing so would either fundamentally alter the test or result in an undue burden. 28 C.F.R. § 36.309(b)(3). We did not evaluate whether the testing companies were in compliance with the relevant laws or regulations. Accordingly, statements in this report that describe the policies and procedures used by testing companies to review and respond to requests for accommodations should not be read as indicating that testing companies are either in or out of compliance with applicable federal laws or regulations.

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accommodations.<sup>26</sup> Similarly, the website of another of the three testing companies states that it generally grants certain accommodations to individuals who can document that they were previously approved to use the same accommodations on certain other standardized tests. However, officials from one of the other three testing companies said a history of accommodation use does not necessarily guarantee approval for their test because accommodations like extra time can depend on the situation. Officials from this company said they carefully review documentation associated with such requests to determine if it provides evidence of functional limitation consistent with the need for the specified amount of extra time based on the demands of their particular test.

**Appropriateness of request.** Officials from all six testing companies reported considering whether a requested accommodation is appropriate for their particular test. Officials from five testing companies said they take into account how the requested accommodation could affect test validity. The website of one of these testing companies states that accommodations are not appropriate if they affect the measurement of skills the test intends to assess, alter the predictive validity of the test scores, or jeopardize test security. Officials from another one of these companies said certain accommodation requests could change the nature of the test, such as a request to reduce the number of responses for multiple-choice questions. Following a nationwide college admissions scandal in 2019 that involved, in some instances, inappropriately obtaining testing accommodations to facilitate cheating on standardized tests, officials from two testing companies said that certain requests now face increased scrutiny.<sup>27</sup> For example, they noted requests to test at an alternative site far from where the individual resides would need a rationale for approval.

In addition, officials from one testing company said they consider whether individuals need the requested accommodation, or whether a different accommodation would be more appropriate for the particular test. They

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<sup>26</sup>Under the Individuals with Disabilities Education Act and Section 504 of the Rehabilitation Act, children with disabilities must be identified, located, and evaluated and, as appropriate, provided with special education and related services through an IEP or plan under Section 504 of the Rehabilitation Act. Pursuant to these requirements, schools maintain records that describe the student's disability and accommodations history, which can include the disability diagnosis, psychoeducational test results, and relevant developmental and educational history.

<sup>27</sup>A federal investigation alleged that parents requested a change in the test site to move to a location with a compromised test proctor to facilitate cheating.

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added that individuals may have received certain accommodations in prior test settings that would no longer be appropriate because other accommodation options are available on their tests. For example, in their view, while an individual may have used extra time when taking tests in high school to tend to a medical condition, extra breaks would be more appropriate on a standardized test.

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## Individuals and Testing Companies Faced Various Challenges with Accommodation Requests, Including Documentation

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### Challenges for Individuals with Disabilities

Representatives from the six disability advocacy organizations we interviewed described various challenges individuals with disabilities faced in requesting and receiving testing accommodations. The difficulties included providing testing companies with required documentation, varying school support, obtaining sufficient support from testing companies, and receiving alternative accommodations.

#### **Difficulty providing testing companies with required documentation.**

Individuals with disabilities sometimes had difficulty providing the documentation required by testing companies to justify accommodations, according to representatives from the six disability advocacy organizations we interviewed. Representatives from three organizations said the costs for disability evaluations can be an impediment for individuals who do not have a current record of their condition. Individuals with certain disabilities that have evaluations dated beyond the time frames specified by a testing company (e.g., within 3 or 5 years) may need an updated evaluation. For example, evaluations completed when an individual was in high school may be acceptable for an accommodation request on an undergraduate admissions test, but may not suffice several years later if the same individual requests an accommodation on a graduate admissions test. Evaluation costs cited by representatives from two disability advocacy organizations ranged from \$2,000 to \$7,000. Officials from one testing company said they offer financial assistance to eligible individuals who require an updated

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evaluation to complete their accommodation request, and officials from another testing company said they direct individuals to resources for such financial assistance.

In addition, individuals who used accommodations for the first time late in high school or after they graduated may have less documentation available to justify their request. These individuals often face greater scrutiny from testing companies because of their limited history of accommodation use, according to representatives from four disability advocacy organizations. Representatives from two of these organizations added that testing companies are often skeptical of requests from individuals who did well academically without accommodations. However, Justice's technical assistance states that individuals with a history of academic success may still be entitled to testing accommodations, and the absence of previous formal testing accommodations does not preclude individuals from receiving them. Representatives from one organization explained that some individuals develop coping mechanisms for managing learning disabilities or ADHD in school, which can result in delayed diagnoses. However, they said such coping strategies may not be sufficient when taking standardized tests, such as the SAT.

**Varying school support.** Individuals with disabilities may receive varying levels of school support when they request testing accommodations, according to representatives from four disability advocacy organizations. For example, high schools play a central role in submitting individuals' accommodation requests for undergraduate-level tests, which can make the process easier and more efficient, according to officials from the two testing companies that administer such tests. However, representatives from one disability advocacy organization cautioned that such assistance can be detrimental if school staff are not fully aware of available accommodations or the request process. Also, individuals who attend schools with fewer resources may be less likely to be identified as having a disability, according to representatives from two disability advocacy organizations. In addition, individuals seeking accommodations on graduate and professional tests may receive less support from their college, according to representatives from two disability advocacy organizations. Representatives from one of these organizations said that college disability offices do not necessarily have the same supports available as high schools to assist individuals with disabilities seeking testing accommodations. For example, they explained that most colleges do not have staff in their disability offices dedicated to facilitating an individual's transition from college to graduate or professional school.

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**Insufficient support from testing companies.** Individuals with disabilities may not receive sufficient support from testing companies during the process of requesting accommodations, according to representatives from four disability advocacy organizations. For example, some individuals have reported difficulty reaching testing companies with questions about their accommodation request, according to representatives from two organizations. Representatives from one of these organizations added that difficulty contacting a testing company can be a big obstacle for individuals with disabilities and some of them may give up on the process.

**Alternative accommodations.** Testing companies may grant individuals with disabilities different accommodations than they requested, and in some cases, these alternative accommodations are not helpful, according to representatives from three disability advocacy organizations. Representatives from one of these organizations said it can be frustrating for individuals when testing companies offer a substitute accommodation even though a qualified professional has recommended a certain accommodation. For example, testing companies may choose to substitute a request for extra time with extra breaks. They explained that while this alternative may seem comparable, it can place a greater burden on an individual to decide when to take a break, which can distract them from answering test questions. Representatives from another organization said that when alternative accommodations are granted, individuals often appeal the decision because they need the accommodations initially requested. The representatives added that this additional step can be frustrating to an individual because it unnecessarily delays the process.

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## Challenges for Testing Companies

Officials from five of the six testing companies included in our review highlighted circumstances that made the process of reviewing and granting requests for accommodations challenging. They include receiving insufficient information, managing individuals' uninformed expectations, and protecting test integrity.

**Receiving insufficient information.** Accommodation requests that do not fully describe an individual's disability and its impact are difficult to evaluate because they do not provide sufficient information to make a determination, according to officials from three testing companies. Officials from one of these testing companies provided an example of qualified professionals documenting individuals' disabilities, but not describing what functional limitations they created or what specific accommodations could address these limitations. For example, the



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officials said it is useful to know why a certain amount of extra time would be an appropriate accommodation to address a particular test-taking limitation. Officials from another company said it is important to review relatively recent assessments when reviewing accommodation requests associated with learning disabilities or ADHD, but sometimes the assessments submitted are 10 to 15 years old. Such assessments may not sufficiently describe the current impact of an individual's disability.

**Managing individuals' uninformed expectations.** Some individuals and other parties, such as parents and school officials, expect accommodations to be granted without understanding a particular test's conditions and how they may differ from other testing experiences, according to officials from three testing companies. They said these uninformed expectations may lead to requests for unnecessary or unsupported accommodations. Officials from one of these companies provided an example of an individual who requested an accommodation for a learning disability related to written expression, which was not necessary for the multiple-choice test format. Officials from another one of these companies said that individuals sometimes submit accommodation requests or respond to decision letters before reviewing the explanatory information available on their website or in their letters. Officials from all three companies said their staff spend a fair amount of time and effort explaining decisions to individuals who do not understand why an accommodation was denied.

**Protecting test integrity.** Providing appropriate access to accommodations while also protecting test integrity can be challenging, according to officials from two testing companies. Officials from one of these testing companies described tension between providing access to individuals with disabilities and maintaining a fair and equitable assessment process. Officials from the other testing company said that granting an accommodation to an individual who does not need it could lead to an unfair advantage and enable an individual to receive a higher score.

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## Challenges Related to the COVID-19 Pandemic

Providing certain testing accommodations during the COVID-19 pandemic was complicated, according to officials from four testing companies and four disability advocacy organizations. For example, social distancing requirements for in-person testing created logistical challenges when close physical contact would ordinarily be arranged with a human aide, such as a scribe or reader, according to officials from two testing companies and one disability advocacy organization. Providing certain accommodations on remotely proctored tests was also

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challenging, according to officials from two testing companies and representatives from four disability advocacy organizations. For example, the online proctoring systems that testing companies used were not compatible with certain screen reading software used by individuals with visual impairments, according to representatives from one of these organizations. They added that in cases when accommodations were not available on a remotely proctored test, individuals had to travel to testing centers, which increased their exposure during the pandemic. In addition, the pandemic made it more difficult for individuals to obtain documentation necessary to support the requested accommodations, according to officials from three testing companies and one disability advocacy organization. Officials from two of the testing companies added that when complete documentation was not available, they made the best decision they could with the documentation submitted and placed considerable weight on supplemental information, like personal statements.

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## Justice Used Various Strategies to Enforce and Promote ADA Compliance Related to Testing Accommodations

Justice has enforced ADA requirements related to testing accommodations by investigating or referring reports of potential violations, intervening in private litigation, and clarifying requirements to promote compliance.

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### The Department of Justice's Investigation Process Related to Testing Accommodations

Individuals may file a report alleging potential violations of the Americans with Disabilities Act (ADA) related to testing accommodations through Justice's online reporting portal or by mail, fax, or phone. When deciding whether to investigate, officials reported considering the facts contained in the report, any systemic or emerging issues, and agency priorities and resources, among other factors.

Officials said that such investigations generally involve interviews, documentation reviews, trend analyses, and expert consultations. Investigations may last from a few months to over a year. Officials said that the length of investigations may limit their usefulness to individuals seeking accommodation on an upcoming test, such as one being administered the following week.

After an investigation is complete, Justice officials may decide whether an ADA violation has occurred. Justice may attempt to resolve reports of alleged violations through a settlement agreement, or may seek to litigate the issue.

Source: GAO analysis of Department of Justice information. | GAO-22-104430

**Investigating or referring reports.** When Justice receives reports of potential ADA violations related to testing accommodations, the agency may initiate investigations, refer the reports to U.S. Attorney's Offices, or close them with no further action. Such reports and investigations related to testing accommodations comprise a small fraction of Justice's ADA portfolio.<sup>28</sup> From 2017 through 2020, Justice reported receiving and closing over 90,000 reports of potential ADA violations, of which fewer than 100 involved the six testing companies in our review.<sup>29</sup> During that same period, Justice reported closing two investigations related to testing accommodations for two testing companies included in our review.<sup>30</sup> As of December 2021, officials said there were four open investigations related to testing accommodations.

The Civil Rights Division within Justice may also refer reports of potential violations to U.S. Attorney's Offices, which officials said extends the division's ADA enforcement efforts while managing resources. In deciding whether to refer a report, officials said they consider its complexity and any related investigations previously handled by the U.S. Attorney's Office, and any related investigations currently underway with the U.S. Attorney's Office. From 2017 through 2020, U.S. Attorneys' Offices closed four investigations that were referred from Justice and were related to one of the testing companies in our review. Justice reported that it closed all four investigations due to a lack of necessary information. For example, individuals who filed reports may not have responded to requests for additional information.

While Justice reviews all incoming reports of potential ADA violations, the agency advises individuals that it is not able to take action on every one via guidance on its ADA.gov website.<sup>31</sup> If Justice is unable to investigate

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<sup>28</sup>According to Justice, investigations refer to activities assigned identification numbers in the Interactive Case Management system but that have not resulted in any court filings.

<sup>29</sup>According to Justice officials, reports from individuals or entities reporting ADA concerns are not limited to allegations of possible civil rights violations. Justice identified 91,652 closed reports received from 2017 through 2020. Due to data system limitations, Justice officials said it was not possible to systematically analyze the data to determine the total number related to testing accommodations. However, using a key word search, Justice identified 91 closed reports from 2017 through 2020 related to testing accommodations for the tests and testing companies in our review.

<sup>30</sup>These investigations were opened prior to 2017 and were subsequently closed during the 2017 through 2020 time period.

<sup>31</sup>ADA.gov is a website maintained by Justice's Civil Rights Division that communicates ADA-related information to the public, including how to report a potential violation.

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or refer a report of a potential violation, it sends the individual a letter explaining that it has reviewed the report and decided not to take further action in determining whether a violation has occurred. The letter also explains that the agency does not have the resources to take action on every report and notifies individuals that their issue may be actionable by others, such as local legal aid offices. Officials said that because they must manage a large ADA portfolio with finite resources, they aim to be strategic in choosing which reports to investigate or refer. For example, officials said they try to pursue reports of potential violations that could have a broad or systemic impact. In February 2021, Justice established a committee of attorneys and professional staff to review incoming reports of potential ADA violations, including those related to testing accommodations. Officials said the committee's intent is to determine which reports warrant further action and to identify trends and systemic issues among all ADA reports. For example, officials said the committee may identify increases in reports of potential ADA violations involving the same issue or entity.

**Intervening in private lawsuits.** Justice may intervene in private lawsuits that are of general public importance, according to Justice policies and procedures.<sup>32</sup> Officials said that joining a lawsuit related to testing accommodations can address systemic problems that affect more than one person. When Justice joins a private lawsuit, it can expand the scope of the case and potentially introduce civil penalties as a remedy. Officials said they also bring expertise in interpreting ADA regulations given their role in issuing and enforcing them. In deciding whether to join a private lawsuit, officials said they consider factors such as whether the lawsuit involves high-impact or emerging issues or raises questions about interpreting regulations.<sup>33</sup>

In 2012, Justice intervened in *The Department of Fair Employment and Housing v. Law School Admission Council, Inc. et al*, a lawsuit that alleged discrimination against California residents with disabilities who took, or sought to take, the LSAT.<sup>34</sup> The plaintiffs alleged that individuals

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<sup>32</sup>In addition, under certain circumstances, the Attorney General may commence a civil action in any appropriate United States district court. 42 U.S.C. § 12188(b)(1)(B).

<sup>33</sup>Justice is also authorized to file statements of interest in cases, which officials said they generally do to make a statement on a discrete legal issue. Since 2010, Justice has filed statements of interest in two private cases involving testing accommodations on professional licensing exams that were not in the scope of this review.

<sup>34</sup>*Dep't of Fair Emp. & Hous. v. L. Sch. Admission Council Inc.*, 3:12-CV-01830 (N.D. Cal. filed Apr. 12, 2012).

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with disabilities were routinely denied testing accommodations on the LSAT, even when they had a history of using testing accommodations in similar circumstances. The lawsuit also alleged that when sending test scores to law schools, the Law School Admission Council annotated the test scores of individuals who were accommodated with extra time. Justice alleged that this practice, known as “flagging,” suggested to law schools that the individuals who received extra time may not deserve the score they received. The Law School Admission Council denied all allegations.

When Justice intervened, the scope of the lawsuit expanded from California residents only to all affected individuals with disabilities in the United States. In 2014, the parties settled the lawsuit and entered into a consent decree. As a result of the settlement, there was no determination as to the merits of any of the allegations raised in the lawsuit. Under the consent decree, the Law School Admission Council agreed to, among other things,

- pay \$7.7 million in civil penalties and damages to over 6,000 individuals,
- permanently discontinue flagging scores of individuals who received extra time,
- reform its testing accommodations policies to align with practices recommended by a panel of experts, and
- participate in additional ADA monitoring and reporting for 4 years.<sup>35</sup>

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<sup>35</sup>The consent decree’s original 4-year term was extended by 2 years when the Law School Admission Council was found in contempt of the consent decree in 2018. The consent decree expired in 2020.

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### Testing Accommodation Practices Recommended by an Expert Panel

The Law School Admission Council agreed to implement the practices for testing accommodations recommended by a panel of experts as part of the consent decree in *The Department of Fair Employment and Housing v. Law School Admission Council, Inc. et al.*

Some of these practices include

- reducing and standardizing documentation required for accommodation requests,
- instituting automatic reviews by an external expert when an accommodation request is denied, and
- requiring staff to document internally the reason for a denial and also to communicate that reason to the individual denied accommodations.

Source: GAO review of the Final Report of the "Best Practices" Panel (Jan. 26, 2015), a report required by the consent decree from *Dep't of Fair Emp. & Hous. v. L. Sch. Admission Council Inc.* | GAO-22-104430

While the reforms in the consent decree and expert report were only legally binding for the Law School Admission Council, Justice officials said that the documents were models for interpreting testing accommodations regulations. Officials from one of the other testing companies included in our review said they reviewed their policies and procedures against the consent decree and report to assess whether any changes were needed. Representatives from two disability advocacy organizations said they noticed improvements immediately after the issuance of the consent decree, but believe that its influence on testing companies has waned over time.

**Clarifying requirements.** To promote compliance with ADA requirements, Justice has clarified requirements related to testing accommodations. In 2015, Justice issued a technical assistance document in response to a 2011 GAO recommendation.<sup>36</sup> The document includes information on the obligations of testing companies, explains which individuals are entitled to an accommodation, and lists the documentation that may be required.<sup>37</sup> For example, the technical assistance document states that if an individual submits an evaluation by a qualified professional, the testing company should generally not require any additional documentation and should provide the accommodations recommended by the qualified professional. Officials from all six testing companies and representatives from four of the six disability advocacy organizations were aware of the document. Officials from one testing company said they modified their procedures based on the guidance in the document, and representatives from one organization said they include the document in a self-advocacy toolkit for their members.

Justice officials said they have also conducted outreach regarding testing accommodations by speaking to disability organizations and education officials. For example, officials reported that in 2015 Justice and the Department of Education offered a webinar to state education officials on testing accommodations, such as for the ACT. In fiscal year 2021, Justice gave 22 presentations on disability rights, including some on ADA enforcement. Additionally, officials said that information related to testing

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<sup>36</sup>GAO, *Higher Education and Disability: Improved Federal Enforcement Needed to Better Protect Students' Rights to Testing Accommodations*, GAO-12-40 (Washington, D.C.: Nov. 29, 2011). In 2011, we recommended that Justice develop a strategic approach for targeting enforcement regarding testing accommodations, such as by updating its technical assistance to reflect current requirements.

<sup>37</sup>The technical assistance document is publicly available on Justice's website and on ADA.gov.

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accommodations is available to the public on ADA.gov and through Justice's technical assistance hotline.

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## Agency Comments and Our Evaluation

We provided a draft of the report to Justice for review and comment. Justice provided technical comments, which we incorporated as appropriate. We also provided relevant report statements to the Department of Education, Department of Health and Human Services, and the six testing companies included in our review for technical comment. The Department of Education and testing companies provided technical comments, which we incorporated as appropriate. The Department of Health and Human Services did not have any comments.

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As agreed with your office, unless you publicly announce the contents of this report earlier, we plan no further distribution until 30 days from the report date. At that time, we will send copies of this report to the appropriate congressional committees, the Attorney General, and other interested parties. In addition, the report will be available at no charge on GAO's website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (617) 788-0534 or [emreyarrasm@gao.gov](mailto:emreyarrasm@gao.gov). Contact points for our Offices of Congressional Relations and Public Affairs may be found on the last page of this report. GAO staff who made key contributions to this report are listed in appendix II.



Melissa Emrey-Arras, Director  
Education, Workforce, and Income Security Issues

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# Appendix I: Objectives, Scope, and Methodology

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This report describes (1) the types of accommodations testing companies grant and how they make those decisions; (2) the challenges associated with testing accommodations for individuals and testing companies; and (3) how the Department of Justice has enforced compliance with the Americans with Disabilities Act (ADA) requirements related to testing accommodations.

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## Selection of Tests and Testing Companies

The scope of our review focused on eight tests offered by six companies that are associated with undergraduate, graduate, and professional education (see table 2). We chose tests that are commonly associated with admission into undergraduate, graduate, and professional programs. At the undergraduate level, we selected the ACT and SAT because they are the two most commonly used standardized tests for admission. We also included Advanced Placement (AP) Exams and Preliminary SAT (PSAT) assessments generally taken by tenth and eleventh graders because of their roles in the college admissions process and in determining merit scholarships.<sup>1</sup> To determine which graduate and professional level tests to include, we reviewed data from the Department of Education's Integrated Postsecondary Education Data System to establish the fields of study with the largest populations of students graduating with a masters or first professional degree.<sup>2</sup> Based on these data, we identified four graduate and professional tests—the Graduate Management Admission Test (GMAT), GRE General Test (GRE), Law School Admission Test (LSAT), and Medical College Admission Test (MCAT).<sup>3</sup>

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<sup>1</sup>The PSAT assessments generally taken by tenth and eleventh graders are the PSAT/National Merit Scholarship Qualifying Test and PSAT 10.

<sup>2</sup>The Integrated Postsecondary Education Data System gathers information from every college, university, and technical and vocational institution that participates in the federal student financial aid programs authorized under Title IV of Higher Education Act of 1965, as amended. The system tracks enrollments, program completions, and graduation rates, among other things.

<sup>3</sup>The six testing companies are the ACT, Association of American Medical Colleges, College Board, Educational Testing Service, Graduate Management Admission Council, and Law School Admission Council.



**Table 2: Tests and Testing Companies Reviewed**

Tests	Testing company
ACT	ACT
Advanced Placement Exams, Preliminary SAT/National Merit Scholarship Qualifying Test, PSAT 10, and SAT	College Board
Medical College Admission Test	Association of American Medical Colleges
GRE General Test	Educational Testing Service
Graduate Management Admission Test	Graduate Management Admission Council
Law School Admission Test	Law School Admission Council

Source: GAO selection of tests and testing companies. | GAO-22-104430

## Collection and Analysis of Accommodation Data

To determine the types of accommodations these testing companies grant, we collected and reviewed data from the testing companies using a standardized data collection instrument for calendar years 2019 and 2020—the most recent years for which data were available. We requested data on the number of accommodations requested and granted by type of accommodation and type of disability.<sup>4</sup> To help ensure comparability across data, we developed the categories and examples provided in our data collection instrument, in consultation with the testing companies (see table 3). Some accommodations may have been requested in a different year than they were granted.

**Table 3: Examples of Accommodation and Disability Types**

Accommodation type	Examples
Adjustments in testing environment	Preferential seating, separate room, wheelchair access
Alternate test format	Braille, large-print, recorded audio
Auditory or visual assistance	Copy of oral instructions, magnifier, mark responses in test book, human reader, screen reader, scribe, sign language interpreter
Breaks	Extra, extended, as needed
Extra time	25 percent extended time, 50 percent extended time, 100 percent extended time
Other	Access to food, drink, or medication; use of adaptive equipment, such as a trackball mouse

<sup>4</sup>We also collected data on the number of individuals associated with various accommodation and disability types, but we ultimately based our analysis on the number of accommodations because testing companies provided more comprehensive data in that format.

**Appendix I: Objectives, Scope, and Methodology**

<b>Disability type</b>	<b>Examples</b>
Attention deficit hyperactivity disorder (ADHD)	Not applicable
Autism spectrum disorder	Asperger syndrome, Autism, pervasive developmental disorder
Learning disabilities	Dyscalculia, dyslexia
Psychiatric	Anxiety, depression
Physical/medical	Diabetes, orthopedic, speech/language disorder, Tourette's, traumatic brain injury
Sensory	Hearing or visual impairment
Other	Intellectual disabilities and other conditions, such as pregnancy and nursing mother

Source: GAO data collection instrument. | GAO-22-104430

We also requested data on testing companies' decisions to grant individuals all, some, or none of the accommodations individuals requested as well as data on the number of individuals who took a test generally and the number of individuals who took a test with accommodations.<sup>5</sup>

We generally received and reviewed the information we requested from testing companies. However, in one instance, a testing company provided information for specific types of accommodations and disabilities, which we then aggregated based on the categories laid out in the data collection instrument. Also, two testing companies did not maintain certain data in the manner we requested. The Graduate Management Admission Council, which administers the GMAT, did not maintain data on the number of accommodations requested and granted by disability type or data on determinations, specifically the number of individuals who received all or some of their requested accommodations. Thus, data for the GMAT are not included in our aggregate data on disability type or testing companies' determinations. In the second case, the College Board was not able to provide the specific number of individuals who took AP Exams with accommodations in 2020, but provided alternate data that we were able to use as a proxy.<sup>6</sup>

<sup>5</sup>Testing companies' decisions were current as of the end of the calendar years 2019 and 2020.

<sup>6</sup>Specifically, College Board provided the number of individuals granted accommodations who had registered, by April 2020, to take an AP Exam in May or June—the only test dates individuals could register for in 2020.

To assess the reliability of the testing companies' data, we included questions in our data request, such as whether there are audits of the data or routine quality control procedures in place. We also reviewed the accommodation data provided for consistency and completeness. Based on testing companies' responses to these questions and our review of the data, we believe the data provided by the testing companies are sufficiently reliable for the purposes of describing the types of accommodations requested and granted, the types of disabilities associated with accommodations requested and granted, and information on the general use of accommodations.

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## Review of Documents from and Interviews with Testing Companies and Disability Advocacy Organizations

### Accommodation Decisions

To understand how testing companies make accommodation decisions, we reviewed relevant policies and procedures on the websites of the testing companies included in our review.<sup>7</sup> In addition, we conducted interviews with the six testing companies. During these interviews, we asked about the process to request accommodations and the factors testing companies consider when making determinations, among other things. The views of these testing company officials reflect their perspective and experience with the tests they administer, and cannot be generalized to all testing companies that provide accommodations to individuals with disabilities.

### Challenges

To identify challenges related to testing accommodations, we interviewed officials from the six testing companies and representatives from six disability advocacy organizations. We selected disability advocacy organizations that could speak to a range of perspectives regarding

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<sup>7</sup>We did not evaluate whether these testing companies were in compliance with the relevant laws or regulations. Accordingly, statements in this report that describe the policies and procedures used by testing companies to review and respond to requests for accommodations, should not be read as indicating that testing companies are either in or out of compliance with applicable federal laws and regulations.

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individuals' experience with testing accommodations.<sup>8</sup> While some organizations had a general disability mission, others focused on specific disabilities. The organizations employed advocates, researchers, or disability rights attorneys. During these interviews, we inquired about challenges testing companies faced in reviewing and providing accommodations, as well as challenges individuals faced in requesting and receiving accommodations. We also inquired about how the COVID-19 pandemic affected testing accommodations.

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Review of Justice's Documents and Data

To examine how Justice has enforced compliance regarding testing accommodations, we interviewed agency officials and reviewed relevant federal laws and regulations and agency documentation, including relevant policies and procedures, guidance, and technical assistance materials. We also reviewed one court case related to a testing company in our review in which Justice intervened and any related documentation. In addition, we obtained data from Justice on closed ADA reports and investigations that pertain to the eight tests and six associated testing companies included in our review for calendar years 2017 through 2020, the most recent data available. Due to data system limitations, Justice could not systematically analyze or report investigation data to determine the total number related to testing accommodations. However, Justice used a key word search to identify reports and investigations related to the tests and testing companies included in our review and provided us with the results. To assess data reliability, we reviewed documentation about Justice's data systems and solicited information from knowledgeable agency officials, including detailed information about the process and key words used to identify reports and investigations. We found the data to be sufficiently reliable for the purposes of describing the total number of closed reports and investigations.

We conducted this performance audit from July of 2020 to June of 2022 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

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<sup>8</sup>The six disability advocacy organizations are the Association on Higher Education and Disability, Council of Parent Attorneys and Advocates, Disability Rights Legal Center, Learning Disabilities Association of America, National Federation of the Blind, and Yale Center for Dyslexia & Creativity.

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# Appendix II: GAO Contact and Staff Acknowledgments

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## GAO Contact

Melissa Emrey-Arras, (617) 788-0534 or [emreyarrasm@gao.gov](mailto:emreyarrasm@gao.gov)

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## Staff Acknowledgments

In addition to the contacts named above, Debra Prescott (Assistant Director), Kathryn O’Dea Lamas (Analyst in Charge), Connor Kincaid, and Caitlyn Leiter-Mason made key contributions to this report. Additional assistance was provided by Elizabeth Calderon, William Chatlos, Tara Congdon, Justin Gordinas, Almeta Spencer, Curtia Taylor, Kate van Gelder, and Adam Wendel.

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Automated answering system: (800) 424-5454 or (202) 512-7700

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## Congressional Relations

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## Public Affairs

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